



Feb 17, 2021

(date)

**Prospective Bidders for
Performing Emergency Spill Response
or Emergency Repairs in a Hazardous Environment
for Port of Oakland Facilities for the Period Commencing July 1, 2021
and Ending June 30, 2022, 2023 or 2024, Oakland, California**

ADDENDUM NO. 2

The following are revisions to the Project Manual for **PERFORMING EMERGENCY SPILL RESPONSE OR EMERGENCY REPAIRS IN A HAZARDOUS ENVIRONMENT FOR PORT OF OAKLAND FACILITIES FOR THE PERIOD COMMENCING JULY 1, 2021 AND ENDING JUNE 30, 2022, 2023 OR 2024, OAKLAND, CALIFORNIA**, dated January 2021. Please transmit this information to your prospective sub-bidders, as applicable. This Addendum No. 2 is part of the Contract Documents and its receipt shall be acknowledged on Document 00400, Bid Form.

1. ADDENDUM NO. 1 DOCUMENT 00100 – INVITATION TO BID

DISCARD Addendum No. 1 Document 00100, Invitation to Bid, and REPLACE with the attached Addendum No. 2 Document 00100.

2. ADDENDUM NO. 1 DOCUMENT 00200 – INSTRUCTIONS TO BIDDERS

DISCARD Addendum No. 1 Document 00200, Instructions to Bidders, and REPLACE with the attached Addendum No. 2 Document 00200.

3. DOCUMENT 00400 – BID FORM

DISCARD Document 00400, Bid Form, and REPLACE with the attached Addendum No.2 Document 00400. Bidder shall use the attached Addendum No. 2 Bid Form to submit its Bid.

NOTE: The sole revisions to Document 00400 consist of correcting the project title and the bid bond amount. The sole revisions to Documents 00100 and 00200 consist of changing the bid date.

Sincerely,

Signature: 
Richard Sinkoff (Feb 17, 2021 09:40 PST)

Email: rsinkoff@portoakland.com

for
Kristi McKenney
Chief Operating Officer

No Dwgs

530 Water Street ■ Jack London Square ■ P.O. Box 2064 ■ Oakland, California 94604-2064

Telephone: (510) 627-1100 ■ Facsimile: (510) 627-1826 ■ Web Page: www.portoakland.com

Attachments:

Document 00100, Invitation to Bid

Document 00200, Instructions to Bidders

Document 00400, Bid Form

DOCUMENT 00100

INVITATION TO BID

The CITY OF OAKLAND, acting by and through its BOARD OF PORT COMMISSIONERS (the "Port"), will receive Bids via email as per the provisions of Document 00200, Instructions to Bidders, Paragraph 17, Bid Submission, until 12:00 noon on Tuesday, February 23, 2021, for the following public work:

**PERFORMING EMERGENCY SPILL RESPONSE OR
EMERGENCY REPAIRS IN A HAZARDOUS ENVIRONMENT
FOR PORT OF OAKLAND FACILITIES
FOR THE PERIOD COMMENCING JULY 1, 2021
AND ENDING JUNE 30, 2022, 2023 OR 2024
OAKLAND, CALIFORNIA**

In general, the Work of this annual Contract consists of on-call furnishing of labor, materials and equipment for containment and clean-up of spills of oil, chemicals, sewage, or other hazardous and/or flammable substances; abatement of asbestos-containing materials, lead-containing paint, PCB-containing materials or materials with other hazardous components; removal and legal disposal of contaminated soil; performance of emergency utility repair work in a hazardous environment; and other related field services at Port of Oakland facilities for the period indicated. Based on past experience, the cost of Work to be performed during the period of the Contract is expected to be approximately \$150,000 per year. The work of this Contract is contingent upon the occurrence of emergency events; therefore, it is impossible to estimate the cost of work precisely.

California Class A contractor's license, asbestos certification, and hazardous substance removal certification are required to bid this Contract. The asbestos certification may be held by the prime contractor or the subcontractor. Joint ventures must secure a joint venture license prior to award of this Contract.

