

**DOCUMENT 00105
INSTRUCTIONS TO BIDDERS**

1.01 CONTENTS OF BID FORMS

- A. Prospective Bidders will be furnished with bid forms, which will include a schedule of items for which prices are asked, showing the approximate estimate of the various quantities and kinds of work to be performed or materials to be furnished.

1.02 APPROXIMATE ESTIMATE OF QUANTITIES

- A. The quantities given in the bid and contract are on a lump sum basis, being given as a basis for the comparison of bids. The District does not, expressly or by implication agree that the actual amount of work will correspond therewith, and reserves the right to increase or decrease the amount of any class or portion of work, or to omit portions of the work, as may be deemed necessary or advisable by the Engineer.

1.03 EXAMINATION OF PLANS AND SITE OF WORK

- A. The Bidder shall examine carefully the site of the work contemplated, the plans and specifications, the bids and contract forms therefore. The submission of a bid shall be conclusive evidence that the Bidder has investigated and is satisfied as to the conditions to be encountered, as to the character, quality, and scopes of work to be performed and the quantities of materials to be furnished, and as to the requirements of the bid, plans, addenda, and the contract.
- B. Should the Bidder find discrepancies in, or omissions from the drawings or other contract documents, or should he be in doubt as to their meaning, he shall at once notify the Engineer who shall answer such questions.

1.04 ADDENDA

- A. All questions about the meaning or intent of the Bidding Documents are to be directed to the Engineer at 209-946-0268. Interpretations or clarifications considered necessary by the Engineer in response to such questions will be issued by Addenda mailed or delivered to all parties recorded by the Engineer as having received the Bidding Documents. Only questions answered by formal written Addenda will be binding. Oral and other interpretations or clarifications will be without legal effect.
- B. The District or Engineer may also issue addenda to modify the Bidding Documents as deemed advisable.

1.05 BID FORMS

- A. The Engineer will furnish to each Bidder a standard bid form, which, when filled out and executed, may be submitted as his bid. Bids not presented on forms so furnished, and copies or facsimiles of the Bidder's completed and executed bid forms as a bid will be rejected. Additional copies of bid forms may be obtained from the Engineer.
- B. The bid shall set forth the item prices, in clearly legible figures, in the respective spaces provided, and shall be signed by the Bidder, who shall fill out all blanks in the bid form as therein required.
- C. All Bidders submitting bids must sign the bid form, fill out all blanks in the bid form, and submit it along with all of the information and statements required herein. Any bids not containing all the information and the "Noncollusion Declaration" requested may be considered non-responsive and may be rejected.

- D. If an individual makes the bid, his name and mailing address must be shown. If made by a firm or partnership, the name and mailing address of the firm or partnership must be shown. If made by a corporation, the bid must show the name and mailing address of the corporation.
- E. The bid shall be submitted as directed in the "Notice to Contractors" under sealed cover plainly marked as a bid, and identifying the project job number to which the bid relates and the date and time of the bid opening therefor. Bids which are not properly marked shall be grounds for rejection.
- F. 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 (DIR) PURSUANT TO LABOR CODE SECTION 1725.5. To register log on to the DIR website. <https://efiling.dir.ca.gov/PWCR/ActionServlet?action=displayPWCRegistrationForm>**
- G. ALL CONTRACTORS AND SUBCONTRACTORS MUST FURNISH ELECTRONIC CERTIFIED PAYROLL RECORDS DIRECTLY TO THE LABOR COMMISSIONER (aka DIVISION OF LABOR STANDARDS ENFORCEMENT).**
- H. 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**
- I. THIS PROJECT IS SUBJECT TO COMPLIANCE MONITORING AND ENFORCEMENT BY THE DEPARTMENT OF INDUSTRIAL RELATIONS.**

