

NOTICE TO BIDDERS

Sealed proposals will be received at:

<https://www.bidexpress.com/businesses/36473/home>

and at the Fresno County Department of Public Works and Planning (Department), Office of the Design Engineer, Seventh Floor, Fresno County Plaza Building, 2220 Tulare Street, Fresno, CA 93721 until

**2:00 P.M., (1400 hours and 00 seconds)
Thursday, April 13, 2023**

If you have any questions about bid submission, please contact us at DesignServices@fresnocountyca.gov or calling (559) 600-4241.

Promptly following the closing of the bidding all timely submitted bids will be publicly opened and viewable via a livestream (the link for which will be posted at <http://www.co.fresno.ca.us/planholders>) for construction in accordance with the project specifications therefor, to which special reference is made as follows:

GENERAL ENGINEERING JOB ORDER CONTRACT

CONTRACT NUMBERS 22-24-J, 22-25-J, 22-26-J

A Job Order Contract is an indefinite quantity contract pursuant to which the Contractor will perform an ongoing series of individual projects at different locations throughout the County of Fresno. The types of work to be done may include, but is not limited to: concrete repair, culvert repair, guardrail replacement, bridge removal, bridge wing wall repair, irrigation pipe replacement, repair of failed roadway sections, repair of asphalt dike, and minor parking lot repairs. Work being contemplated under the Job Order Contract may include potentially Federally-funded work associated with a declared disaster over which the Federal Emergency Management Agency would have oversight. The bid documents include a Construction Task Catalog® containing construction tasks with preset Unit Prices. All Unit Prices are based on local labor prevailing wages, material and equipment prices and are for the direct cost of construction.

The County of Fresno affirms that in any contract entered into pursuant to the advertisement, disadvantaged business enterprises will be afforded full opportunity to submit bids in response to this invitation. Bidders are advised that, as required by federal law, efforts should be made to engage Disadvantaged Business Enterprise (DBE) firms for any contracting or subcontracting opportunities, under this contract.

A MANDATORY pre-bid conference will be held at 10:00 a.m., on Tuesday, March 21, 2023, for the purpose of discussing the Job Order Contract concept, documents, bid considerations and to discuss Job Order Contracting from a contractor's viewpoint. The MANDATORY pre-bid conference will be held online (the link for which will be posted at <http://www.co.fresno.ca.us/planholders>).

Prospective bidders whose representative(s) attend the MANDATORY pre-bid conference will receive the electronic link to the official specifications, the Construction Task Catalog® and the Technical Specifications.

The County reserves the right, in its sole discretion, to schedule a second pre-bid conference via the issuance of an addendum to this contract. In such case, attendance at only one of the pre-bid conferences will be mandatory.

Bidders will submit one bid that will be considered for three (3) potential Contracts being offered. Bidders will bid two sets of Adjustment Factors to be applied to the Unit Prices. One set of Adjustment Factors will be for projects located at lower elevations, and one set of Adjustment Factors for projects at elevations above 3000 feet. Each set of Adjustment Factors will include one Adjustment Factor for performing work during Normal Working Hours and a second Adjustment Factor for performing work during Other Than Normal Working Hours. All Adjustment Factors apply to every task in the Construction Task Catalog®.

Upon award of the contract and as projects are identified, the Contractor will jointly scope the work with the County Project Manager. The County Project Manager will prepare a Detailed Scope of Work and issue a Request for Proposal to the Contractor. The Contractor will then prepare a Job Order Proposal for the project including a Job Order Price Proposal, Schedule, Sketches or Drawings, a list of subcontractors, and other requested documentation. The Job Order Price shall equal the value of the approved Job Order Price Proposal. The value of the Job Order Price Proposal shall be calculated by summing the total of the calculation for each Pre-priced Task (Unit Price x quantity x Adjustment Factor) plus the value of all Non Pre-priced Tasks.

If the Job Order Proposal is found to be complete and reasonable, a Notice to Proceed with the Job Order may be issued. The Contractor is required to complete each Detailed Scope of Work for the Job Order Price within the Job Order Completion Time.

A Job Order will reference the Detailed Scope of Work and set forth the Job Order Completion Time, and the Job Order Price. The Job Order Price is determined by multiplying the preset Unit Prices by the appropriate quantities and by the appropriate Adjustment Factor. The Job Order Price shall be lump sum, fixed price for the completion of the Detailed Scope of Work. A separate Job Order will be issued for each project. Extra work, credits, and deletions will be contained in a Supplemental Work Order.

