

CITY OF MERCED
DEPARTMENT OF ENGINEERING

NOTICE INVITING BIDS

N-1 NOTICE IS HEREBY GIVEN that sealed bids for the work shown on the plans entitled:

**PROJECT NUMBER CP230060
MERCED YOSEMITE REGIONAL AIRPORT
TERMINAL REPLACEMENT PROJECT 2023**

will be received at the Office of the Purchasing Agent of the City of Merced, 2525 "O" Street, Merced, California, until **2:00 p.m. (PST) on April 27, 2023**, at which time they will be publicly opened, read, and recorded.

A map showing the location of the Purchasing Department is provided in the Project Specifications.

N-2 DESCRIPTION OF THE WORK: The work to be performed includes, but is not limited to,

Base Bid: (Bid Schedules A, B, C)

- Demolish existing buildings and pavement.
- Construct new commercial service terminal building.
- Reconstruction of the terminal area parking lot.
- Reconstruction of aircraft apron and taxiway pavements.
- Construct new utility connections for the terminal building including electrical service, sanitary sewer, domestic water and fire protection, and communication.
- Construct new storm drain facilities, including oil water separator.
- Construct new security lighting for the aircraft apron and terminal area parking lot.
- Replace Airport Operations Area (AOA) security fencing.
- Apply new pavement markings on the aircraft apron and terminal area parking lot.

Bid Alternate: (Bid Schedule C only)

- Construct new solar shade structure in the terminal area parking lot.

There are three Bid Schedules (A, B, and C) included in the bid documents / proposal forms. Bidder is required to complete and submit all three.

(Refer to plan sheets G-53 and G-54 for specific delineation of bid schedules / elements.)

Location. The project is located at the Merced Yosemite Regional Airport, 20 Macready Drive, Merced, CA 95341. Bids are required for the entire work described herein.

Project Information: Information regarding the Project can be obtained by emailing Engineering Project Manager, Amber Minami at MinamiA@cityofmerced.org. The last day to request information or ask questions is 5:00 pm on April 18, 2023.

N-3 AWARD OF CONTRACT: The City reserves the right after opening bids to reject any or all bids, to waive any informality (non-responsiveness) in a bid, or to make award to the lowest responsive, responsible bidder (as determined per the Instructions to Bidders) and reject all

other bids, as it may best serve the interest of the City. As a condition of award, the successful bidder shall furnish a payment bond and a performance bond on the City's forms each in the full amount of the contract price. The successful bidder will also be required to submit proof of insurance for work involved. **The Three Bid Schedules A, B, and C will be evaluated as a complete Contract Cost. The Bid Schedules were developed as a means for various funding sources based on useable units of work. If awarded, all three Bid Schedules will be awarded to a single Contractor for completion of the Contract.**

N-4 BID SECURITY: Each bid shall be accompanied by a certified or cashier's check or Bid Bond in the amount of 10 percent of the total bid price, payable to the City of Merced.

N-5 CONTRACTOR'S LICENSE CLASSIFICATION: The Contractor shall possess a valid Class, A, Class B, or any combination of licenses required to perform the work in the State of California at the time of submitting bids.

N-6 WAGE RATE AND LABOR CODE REQUIREMENTS: The Contractor and any subcontractors shall pay not less than said specified rates and shall post a copy of said wage rates at the project site.

1. Prevailing Wages and Payroll Records. Contractor will be required to pay employees and keep records in accordance with the Davis Bacon Act (29 CFR Part 5) and/or the Federal Fair Labor Standards Act (29 CFR part 201). All labor on this Project shall be paid not less than the greater of the minimum wage rates established by the U.S. Secretary of Labor (Federal Wage Rates), or by the State of California's Director of the Department of Industrial Relations (State Wage Rates). Federal wage determinations issued under the Davis-Bacon and related Acts are available electronically at no cost online at <https://sam.gov/content/wage-determinations>.

The bidder may contact the Director of the Department of Industrial Relations, phone number (415) 703-4774 or www.dir.ca.gov/dlsr/PWD (website), to obtain a schedule of the State general prevailing wages applicable to the location and work to be done.

Certified Payroll. The Contractor shall submit copies of all certified payroll for all employees, including subcontractors, to the Sponsor or Engineer each month.