No contractor or subcontractor may be listed on a bid proposal or awarded any contract for the project unless registered with the Department of Industrial Relations (DIR) pursuant to Labor Code section 1725.5, with limited exceptions from this requirement for bid purposes only under Labor Code section 1771.1(a).

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

Bidders shall refer to Document 00200, *Instructions to Bidders*, for required documents and items, including additional contractor qualifications documentation to be included in the Bid package. The Bid must be submitted in accordance with the provisions of Document 00200, Paragraph 17, Bid Submission.

Bidders must comply with the requirements of Document 00810, *Non-Discrimination and Small/Local Business Utilization Policy* as modified by Document 00810A, *Preamble to Document 00810 Non-Discrimination and Small/Local Business Utilization Policy*. The Port will award preference points to Port-certified small and local prime contractors, and these points will be used to modify the bids for comparison purposes.

Bidders are alerted that in order to receive preference points to modify the bids for comparison purposes, all certifications must be complete at time of bid. For the purpose of this Project only, preference points will be fully credited for Bidders that satisfy the certification requirements for local business participation (LIABE or LBABE) and Small Business Enterprises (SBE) and Very Small Business Enterprises (VSBE). Bids will not be modified and preference points will not be credited for participation by LIABE, LBABE, SBE or VSBE subcontractors or truckers. Bidders intending to receive preference points must be certified by the Port of Oakland prior to the time of bidding or must submit the Port's Database Questionnaire and all supporting documentation, to the Social Responsibility Division, at least seven (7) business days prior to bid opening. For questions concerning the Port's policy, contact Donna Cason at dcason@portoakland.com or at (510) 627-1252

The Contractor must provide insurance in the types and amounts indicated in Document 00700, *General Conditions*. Such coverage must be applicable to the scope of services provided.

A Performance Bond and a Labor and Material Payment Bond are required for this contract.

The Port of Oakland Maritime and Aviation Project Labor Agreement (MAPLA) does not apply to this Project.

The Contractor and all subcontractors shall pay their employees performing labor under this Contract salaries or wages at least equal to the general prevailing wage rates in effect at the time of advertising for bids, as determined by the Director of the Department of Industrial Relations of the State of California, for the particular crafts, classifications or types of workers employed on the project.

The Port will conduct a pre-bid meeting at 3:00 PM on Monday, February 1, 2021. Due to the Governor's Shelter-in-Place order, the meeting will be conducted via Zoom videoconferencing. The Zoom meeting ID is 9996 792 1724. Bidders and other interested parties who wish to participate in the pre-bid meeting may do so by logging into the Zoom website at the following URL: <https://portoakland.zoom.us/j/99967921724>. Bidders and interested parties may also participate in the meeting via teleconference at 1 (669) 900-9128, using the meeting ID listed above. The Port strongly recommends that potential Bidders attend the pre-bid meeting. The meeting will address the Port's Non-Discrimination and Small/Local Business Utilization Policy, insurance requirements, bonds, and any other special working conditions for this contract.

The Port will not conduct Site inspection tours during the Bidding Period.

The work of this project is subject to the requirements of Document 00455, *Port of Oakland Construction and Demolition Debris Waste Reduction and Recycling Requirements*.

Bidders may obtain the Bidding Documents (Project Manual) for this project on line at the Port of Oakland website at <http://www.portofoakland.com/Bids> on or after Monday, January 18, 2021. Detailed instructions on downloading the Bidding Documents are available at the following web address: <http://www.portofoakland.com/DownloadInstructions>. Any addenda modifying the Project Manual will be posted at the same location.

Pursuant to Port of Oakland Ordinance No. 4321, the Port of Oakland Standard Contract Provisions (February 2015 edition) are incorporated by reference into Project Manuals issued by the Port for public works construction projects. The Contract Documents consist of the approved Project Manual, any addenda and the approved terms of the Standard Contract

Provisions, as specified in more detail in Documents 00520, *Agreement*, and 00800, *Supplementary Conditions – Modifications to Standard Contract Provisions*.