Minimum and Maximum Contract Values:

- A. There is no Minimum Contract Value for this Contract. If a contract is awarded, the Contractor is not guaranteed to receive the opportunity to perform a specified minimum amount of work during the Contract Term.
- B. The Maximum Contract Value is \$3,000,000, with one option to increase the Maximum Contract Value up to the amount currently authorized by the California Public Contract Code during the term of the Contract. The Contractor is not guaranteed to receive this volume of Job Orders. It is merely an estimate. The Owner has no obligation to issue Job Orders in excess of the Minimum Contract Value. The awarded Contractors will be required to obtain payment and performance bonds for the Maximum Contract Value.
- C. The successful bidder shall furnish a payment bond and a performance bond in the amount of \$2,000,000 each as a security for the payment of all persons performing and furnishing materials in connection with this Contract. If the aggregate outstanding Job Orders issued under the contract exceed \$2,000,000, increases in the Payment and Performance Bonds in increments of \$500,000 will be required such that the amount of the Payment and Performance Bonds are not less than one hundred percent (100%) of the outstanding aggregate Job Orders issued. Bonds shall remain in force for the duration and until completion of any outstanding Job Order. At no time may the sum of outstanding Job Orders exceed the amount of the Payment and Performance Bonds.

Contract Term:

- A. The Contract Term commences on the date the contract is executed by the County of Fresno Board of Supervisors (i.e.: the effective date of the Contract).

B. The term of the Job Order Contract will be either for one year or when issued Job Orders totaling the Maximum Contract Value have been completed, whichever occurs first. All Job Orders must be issued but not necessarily completed within one calendar year of the effective date of the Contract. All Job Orders for which a Notice to Proceed is issued by the County Contract Manager during the term of this Contract shall be valid and in effect notwithstanding that the Detailed Scope of Work may be performed, payments may be made, and the guarantee period may continue, after the Contract Term has expired. All terms and conditions of the Contract apply to each Job Order. No notices to proceed will be issued after 5:00, P.M. on the final day of the Contract Term.

Bidders may fill out a Request to be Added to Planholders List:

<https://www.co.fresno.ca.us/departments/public-works-planning/divisions-of-public-works-and-planning/design-division/planholders-list-request-to-be-added>

Requesters will then be listed as a planholder for the project on the website and receive notifications and addenda issued for the project.

Prospective bidders may also select the project on www.BidExpress.com. Those that demonstrate interest in the project will be added to the planholders list, and receive notifications and addenda issued for the project.

Planholder and exchange/publication names may be obtained from the Fresno County website at <http://www.co.fresno.ca.us/planholders>. Electronic copies in “.pdf” file format of the official project plans and specifications and such additional supplemental project information as may be provided at the mandatory pre-bid conference.

The bid documents are available online at: <https://www.bidexpress.com/businesses/36473/home> and bids may be submitted electronically through that website.

If a bidder is unable to submit a bid via Bid Express, Bid books, which contain bid proposal sheets necessary to submit a bid, may be obtained at <http://www.co.fresno.ca.us/planholders>. Paper bids shall be submitted in a sealed, opaque envelope addressed to the Department and labeled with the name of the bidder, the name of the project, the contract number, and the statement 'Do Not Open Until The Time Of Bid Opening.'

A Summary of Bids will be posted at the above listed website, generally within 24 hours of the Bid Opening.

All questions regarding this project shall be in writing and shall be received by the Department of Public Works and Planning, Design Division, no later than 2:00 P.M. on the seventh (7th) calendar day before bid opening. Any questions received after this deadline will not receive a response unless the Department of Public Works and Planning elects to issue an addendum to revise the bid opening date. In the event that the bid opening date is revised, the deadline for questions will be extended to no later than 2:00 P.M. on the seventh (7th) calendar day before the revised bid opening date. Questions shall be submitted on the “Contractor Request For Clarification” form provided on the project website at:

<http://www.co.fresno.ca.us/departments/public-works-and-planning/construction-bidding-opportunities/22-24-j-22-25-j-22-26-j-class-a-general-engineering-job-order-contract/request-for-clarification-form>

Any changes to, or clarification of, the project plans and specifications shall be in the form of a written addendum issued to planholders of record. Questions that prompt a change or clarification shall be included in the addendum with the subsequent answer.

Any oral explanation or interpretations given to this project are not binding.

The County intends to award a contract to each of the three (3) lowest responsible bidders. One proposal must be submitted by each bidder wishing to bid for one of the three contracts in the Class A license category. Bids will be compared, for purposes of identifying the apparent low bidder for proposed award of the contract, on the basis of the Award Criteria Figure. The Award Criteria Figure is the sum of the weighted Adjustment Factors.