Contractors are responsible for also submitting certified payroll records online to the Labor Commissioner using DIR's electronic certified payroll reporting system.

Further information is included in the Special Provisions for Airport Construction section of these specifications.]

2. Registered. Per Public Works Contractor Registration Law [SB 854], Contractors and Subcontractors who intend to bid or perform work on this Project must be registered with the Department of Industrial Relations. (Information is available at <http://www.dir.ca.gov/Public-Works/Contractors.html>)

- 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.

N-7 PRE-BID CONFERENCE: A non-mandatory pre-bid conference will be held. See the Instructions to Bidders for information about the pre-bid conference.

N-8 OBTAINING OR INSPECTING CONTRACT DOCUMENTS: Printed copies of the plans are available at City of Merced, Engineering Department, 678 W. 18th Street, Merced, California. Digital copies of the plans and specifications may be obtained from the City of Merced Engineering Department by sending an email to Taylor Gates (GatesT@cityofmerced.org). Fee for digital copy is **\$100.00** or hard copy is **\$440.00**.

Bids must be filed with the Purchasing Agent, at 2525 "O" Street, Merced, California 95340, not later than **April 27, 2023, at 2:00 p.m.** prevailing local time, at which time the bids will be publicly opened, read, and recorded.

N-9 ADDRESS AND MARKING OF BIDS: The envelope enclosing the Bid shall be sealed and addressed to the City of Merced, 2525 "O" Street, Merced, California, and shall be hand delivered or mailed to the Office of the Purchasing Agent before **April 27, 2023, at 2:00 p.m.** Pacific Standard Time. The envelope shall be plainly marked in the upper left-hand corner with the name and address of the Bidder and shall bear the words:

"Bid for MERCED YOSEMITE REGIONAL AIRPORT TERMINAL REPLACEMENT PROJECT 2023, PROJECT NUMBER CP230060, April 27, 2023, at 2:00 p.m."

The certified or cashier's check or Bid Bond shall be enclosed in the same envelope with the Bid.

N-10 FEDERAL AVIATION ADMINISTRATION (FAA): This project is funded under a Federal Aviation Administration (FAA) grant. The following clauses are required to be included in this solicitation; Contractor(s) will be required to comply with these provisions as listed herein and contained in the Bid Documents (see *Federal Contract Provisions*).

(1) NOTICE OF REQUIREMENT FOR AFFIRMATIVE ACTION TO ENSURE EQUAL EMPLOYMENT OPPORTUNITY

A. The Offeror's or Bidder's attention is called to the "Equal Opportunity Clause" and the "Standard Federal Equal Employment Opportunity Construction Contract Specifications" set forth herein.

B. The goals and timetables for minority and female participation, expressed in percentage terms for the Contractor's aggregate workforce in each trade on all construction work in the covered area, are as follows:

Timetables

Goals for minority participation for each trade:	19.8%
Goals for female participation in each trade:	6.9%

These goals are applicable to all of the Contractor's construction work (whether or not it is Federal or federally assisted) performed in the covered area. If the Contractor performs construction work in a geographical area located outside of the covered area, it shall apply the goals established for such geographical area where the work is actually performed. With regard to this second area, the Contractor also is subject to the goals for both its federally involved and nonfederally involved construction.

The Contractor's compliance with the Executive Order and the regulations in 41 CFR Part 60-4 shall be based on its implementation of the Equal Opportunity Clause, specific affirmative action obligations required by the specifications set forth in 41 CFR 60-4.3(a) and its efforts to meet the goals. The hours of minority and female employment and training must be substantially uniform throughout the length of the contract, and in each trade, and the Contractor shall make a good faith effort to employ minorities and women evenly on each of its projects. The transfer of minority or female employees or trainees from Contractor to Contractor or from project to project for the sole purpose of meeting the Contractor's goals shall be a violation of the contract, the Executive Order and the regulations in 41 CFR Part 60-4. Compliance with the goals will be measured against the total work hours performed.