The Standard Contract Provisions manual can / be downloaded in PDF format from the Port of Oakland website, at <http://www.portoakland.com/StandardContractProvisions2015>.

For questions pertaining to the download of the Project Manual, please contact Bill Russell at (510) 627-1439 or by E-mail at brussell@portoakland.com. For technical information respecting the Bidding Documents, Bidders should contact Eric Englehart via Fax at (510) 451-5916 or via E-mail at eenglehart@portoakland.com.

The Port specifically reserves the right, in its sole discretion, to reject any or all Bids, to re-bid, or to waive inconsequential defects in bidding not involving time, price or quality of the Work.

Bidders are solely responsible for the cost of preparing their Bids.

END OF DOCUMENT

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DOCUMENT 00200

INSTRUCTIONS TO BIDDERS

Bids are requested for an emergency spill response contract described in general as follows:

PORT OF OAKLAND CONTRACT 2021-01-S2

**PERFORMING EMERGENCY SPILL RESPONSE
OR EMERGENCY REPAIRS IN A HAZARDOUS ENVIRONMENT
FOR PORT OF OAKLAND FACILITIES
FOR THE PERIOD COMMENCING JULY 1, 2021
AND ENDING JUNE 30, 2022, 2023 OR 2024
OAKLAND, CALIFORNIA**

1. **RECEIPT OF BIDS.** The Port will receive electronic bids only for the above-referenced Project. All bids must be submitted in the manner specified in Paragraph 17 herein. The Port will receive Bids until 12:00 p.m., on Tuesday, February 23, 2021. Bids received after the specified time will not be accepted.

No contractor or subcontractor may be listed on a bid proposal or awarded any contract for the project unless registered with the DIR pursuant to Labor Code section 1725.5 [with limited exceptions from this requirement for bid purposes only under Labor Code section 1771.1(a)].

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

2. **DETERMINATION OF SUCCESSFUL BIDDER.** Apparent low Bid will be based solely on the percentage markup on direct labor costs contained in Bid Item No. 1. All Bidders are required to submit Bids on all Bid items. The Bids will be compared on the basis of the modified bid amount calculated in accordance with the applicable paragraphs of Part IV, Section A, of Document 00810, Non-Discrimination and Small/Local Business Utilization Policy. If the Bid is accepted and the Contract awarded on the basis of the modified bid amount, the actual amount of the Bid before reduction under the Non-Discrimination and Small/Local Business Utilization Policy will be the amount awarded the Contractor.
3. **REQUIRED BID FORM.** Bidders must submit Bids on Document 00400, Bid Form. The Port will reject as non-responsive any Bid not submitted on the required form. Bids must be full and complete. Bidders must complete all Bid items and supply all information required by Bidding Documents. The Port reserves the right in its sole discretion to reject any Bid as non-responsive as a result of any error or omission in the Bid. Bidders must submit clearly written Bids, and the Port reserves the right to reject any Bid not clearly written. Bidders may not modify the Bid Form or qualify their Bids. The Bid must be clearly and distinctly written without any erasure or interlineation. Any changes in the Bid shall be clearly made, with the original entry crossed out and the new entry initialed by the Bidder.
4. **REQUIRED BID SECURITY.** Bidders must submit with their Bids a corporate surety bond furnished by a surety authorized to do a surety business in the State of California, in the amount of Fifteen Thousand and No/100 Dollars (\$15,000.00), payable to the Port of Oakland. The Port will provide the required form of corporate surety bond, Document 00411, Bond Accompanying Bid. The Port will reject as non-responsive any Bid submitted without the

necessary Bid security. As soon as practicable after the Bid opening, if there are more than three (3) responsive Bidders, all Bid securities and Bid bonds except for those of the successful Bidders will be returned to the other Bidders. The Bid security and Bid bond of the successful Bidder will be returned after execution of the contract and deposit of all necessary bonds and other items.