The Construction Task Catalog® is priced at a net value of 1.0000. The bid shall be an increase to (e.g., 1.1000) or decrease to (e.g., 0.9500) the Unit Prices listed in the Construction Task Catalog®. Bidders who submit separate Adjustment Factors for separate Unit Prices will be considered non-responsive and their bid will be rejected.

The Owner selected The Gordian Group's (Gordian) Job Order Contracting (JOC) Solution for their JOC program. The Gordian JOC Solution™ includes Gordian's proprietary JOC Software and JOC Applications, construction cost data, and Construction Task Catalog® which shall be used by the Contractor solely for the purpose of fulfilling its obligations under this Contract, including the preparation and submission of Job Order Proposals, Price Proposals, subcontractor lists, and other requirements specified by the Owner. The Contractor shall be required to execute Gordian's JOC System License and Fee Agreement and pay a 1% JOC System License Fee to obtain access to the Gordian JOC Solution™. The JOC System License Fee applies to all Job Orders issued to the Contractor under the terms this Contract. The Contractor shall include the JOC System License Fee in the Adjustment Factors.

Bid security in the amount of \$25,000 and in the form of a bid bond issued by an admitted surety insurer licensed by the California Department of Insurance, cash, cashier's check or certified check shall accompany the bid. Bid security shall be made in favor of the County of Fresno. You must either attach an electronic bid bond or provide an original bid bond (or other form of bid security authorized by Public Contract Code Section 20129(a)), prior to the bid opening, in accordance with the detailed directions set forth in Section 2-1.33(4) ("Proposal 4 – Bid Security and Signature") of the Instructions to Bidders. Each paper bid bond shall be submitted in a sealed envelope addressed to the Department and labeled with the name of the bidder, the name of the project, the contract number and the statement 'Bid Bond – Do Not Open Until the Time of Bid Opening.'

No contract will be awarded to a contractor who has not been licensed in accordance with the provisions of the Contractors State License Law, California Business and Professions Code, Division 3, Chapter 9, as amended, or whose bid is not on the proposal form included in the contract document. A valid California Contractor's License, **Class A (General Engineering)**, is required for this project.

Pursuant to Section 1773 of the Labor Code, the general prevailing wage rates in the county, or counties, in which the work is to be done have been determined by the Director of the California Department of Industrial Relations. These wages are set forth in the General Prevailing Wage Rates for this project, available at County of Fresno, Department of Public Works and Planning, 2220 Tulare Street, Sixth Floor, Fresno CA 93721-2104 and available from the California Department of Industrial Relations' Internet web site at <http://www.dir.ca.gov/DLSR/PWD>. Future effective general prevailing wage rates, which have been predetermined and are on file with the California Department of Industrial Relations are referenced but not printed in the general prevailing wage rates.

This project is subject to compliance monitoring and enforcement by the Department of Industrial Relations.

No contractor or subcontractor may be listed on a bid proposal for a public works project 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 unless registered with the Department of Industrial Relations pursuant to Labor Code section 1725.5.

This contract is subject to state contract nondiscrimination and compliance requirements pursuant to Government Code, Section 12990.

The Federal minimum wage rates for this project as predetermined by the United States Secretary of Labor are set forth in **General Decision Number CA20230018, Dated 03/03/2023**, which is incorporated in these special provisions by this reference as if fully set forth herein and which can be viewed at <https://www.SAM.gov>, under CA20230018. Said Federal wage rates, as well as project plans, special provisions, and bid forms, may also be examined at the County of Fresno office described in the preceding paragraph. Addenda to modify the reference to Federal minimum wage rates to reflect revisions thereto, if necessary, will be issued to planholders of record.

Attention is directed to the federal provisions in the "Federal Requirements" section of these specifications and Articles X, XI, and XII of the Agreement. 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 subcontractors shall pay not less than the higher wage rate. The Department 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.

Each bond specified in this Notice shall be issued by a surety company designated as an admitted surety insurer in good standing with and authorized to transact business in this state by the California Department of Insurance, and acceptable to the County of Fresno. Bidders are cautioned that representations made by surety companies will be verified with the California Department of Insurance. Additionally, the County of Fresno, in its discretion, when determining the sufficiency of a proposed surety company, may require the surety company to provide additional information supported by documentation. The County generally requires such information and documentation whenever the proposed surety company has either a Best's Key Rating Guide of less than **A** and a financial size designation of less than **VIII**. Provided, however, that the County expressly reserves its right to require all information and documentation to which the County is legally entitled from any proposed surety company.

The Board of Supervisors reserves the right to reject any or all bids.

Board of Supervisors, County of Fresno

Paul Nerland, County Administrative Officer

Bernice E. Seidel, Clerk of the Board

Issue Date: March 7, 2023