C. The Contractor shall provide written notification to the Director of the Office of Federal Contract Compliance Programs (OFCCP) within 10 working days of award of any construction subcontract in excess of \$10,000 at any tier for construction work under the contract resulting from this solicitation. The notification shall list the name, address, and telephone number of the subcontractor; employer identification number of the subcontractor; estimated dollar amount of the subcontract; estimated starting and completion dates of the subcontract; and the geographical area in which the subcontract is to be performed.

D. As used in this notice and in the contract resulting from this solicitation, the "covered area" is **City of Merced, County of Merced, California.**

(2) CIVIL RIGHTS – TITLE VI ASSURANCE

The CITY OF MERCED, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 USC §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders or offerors that it will affirmatively ensure that for any contract entered into pursuant to this advertisement, [select businesses, or disadvantaged business enterprises or airport concession disadvantaged business enterprises] will be afforded full and fair opportunity to submit bids in response to this invitation and no businesses will be discriminated against on the grounds of race, color, national origin (including limited English proficiency), creed, sex (including sexual orientation and gender identity), age, or disability in consideration for an award.

(3) DISADVANTAGED BUSINESS ENTERPRISE (DBE)

a. Bid Information Submitted as a matter of responsiveness:

The Owner's award of this contract is conditioned upon Bidder or Offeror satisfying the good faith effort requirements of 49 CFR § 26.53.

Bidder must submit the Good Faith Effort Certification included with the proposal forms with bid.

(4) FEDERAL FAIR LABOR STANDARDS ACT (FEDERAL MINIMUM WAGE)

All contracts and subcontracts that result from this solicitation incorporate by reference the provisions of 29 CFR part 201, et seq, the Federal Fair Labor Standards Act (FLSA), with the same force and effect as if given in full text. The FLSA sets minimum wage, overtime pay, recordkeeping, and child labor standards for full and part-time workers.

The *Contractor* has full responsibility to monitor compliance to the referenced statute or regulation. The *Contractor* must address any claims or disputes that arise from this requirement directly with the U.S. Department of Labor – Wage and Hour Division.

(5) TRADE RESTRICTION CERTIFICATION

By submission of an offer, the Offeror certifies that with respect to this solicitation and any resultant contract, the Offeror –

- 1) is not owned or controlled by one or more citizens of a foreign country included in the list of countries that discriminate against U.S. firms as published by the Office of the United States Trade Representative (USTR);
- 2) has not knowingly entered into any contract or subcontract for this project with a person that is a citizen or national of a foreign country included on the list of countries that discriminate against U.S. firms as published by the USTR; and
- 3) has not entered into any subcontract for any product to be used on the Federal project that is produced in a foreign country included on the list of countries that discriminate against U.S. firms published by the USTR.

This certification concerns a matter within the jurisdiction of an agency of the United States of America and the making of a false, fictitious, or fraudulent certification may render the maker subject to prosecution under Title 18 USC § 1001.

The Offeror/Contractor must provide immediate written notice to the Owner if the Offeror/Contractor learns that its certification or that of a subcontractor was erroneous when submitted or has become erroneous by reason of changed circumstances. The Contractor must require subcontractors provide immediate written notice to the Contractor if at any time it learns that its certification was erroneous by reason of changed circumstances.

Unless the restrictions of this clause are waived by the Secretary of Transportation in accordance with 49 CFR § 30.17, no contract shall be awarded to an Offeror or subcontractor:

- 1) who is owned or controlled by one or more citizens or nationals of a foreign country included on the list of countries that discriminate against U.S. firms published by the USTR; or
- 2) whose subcontractors are owned or controlled by one or more citizens or nationals of a foreign country on such USTR list; or
- 3) who incorporates in the public works project any product of a foreign country on such USTR list.

Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render, in good faith, the certification required by this provision. The knowledge and information of a contractor is not required to exceed

that which is normally possessed by a prudent person in the ordinary course of business dealings.

The Offeror agrees that, if awarded a contract resulting from this solicitation, it will incorporate this provision for certification without modification in all lower tier subcontracts. The Contractor may rely on the certification of a prospective subcontractor that it is not a firm from a foreign country included on the list of countries that discriminate against U.S. firms as published by USTR, unless the Offeror has knowledge that the certification is erroneous.