5. **REQUIRED SUBCONTRACTORS LISTS.** Bidder or Bidder's subcontractors who will perform earthwork involving contaminated soil, hazardous substances and/or hazardous waste material shall be listed on Document 00430, Port of Oakland Subcontractor and Supplier List Form, and shall possess the required training and Hazardous Waste Operations and Emergency Response certificates, and State Contractors Hazardous Substance Removal Certification. Subcontractors of any tier satisfying the above registration and certification requirements, even if they will perform less than one-half of one percent (0.5%) of the work, must be listed on Document 00430, Port of Oakland Subcontractor Supplier List Form at the time the Bid is submitted. For purposes of this Project only, the listing of all other subcontractors, suppliers and trucking brokers on Document 00430, Port of Oakland Subcontractor and Supplier List Form, at the time of bidding, is optional. Please note that for purposes of this Project only, preference points will not be credited for participation by LIABE, LBABE, SBE or VSBE subcontractors, suppliers and trucking brokers.

Prior to commencement of each instance of work, the Contractor awarded this annual contract will be required to submit the names of all subcontractors and their respective item of work on Document 00430S, Port of Oakland Supplemental Subcontractor and Supplier List Form for Annual Contract, as instructed therein, for those subcontractors who will perform any portion of work, including labor, rendering of service, or specially fabricating and installing a portion of the work or improvement according to detailed drawings contained in the plans and specifications, in excess of one-half of one percent (0.5%) of the estimated cost of the instance of work to be performed. The Contractor must also submit the names of all trucking brokers, on Document 00430S, Port of Oakland Supplemental Subcontractor and Supplier List Form for Annual Contract, regardless of whether the broker's portion of the work will or will not exceed one-half of one percent (0.5%) of the estimated cost of the work to be performed

6. **REQUIRED NON-COLLUSION DECLARATION.** Bidders must submit with their Bids Document 00481, Non-Collusion Declaration. The Port will reject as non-responsive any Bid submitted without the Non-Collusion Declaration. No Bidder may make or file or be interested in more than one Bid for the same supplies, services or both.
7. **REQUIRED BIDDER'S CERTIFICATIONS.** Bidders must submit with their Bids Document 00482, Bidder Certifications. The Port will reject as non-responsive any Bid submitted without the Bidder Certifications.
8. **PRE-BID CONFERENCE AND SITE VISITS.** The Port will conduct a pre-bid meeting at 3:00 PM on Monday, February 1, 2021. Due to the Health Orders, the pre-bid meeting will be conducted via Zoom videoconferencing. Bidders who wish to participate in the bid opening may do so by logging into the Zoom website at the following URL: <https://portoakland.zoom.us/j/99967921724>. Bidders may also participate in the bid opening via teleconference at 1 (669) 900-9128, using Zoom meeting ID 9996 792 1724. The Port strongly recommends that potential Bidders attend the pre-bid meeting. The meetings will address the Port's Non-Discrimination and Small/Local Business Utilization Policy, insurance requirements, bonds, and any other special working conditions for this contract.

The Port will post at <http://www.portoakland.com/Bids> such Addenda as the Port in its discretion considers necessary in response to questions arising at the pre-Bid conference. Oral statements shall not be relied upon and will not be binding or legally effective.

The Port will not conduct Site inspection tours during the Bidding period.

