

**COUNTY OF SAN MATEO
STATE OF CALIFORNIA**

NOTICE TO CONTRACTORS

NOTICE IS HEREBY GIVEN, that

Sealed bids will be received at the office of the County Manager/Clerk of the Board of Supervisors, Hall of Justice and Records, 400 County Center, Redwood City, California, until the hour of

2:30 PM, Thursday, February 20, 2020

which bids will then be transmitted to the County Manager's Office in the Hall of Justice and Records, where the bids will be publicly opened and read aloud for the following projects in accordance with the specifications therefore and to which special reference is made as follows:

**JOB ORDER CONTRACT FOR
ENGINEERING, CONSTRUCTION, ROADS AND UTILITIES
PROJECT NO. JOC-2021
PROJECT NO. JOC-2022
PROJECT NO. JOC-2023**

**WITH WORK THERETO
IN SAN MATEO COUNTY**

Bids are required for the entire work described herein.

This Job Order Contract is a competitively bid, firm fixed priced, indefinite quantity contract which the Contractor may perform an ongoing series of individual Projects at different locations throughout the County. The bid documents include a Construction Task Catalog® containing construction tasks with preset Unit Prices. All Unit Prices are based on local labor, material and equipment prices and are for the direct cost of construction. It is placed with the "Contractor" for the accomplishment of general engineering work, repair, maintenance, rehabilitation, demolition and construction of infrastructure, or other real property.

The Contractor 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. The same two Adjustment Factors shall apply to every Pre-priced Task in the Construction

Task Catalog[®]. Three (3) Contracts will be individually awarded to the three (3) lowest, responsive, responsible bidders.

Thereafter, as projects are identified the Contractor will jointly scope the work with the Owner. The County 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, drawings and sketches, a list of subcontractors and materialmen, construction schedule, 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 Job Order may be issued.

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 shall be a 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 Job Order.

The work of this Contract will be set forth in the Detailed Scopes of Work referenced in the individual Job Orders. The Contractor is required to complete each Detailed Scope of Work for the Job Order Price within the Job Order Completion Time.

This Contract is for construction work and related services to be performed within a **designated area of the County**. However, if the need arises, the County reserves the right to require the Contractor to work at any location or facility under the jurisdiction of the County.

The Maximum Contract Value for each Job Order Contract is \$5,000,000. The Contractors will not be issued Job Orders which in total exceed the Maximum Contract Value. The County does not guarantee the Contractors will receive this volume of Work. There is no Minimum Contract Value. The County may award contracts to other contractors for the same or similar Work during the term of these Job Order Contracts.

The term of the Job Order Contract will be either for one (1) 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 (1)

calendar year of the commencement date of the Contract. All Job Orders issued 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 such period has expired. All terms and conditions of the Contract apply to each Job Order.

There are two Adjustment Factors for this Contract. When preparing a Job Order Price Proposal, the Contractor shall select the appropriate Adjustment Factor for each task. The Normal Working Hours Adjustment Factor is for work performed between 8:00 AM and 4:30 PM, Monday thru Friday. Other than Normal Working Hours is for work performed outside of Normal Working Hours including all day Saturday, Sunday and County Holidays. The Other than Normal Working Hours Adjustment Factor must be equal to or greater than the Normal Working Hours Adjustment Factor.

All Unit Prices listed in the Construction Task Catalog® are priced at a net value of 1.0000. The Adjustment Factors shall be an increase or decrease to all the Unit Prices listed in the Construction Task Catalog®. For example, 1.1000 would be a 10% increase to the Unit Prices and 0.9500 would be a 5% decrease to the Unit Prices. Bidders who submit separate Adjustment Factors for separate Unit Prices will be considered non-responsive and their bid will be rejected.

Bidders are advised of the following:

- (1) Construction Task Catalogs® and Specifications for these Job Order Contracts for Engineering, Construction, Roads and Utilities Project No. **JOC-2021, Project No. JOC-2022, and Project No. JOC-2023**, including forms of proposal and Contract, must be purchased from the County of San Mateo Department of Public Works for bidding.
- (2) The Plan Holders List will be posted to the County of San Mateo's Public Works website two (2) working days prior to the bid open date.
- (3) It will be the Contractor's sole responsibility to ensure that they have received addendums, *if any*, which will be posted to the County of San Mateo's Public Works website on the same day issued. Said addendums will also be sent to all current plan holders and made available during purchase of Plans and Specifications.
- (4) 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 eGordian® 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 Public Works website will be updated as needed and can be accessed under the Departments tab found on the County of San Mateo website (www.smcgov.org).

Payment to the Contractor for materials furnished and work completed shall be made by the County in accordance with Section 9 of the "Special Provisions" portion of these Contract Documents. Pursuant to Section 22300 of the Public Contract Code, Contractor may, upon his request and at Contractor's expense, substitute equivalent securities for any moneys retained from such payment for the fulfillment of the Contract.

An Initial Payment Bond and Performance Bond in the amount of \$1,000,000 each is required as 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 exceeds \$1,000,000, 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, which 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.

An outstanding Job Order shall be considered as any Job Order issued under this contract for which a Notice of Completion has not yet been filed.