1.06 CONTRACTOR'S LICENSING LAWS

- A. All Contractors and Bidders submitting bids shall be properly licensed in accordance with the laws of this state and the provisions of Chapter 9 of Division 3 of the Business and Professions Code § 7028.15. Any Bidder or Contractor not so properly licensed shall be subject to the penalties imposed by such laws.
- B. All Subcontractors listed in the Bidders bid form shall be licensed in accordance with the provisions of Chapter 9 of Division 3 of the Business and Professions Code and any the submission of any bid with Subcontractors not so licensed will be subject rejection.
- C. All businesses or individuals who construct or alter to construct or alter any building, highway, road parking facility, railroad, excavation, or other structure in California must be licensed by the California Contractors State License Board (CSLB) if the total cost (labor and materials) of one or more contracts on the project is \$500 or more. Contractors, including Subcontractors, Specialty Contractors, and persons engaged in the business of home improvement (with the exception of joint ventures and project involving federal funding) must be licensed before submitting bids. Licenses may be issued to individuals, partnerships, corporations, or joint ventures. The CSLB does not issue licenses to Limited Liability Companies (LLCs).

1.07 REQUIRED LISTING OF PROPOSED SUBCONTRACTORS AND SUPPLIERS

Each bid shall have listed therein the name and the location of the place of business of each Subcontractor who will perform work or labor or render service to the Prime Contractor in or about the construction of the work or improvement, or a Subcontractor licensed by the State of California who, under subcontract to the Prime Contractor, specially fabricates and installs a portion of the Work or improvement according to detailed drawings contained in the plans and specifications, in an amount in excess of one-half of 1 percent of the Prime Contractor's total bid

or, in the case of bids or offers for the construction of streets or highways, including bridges, in excess of one-half of 1 percent of the Prime Contractor's total Bid or ten thousand dollars (\$10,000), whichever is greater.

Violations of the foregoing shall subject the Bidder to penalties accordance with the Subletting and Subcontracting Fair Practices Act, commencing with Section 4100 of the Public Contract Code. The Bidders attention is called to other provisions of said Act relating to the imposition of penalties for failure to observe its provisions by using unauthorized Subcontractors or by making unauthorized substitutions.

- A. Each bid shall have listed therein the name, location of the place of business, and California contractor license of each material supplier who will supply materials or equipment, or render services to the Contractor or Subcontractors in or about the construction of the work, in an amount in excess of one-half of one percent ($\frac{1}{2}$ of 1%) of the Contractors bid or \$10,000 whichever is greater.
- B. Bidders are advised that, in accordance with Public Contract Code Section 3400, the District has made a finding that particular materials, products, things and services are designated by specific brand or trade name in order to match other materials, products, things or services in use or to obtain necessary items available only from one source. By listing a sole-source vender, District has only identified a particular product the supply of which will conform to the Contract. District does not warrant in any respect the performance of any designated sole-source vender. District shall not be responsible for, and Contractor shall not be excused for, any failure of a sole-source vender to supply a confirming product in a timely fashion.
- C. Contractors, manufacturers or suppliers or materials and equipment may offer an alternative product and request the alternatives to specified products be considered equal unless the District has a sole-sourced a product in accordance with Public Contract Code Section 3400. Inclusion of such proposed alternatives in the bid is the sole responsibility of the Contractor. Inclusion of the proposed alternative should only be considered if it is the Contractor's sole belief the offered alternative is equal in quality and performance to the specified product. After award of the Contract, such offers of alternative products will be reviewed and processed as described in Section 00410. If the material, equipment, process or article offered by the Contractor is not, in the District's sole opinion, substantially equal or better in respect to that specified, then the Contractor shall furnish that material, process or article specified or one that in the District's opinion is substantially equal or better in every respect.
- D. Listing of Subcontractors and suppliers shall be on sheets contained in the bid
- E. Under California Public Contract Code, Section 6109, "Ineligible and Debarred Subcontractors", the Contractor is prohibited from performing work on a public works project with a Subcontractor who is ineligible to perform work on the public works project pursuant to Section 1777.1 or 1777.7 of the California Labor Code.