9. **OTHER REQUIREMENTS PRIOR TO BIDDING.** Submission of a Bid signifies careful examination of Bidding Documents and complete understanding of the nature, extent and location of Work to be performed. Bidder must complete the tasks listed in Document 00520, Agreement, Article 5, as a condition to bidding, and submission of Bid shall constitute the Bidder's express representation to the Port that Bidder has fully completed these tasks.
10. **EXISTING CONDITIONS AND GEOTECHNICAL DATA.** Bidders may examine any available existing conditions information by giving the Port reasonable advance notice. The Port will not be responsible for accuracy of existing drawings or geotechnical data. Document 00320, Existing Conditions and Geotechnical Data, applies to all supplied existing drawings and geotechnical reports, and all other information supplied regarding existing conditions either above ground or below ground.
11. **ADDENDA.** Bidders must direct all questions about the meaning or intent of the Bidding Documents to the Port. Interpretations or clarifications considered necessary by the Port in response to such questions will be issued by Addenda posted at <http://www.portoakland.com/Bids>. Notification of the issuance of Addenda will be faxed or emailed to each Bidder at the fax number or email address supplied to the Port by the Bidder. Questions received less than seven (7) days prior to the date for opening Bids may not be answered. Only questions answered by formal written Addenda will be binding. Oral and other interpretations and clarifications will be without legal effect.
 - a. Addenda may also be issued to modify the Bidding Documents as deemed advisable by the Port.
 - b. Addenda shall be acknowledged in Bid Form by number and shall be part of the Contract Documents. A complete listing of Addenda may be secured from the Port.
 - c. Addenda will be issued only by the Port of Oakland and only in writing. Addenda will be identified as such and will be available for download at <http://www.portoakland.com/Bids>. Notification of issuance of Addenda will be delivered via fax or email to all who are known by the issuing office to have obtained Bidding Documents and who have provided a fax number or email address for receipt of Addendum notification.
 - d. Copies of Addenda will be made available for inspection wherever Bidding Documents are on file for inspection.
 - e. Addenda will be posted at <http://www.portoakland.com/Bids> no later than 3 full working days prior to the Bid Deadline. Addenda notifications will be issued such that they should be received by prospective Bidders, who have provided a fax number or email address for receipt of Addendum notification, no later than 3 full working days prior to the Bid Deadline. Addenda withdrawing the request for Bids or postponing the Bid Deadline may be issued any time prior to the Bid Deadline.

- f. Each Bidder shall be responsible for ascertaining, prior to submitting a Bid, that it has received all issued Addenda.

12. LOG OF RESPONSES TO BIDDER QUESTIONS. Clarifications that do not necessitate the issuance of a formal Addendum may, at the Port's discretion, be issued in written form in a 'Log of Responses to Bidder Questions'. The Log of Responses to Bidder Questions will be posted to the Port website at <http://www.portoakland.com/Bids>, and may be periodically updated during the course of the bid period. It is the Port's intent to provide notification of updates to the Log to all who are known by the issuing office to have obtained Bidding Documents and who have provided a fax number or email address. However, it is Bidder's responsibility to monitor the Port website for posted updates. Questions received less than seven (7) days prior to the date for opening Bids may not be answered.

The Log of Responses to Bidder Questions is provided solely for Bidders' convenience; it is not part of the Contract Documents, and any interpretations or clarifications contained therein are without legal effect. Bidders are advised that any Bidder questions submitted to the Port may, at the Port's discretion, be incorporated into the posted Log of Responses to Bidder Questions.

13. SUBSTITUTIONS. Bidders must base their Bids on products and systems specified or indicated in the Contract Documents or listed by name in Addenda. Contractors and materials suppliers may submit proposals for substitutions for pre-Bid date approval, and up to thirty-five (35) days following the Notice of Award.

- a. Submittals of proposals for substitutions shall contain sufficient information, as set forth in Specification Section 01620, Product Options and Substitutions, to assess acceptability of product or system. Insufficient proposed information shall be grounds for rejection of substitution.
- b. Approved substitutions will be listed in Addenda. The Port reserves the right not to act upon submittals of requests for substitutions until after Bid opening.
- c. Substitutions may be requested after the Contract Documents are signed in accordance with requirements specified in Document 00700, General Conditions, and Section 01620, Product Options and Substitutions.
- d. Port will require at least twenty-one (21) calendar days to review requests for substitutions.