"Payment" and "Performance" Surety Bonds have been approved as to form by County Counsel, of which samples of same are attached as Appendix C in the Special Provisions.

Pursuant to Section 1773 of the Labor Code, prevailing wage rates in the County have been established by the California Department of Industrial Relations, and copies are available in the office of the Director of Public Works. Said prevailing wage rates shall be made available to any interested party on request, and the successful Bidder shall post a copy of the wage rates at the job site.

When applicable, both Contractor and Subcontractor hereby agrees to pay not less than prevailing rates of wages and be responsible for compliance with all the provisions of the California Labor Code, Article 2-Wages, Chapter 1, Part 7,

Division 2, Section 1770 et seq and Section 1810 et seq. A copy of the prevailing wage scale established by the Department of Industrial Relations is on file in the office of the Director of Public Works, and available at www.dir.ca.gov/DLSR or by phone at 415-703-4774. California Labor Code Section 1776(a) requires each contractor and subcontractor keep accurate payroll records of trades workers on all public works projects and to submit copies of certified payroll records upon request.

Additionally, pursuant to State Senate Bill SB 854 (Stat. 2014, chapter 28), effective January 1, 2015:

- 1. No contractor or subcontractor may be listed on a Job Order Contract 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)].**
- 2. No contractor or subcontractor may be awarded a Job Order 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.**
- 3. This Project is subject to compliance monitoring and enforcement by the Department of Industrial Relations.**

Wage rates for overtime shall be paid at not less than one and one-half (1-1/2) times the above rates. Wage rates for Sundays and holidays shall be paid at not less than two (2) times the above rates.

The holidays upon which such rates shall be paid shall be all holidays recognized in the collective bargaining agreement applicable to the particular craft, classification, or type of worker employed on the Project.

It is the policy of the County that Contractors on public projects employ their workers and craftsmen from the local labor market whenever possible. "Local Labor Market" is defined as the labor market within the geographical confines of the County of San Mateo, State of California. Consistent with this policy, the Contractor is requested to employ craftsmen and other workers from the local labor market whenever possible to do so.

Each bidder shall submit with the bid, Certificates of Compliance and Intent on a

form provided in the "Proposal" section of these Contract Documents, a certificate that bidder is in compliance with the provisions of the Equal Employment Opportunity Requirement of Executive Order 11246, Title VII of the Civil Rights Act of 1964, the California Fair Employment and Housing Act and any other federal, state and local laws and regulations relating to equal employment opportunity. With the execution of said certificates, bidder also agrees that bidder will maintain or develop and implement, during the course of the work concerned, a program of hiring and employment, conducted without regard to race, religion, color, national origin, ancestry, sexual orientation, or sex of the applicants. With this certification, bidder shall submit any and all information that may be required by the County in connection with the particular project.

Each bidder is hereby notified of Section 9204 and Section 20104 et seq. of the Public Contract Code as those Sections (attached hereto as Appendix E) relate to resolution of construction claims, and to Section 3186 of the Civil Code, as amended January 1, 1999 with regard to stop notices and public entity's rights to retain monies in order to provide for that entity's reasonable cost of litigation. The bidder is further notified that all provisions of Section 9204 and 20104 et seq. of the Public Contract Code and Section 3186 of the Civil Code, as outlined above shall be considered as incorporated into and become an integral part of these specifications.

Questions relating to equal employment should be directed to the County of San Mateo Department of Public Works, Equal Employment Opportunity Program, 555 County Center, 5th Floor, Redwood City, California, 94063-1665, telephone (650) 363-4100.

Contract Documents including the Construction Task Catalog[®], Technical Specifications, and forms of Proposal and Contract may be seen and obtained at the office of the Director of Public Works, 555 County Center, 5th Floor, Redwood City, California, 94063-1665. Contract Documents may be obtained for a:

NON-REFUNDABLE FEE OF \$25.00 PER SET

Additional technical questions should be directed to the office of the Director of Public Works, 555 County Center, 5th Floor, Redwood City, California, 94063-1665, telephone

(650) 363-4100.

The Contractor shall possess a valid Class A license at the time of bid submission. No Contract will be awarded to a Bidder who is not licensed as required by laws of the State of California.

The Contractor is advised that an informational pre-bid meeting will occur on Thursday, February 13, 2020 at 1:00 PM. Meeting shall take place at the offices located at 455 County Center, 4th Floor, Room 405, Redwood City, CA 94063. The Contractor is strongly encouraged to attend this meeting to ensure they have a full and clear understanding of the Job Order Contracting process prior to bidding.

Bidders shall submit a single bid for all three of the contracts, however only one contract may be awarded to any bidder.

The apparent three (3) lowest responsive and responsible bidders may be individually awarded a JOC contract; and each responsive and responsible bidder being awarded a contract being excluded from consideration for each successive contract.

The County of San Mateo may award up to three individual contracts but reserves the right to reject any and all bids, alternate bids, or unit prices and waive any irregularities in any bid received.

Bidders may not withdraw their bid for a period of **FORTY-FIVE (45) DAYS** after the date set from the opening thereof.

BY ORDER OF THE
BOARD OF SUPERVISORS
COUNTY OF SAN MATEO

DATE: December 12, 2019

**Mike Callagy, County Manager/
Clerk of the Board of Supervisors**