This certification is a material representation of fact upon which reliance was placed when making an award. If it is later determined that the Contractor or subcontractor knowingly rendered an erroneous certification, the Federal Aviation Administration (FAA) may direct through the Owner cancellation of the contract or subcontract for default at no cost to the Owner or the FAA.

(6) REQUIRED FEDERAL CONTRACT PROVISIONS BY REFERENCE

The following provisions are incorporated herein by reference with the same force and effect as if given in full text (refer to Federal Contract Provisions section of these specifications for further details):

6.1 Buy American Preference

(Source: Title 49 USC § 50101; Executive Order 14005, Ensuring the Future is Made in All of America by All of America's Workers; Bipartisan Infrastructure Law (Pub. L. No. 117-58), Build America, Buy America (BABA))

6.2 Civil Rights – General

(Source: 49 USC § 47123; FAA Order 1400.11)

6.3 Davis Bacon Act

(Source: 2 CFR Part 200, Appendix II(D), 29 CFR Part 5, 49 USC § 47112(b), 40 USC §§ 3141-3144, 3146, and 3147). The Davis-Bacon Act ensures that laborers and mechanics employed under the contract receive pay no less than the locally prevailing wages and fringe benefits as determined by the Department of Labor.

6.4 Debarment and Suspension

(Source: 2 CFR Part 180 (Subpart B), 2 CFR Part 200, Appendix II(H), 2 CFR Part 1200, DOT Order 4200.5, Executive Orders 12549 and 12689). By submitting a bid/proposal under this solicitation, the bidder or offeror certifies that neither it nor its principals are presently debarred or suspended by any Federal department or agency from participation in this transaction.

6.5 Lobbying and Influencing Federal Employees

(Source: 31 USC § 1352 – Byrd Anti-Lobbying Amendment, 2 CFR Part 200, Appendix II(I), 49 CFR Part 20, Appendix A)

6.6 Procurement of Recovered Materials

(Source: 2 CFR § 200.323, 2 CFR Part 200, Appendix II(J), 40 CFR Part 247, 42 USC § 6901, et seq (Resource Conservation and Recovery Act (RCRA)). Contractor and subcontractor agree to comply with Section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act, and the regulatory provisions of 40 CFR Part 247.

(See Federal Contract Provisions of the Bid Documents for further details.)

Successful Bidder/Contractor will be required to insert applicable Federal Contract Provisions into subcontracts, and shall be responsible for compliance by subcontractor(s).

N-11 List of Subcontractors. The prime contractor must provide a list of subcontractors with the bid on the form provided in the Proposal forms.

- Pursuant to the provisions of Section 4100 through 4114 of the Public Contract Code of the State of California all bids shall be accompanied by a List of Subcontractors that the Bidder proposes to use who will perform work or labor or render service to the Bidder in excess of one-half of one percent of the Bidder's total bid or \$10,000, whichever is greater. The names, principal business address, license number, and portion of work that will be done by each subcontractor shall be submitted on the form, which is furnished in the Proposal Forms of this Contract Documents Book.
- Bidder shall be solely responsible to correct any errors in the listing of the California Contractor's license number.
- A deadline of 24 hours after bid opening is established by which a bidder must submit corrected California Contractor's license number information to the City/County.
- A bidder's failure to submit corrected California Contractor's license numbers will cause the bid to be non-responsive.
- If the Bidder fails to specify a subcontractor for any portion of the work to be performed under the Contract in excess of one-half of one percent of the Bidder's total bid, the Bidder agrees to perform that portion itself. The successful bidder shall not, without the consent of City/County either:
 - Substitute any person, firm, or corporation as subcontractor in place of the subcontractor designated in the original bid; or
 - Permit any subcontractor to be assigned or transferred or allow it to be performed by anyone other than the original subcontractor listed in the bid.

N-12 Disadvantaged Business Enterprise: Bidders are advised that, as required by federal law, the City of Merced is implementing new Disadvantaged Business Enterprise (DBE) requirements. The City of Merced DBE contract goal is **21%**.

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

The City of Merced shall have the right to reject any bids presented in accordance with Section 20150.9 of the California Public Contracts Code.

CITY OF MERCED

DATED: 03/28/2023

BY: 
Michael R. Beltran II, P.E.
City Engineer