14. WAGE RATES. Contractor and all subcontractors shall pay their employees performing work under this contract, salaries or wages at least equal to the general prevailing rates or per diem wages for each craft, classification, or type of worker in effect at the time of advertising for Bids, as determined by Director of Department of Industrial Relations of the State of California. This information is available on the Internet at <http://www.dir.ca.gov/DLSR/statistics-research.html> and <http://www.dir.ca.gov/DLSR/PWD/>. Free access to the Internet is available at the Oakland Public Library, Main Branch, 125 – 14th Street, Oakland, California 94612, (510) 238-3134, and all of its fifteen (15) branches, listed below:

NAME	ADDRESS	TELEPHONE NUMBER
Asian	388-9 th Street Oakland, California 94608	(510) 238-3400

NAME	ADDRESS	TELEPHONE NUMBER
Brookfield	9255 Edes Avenue Oakland, California 94603	(510) 615-5725
Cesar E. Chavez	3301 E. 12 th St., Ste. 271 Oakland, California 94601	(510) 535-5620
Dimond	3565 Fruitvale Avenue Oakland, California 94602	(510) 482-7844
Eastmont	7200 Bancroft Avenue, Ste. 211, Oakland, California 94605	(510) 615-5726
Elmhurst	1427-88 th Avenue Oakland, California 94621	(510) 615-5727
Golden Gate	5433 San Pablo Avenue Oakland, California 94608	(510) 597-5023
Lakeview	550 El Embarcadero Oakland, California 94610	(510) 238-7344
Martin Luther King, Jr.	6833 International Boulevard Oakland, California 94621	(510) 615-5728
Melrose	4805 Foothill Boulevard Oakland, California 94601	(510) 535-5623
Montclair	1687 Mountain Boulevard Oakland, California 94611	(510) 482-7810
Piedmont Avenue	80 Echo Avenue Oakland, California 94611	(510) 597-5011
Rockridge	5366 College Avenue Oakland, California 94618	(510) 597-5017
Temescal	5205 Telegraph Avenue Oakland, California 94609	(510) 597-5049
West Oakland	1801 Adeline Street Oakland, California 94607	(510) 238-7352

15. **NON-DISCRIMINATION AND SMALL/LOCAL BUSINESS UTILIZATION POLICY.** The successful Bidder must comply with the Port's Non-Discrimination and Small/Local Business Utilization Policy, Document 00810. These provisions include steps which must be undertaken prior to the Bid date to provide equal opportunity for LBABEs, LIABEs and SBE/VSBEs to seek and obtain subcontracts on the Project. Bidders may be disqualified for failure to comply with these provisions. Bidders are alerted that in order to receive preference points to modify the bids for comparison purposes, all certifications must be complete at time of bid. To be certified for a particular project, a contractor must submit a Database Questionnaire and all supporting documentation to the Social Responsibility Division at least seven (7) business days prior to bid opening (SBE/VSBE acceptance based on verified gross receipts). To receive further points for being local, additional documentation may be required. Questions concerning the Port's Non-Discrimination and Small/Local Business Utilization Policy may be directed to the Social Responsibility Division contact person listed in document 00100. Questions regarding the Port's requirement to list all trucking brokers in the Bidder's submittal or receiving preference points for the use of local truckers and requests for a list of certified truckers, should be directed to the Social Responsibility Division person listed in Document 00100.

Prior to the Port's contract award, the apparent low Bidder and its intended subcontractors may be required to attend a pre-award conference for the purpose of Port review, approval, disapproval, or approval with conditions of the apparent low Bidder's compliance with the Port's Non-Discrimination and Small/Local Business Utilization Policy.

16. ELECTRONIC CERTIFIED PAYROLL RECORDS TO LABOR COMMISSIONER: All Contractors and Subcontractors must furnish electronic certified payroll records directly to the Labor Commissioner (aka Division of Labor Standards Enforcement).

- First time users will need to set up their account at <https://efiling.dir.ca.gov/PWCR/ActionServlet?action=displayPWCRegistrationForm>.
- You will need your Contractor ID (CSLB# or Professional #) to create an account.

The PWC 100 is an online notification system that requires public agencies to submit detailed public works project information (Awards) to the Department of Industrial Relations (DIR). Once the Award is in the system, Contractors will need to report their Certified Payroll Records.

