

BOARD OF SUPERVISORS COUNTY OF FRESNO STATE OF CALIFORNIA

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, September 3, 2020**

at which time the bidding will be closed.

Due to the COVID-19 restrictions and guidelines, the Department's bid reception desk may be closed and all bidders are encouraged submit bids online through Bid Express.

If a bidder is unable to submit online, please mail bid or e-mail DesignServices@fresnocountyca.gov or call (559) 600-9908 in advance, so that arrangements may be made to hand deliver your bid.

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 20-02-J, 20-03-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. The self-performance requirement for this contract is 20%. 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.

A MANDATORY pre-bid conference will be held at 10:00 a.m., on Friday, August 21, 2020 via an online Zoom meeting 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 meeting 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 bid two Adjustment Factors to be applied to the Unit Prices - 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 Work Order Proposal for the project including a Work Order Price Proposal, Schedule, Sketches or Drawings, a list of subcontractors, and other requested documentation. The Work Order Price shall equal the value of the approved Work Order Price Proposal. The value of the Work 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 Work 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 Work Order Price within the Job Order Completion Time.

A Work Order will reference the Detailed Scope of Work and set forth the Work Order Completion Time, and the Work Order Price. The Work Order Price is determined by multiplying the preset Unit Prices by the appropriate quantities and by the appropriate Adjustment Factor. The Work Order Price shall be lump sum, fixed price for the completion of the Detailed Scope of Work. A separate Work 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. The Minimum Contract Value for this Contract is \$25,000. If a contract is awarded, the Contractor is guaranteed to receive the opportunity to perform one or more Job Orders totaling at least \$25,000 issued during the Contract Term.
- B. The Maximum Contract Value is \$1,500,000, 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 Work Orders. It is merely an estimate. The Owner has no obligation to issue Work 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.

Contract Term:

- A. The Contract Term commences on the date the contract is awarded 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 Work Orders totaling the Maximum Contract Value have been completed, whichever occurs first. All Work Orders must be issued but not necessarily completed within one calendar year of the effective date of the Contract. All Work 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 Work Order. No notices to proceed will be issued after 5:00, P.M. on the final day of the Contract Term.

Planholder and exchange/publication names may be obtained from the Fresno County website at <http://www.co.fresno.ca.us/planholders>. Bidders may fill out a Request to be Added to Planholders List form:

<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 email notifications regarding the project.

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.

Bids may be submitted electronically through Bid Express at: <https://www.bidexpress.com/businesses/36473/home>. 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 within the Specifications documents. 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/contractor-bids-plan-holders-electronic-plans-bid-results/20-02-j-20-03-j-general-engineering/request-for-clarification-20-02-j-20-03-j-general-engineering>

Any changes to, or clarification of, the project 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.

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.

Bidders will submit one (1) bid that will be considered for two potential Contracts being offered. Bids are required to include two (2) Adjustment Factors. When preparing a Job Order Price Proposal, the Contractor shall select the appropriate Adjustment Factor for each task.

The Adjustment Factors are as follows:

Normal Working Hours: Monday through Friday 7:00 am to 5:00 pm except holidays.

Other Than Normal Working Hours: Monday through Friday 5:00 pm to 7:00 am and all day Saturday, Sunday and holidays.

The Other than Normal Working Hours Adjustment Factor must be equal to or greater than the Normal Working Hours Adjustment Factor.

The County intends to award a contract to each of the two (2) lowest responsible bidders. Bids will be compared, for purposes of identifying the two apparent low bidders for proposed award of the contracts, 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) System for their JOC program. The Gordian System includes Gordian's proprietary eGordian® and the Gordian Cloud JOC Applications and Construction Task Catalog®, which shall be used by the Contractor to prepare and submit Job Order 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.

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 successful bidder shall furnish a faithful performance bond in the amount of 100 percent of the contract amount and a payment bond in the amount of 100 percent of the contract amount. Each bond specified in this Notice (bid bond, faithful performance bond and payment bond) shall meet the requirements of all applicable statutes, including but not limited to those specified in Public Contract Code section 20129 and Civil Code section 9550.

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.

Pursuant to Public Contract Code Section 22300, substitution of securities for any moneys withheld by the County of Fresno to ensure performance under the contract shall be permitted.

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

Board of Supervisors, County of Fresno

Jean Rousseau, County Administrative Officer

Bernice E. Seidel, Clerk to the Board

Issue Date: August 11, 2020