1.08 REJECTION OF BIDS

- A. Bids may be rejected if they have been transferred to another Bidder, or if they show any alterations of form, additions not called for, conditional or alternative bids, incomplete bids, erasures, or irregularities of any kind.
- B. Bids in which the unit prices, lump sum prices, or the total prices of the item are grossly "front-end" loaded or unbalanced with respect to costs, may be rejected.
- C. Bids submitted by telefax will not be accepted.

1.09 BIDDER'S SECURITY

- A. All bids shall be presented under sealed cover and shall be accompanied by one of the following forms of Bidder's security:

Bidder's Bond executed by a licensed surety insurer to operate in the State of California, made payable to the District or by a cashier's check, a certified check, or cash.

- B. The bid security shall be in an amount equal to at least ten percent (10%) of the amount bid. A bid will not be considered unless one of the forms of Bidder's security is enclosed therewith. Bids submitted without one of the forms of Bidder's security as listed above will be rejected.

1.10 WITHDRAWAL OF BIDS

- A. Any bid may be withdrawn at any time prior to the time fixed in the public notice for the opening of the bids only by written request for the withdrawal of the bids filed with the Engineer. The Bidder or his duly authorized representative shall execute the request. The withdrawal of a bid does not preclude the right of the Bidder to file a new bid prior to the time fixed for receipt of bids.

1.11 BID OPENING

- A. Whether or not bids are opened exactly at the time fixed in the "Notice to Contractor's" for opening bids, a bid will not be received after that time, nor may any bid be withdrawn after the time fixed in the "Notice to Contractor's" for the opening of bids.
- B. Bids will be opened and read publicly at the time and place indicated in the "Notice to Contractors". Bidders or their authorized agents are invited to be present.

1.12 RELIEF OF BIDDER

- A. If the Bidder claims a mistake was made in his bid, he shall give the Engineer written notice within five (5) working days, excluding Saturdays, Sundays, and holidays, after the opening of bids of the alleged mistake specifying in the notice in detail how the mistake occurred in accordance with Public Contract Code § 5100 et seq.

1.13 DISQUALIFICATION OF BIDDERS

- A. More than one (1) bid from an individual, firm, or partnership, corporation, or combination thereof under the same or different names will not be considered. Reasonable grounds for believing that any individual, firm partnership, corporation or combination thereof is interested in more the one bids for the work contemplated may cause the rejection of all bids in which that individual, firm partnership, corporation or combination thereof is interested. If there is reason for believing that collusion exists among the Bidders any or all bids may be rejected. Bids in which the prices are obviously unbalanced may be rejected

1.14 RESPONSIBLE BIDDER

- A. Public Contract Code, Section 1103, defines "Responsible Bidder" as one "who has demonstrated the attribute of trustworthiness, as well as quality, fitness, capacity, and experience to satisfactorily perform the public works contract."

1.15 SCHEDULE OF CONTRACT AWARD

- A. **Award of Contract** — If award is made, Contract will be awarded to the lowest responsive, responsible bidder whose bid complies with the specified requirements. Notice of award will be sent to the successful bidder at the mailing address indicated in Document 00410, "Bidder's General Information." The award, if made and Contractor's bid shall be made as described in 00700 General Conditions, Section 2.01, Award of Contract.

- B. Determination of the lowest monetary bid will be determined by the **Total Base Bid as defined in the Bidding Sheet, including additive bid items.**
- C. In the event of a tie, award of the Contract will be determined by a publicly held coin toss.
- D. Award will not be made for less than all of the work included in the specifications. Wallace Lake Estates Community Services District reserves the right to waive any informality in any bid, or to reject any or all bids. Any bid which, in the opinion of the Engineer, is unbalanced between the various contract items as to be detrimental to interests of Wallace Lake Estates Community Services District will be rejected.

END OF SECTION 00105