Contractors will be able to upload Certified Payroll Records (CPRs) and Statements of Employer Payments (PW 26) through the eCPR application using PDF format. Prime contractors will be able to add their subcontractors to an Award so that subcontractors can upload their CPRs using the eCPR application. In order to upload CPRs and other payroll documents, contractors must be associated with one or more Awards.

If you have any questions, please contact the Compliance Monitoring Unit ("CMU") at PWC100@dir.ca.gov.

17. BID SUBMISSION. Each Bid must be submitted electronically in a single PDF file containing scanned copies of all forms listed below, properly executed as specified herein, and arranged in the order listed herein. In order to fully comply with the Governor's Executive Orders in response to the COVID-19 pandemic and health order(s) currently issued by the Alameda County Public Health Department, and any amendments thereto (collectively, the Health Orders), the Port Offices are closed to the public and **no paper bids will be accepted**.

- a. The PDF shall be submitted via email to the Secretary of the Board of Port Commissioners at dedgerly@portoakland.com. The subject line of the email should read as follows:

BID FOR PORT CONTRACT 2021-01-S2 - PERFORMING EMERGENCY SPILL
RESPONSE OR EMERGENCY REPAIRS IN A HAZARDOUS ENVIRONMENT
FOR PORT OF OAKLAND FACILITIES FOR THE PERIOD COMMENCING JULY
1, 2021 AND ENDING JUNE 30, 2022, 2023 OR 2024, OAKLAND, CALIFORNIA

The Bidder shall include in the text of its bid submission email the delivery service tracking number for the hard copy submission specified in Paragraph 17.c below.

The Secretary of the Board of Port Commissioners will reply by email to the Bidder's email Bid submission. Said reply shall constitute the Port's acknowledgment of receipt of the Bid.

- b. Each PDF Bid file must contain the following completed and fully executed, documents:

- 1) Document 00400, Bid Form. The entire document is the Bid Form.
 - 2) Corporate surety bond in the amount of \$15,000.00. Bidder and its surety must execute Document 00411, Bond Accompanying Bid, if submitted.
 - 3) Document 00420, Contractor Registration and Safety Experience Form.
 - 4) Document 00430, Port of Oakland Subcontractor and Supplier List Form: If Bidder intends to employ subcontractors, Bidder must furnish the information required on these forms, in accordance with instructions contained in these Instructions to Bidders.
 - 5) Completed Document 00455, Attachment 2, Construction and Demolition Debris Waste Reduction and Recycling Plan ("WRRP") form.
 - 6) Document 00456, Regulatory Compliance Statement.
 - 7) Document 00481, Non-Collusion Declaration: signed and completed as indicated therein.
 - 8) Document 00482, Bidder Certifications: signed and completed as indicated therein.
 - 9) Contractor qualification documentation in accordance with Article 1.04, Section 02100, Emergency Spill Response/Emergency/Repairs.
- c. In addition to the electronic submission specified above, an original, signed paper copy of Document 00411, Bond Accompanying Bid, shall be submitted via the United States Postal Service or other delivery service, no later than the bid opening date and time specified in Paragraph 1 above, to the following address:

Port of Oakland Building
Office of the Secretary of the Board of Port Commissioners
Room 629
530 Water Street
Oakland, California 94607

The envelope shall be labeled as follows:

ORIGINAL BID BOND - PORT CONTRACT 2021-01-S2 - PERFORMING
EMERGENCY SPILL RESPONSE OR EMERGENCY REPAIRS IN A
HAZARDOUS ENVIRONMENT FOR PORT OF OAKLAND FACILITIES FOR THE
PERIOD COMMENCING JULY 1, 2021 AND ENDING JUNE 30, 2022, 2023 OR
2024, OAKLAND, CALIFORNIA

The Bidder must obtain a tracking number from the delivery service, and must transmit said tracking number to the Port at the date and time of bid submission, as specified in Paragraph 17.a above.

- d. Notwithstanding any provisions contained elsewhere in the Contract Documents, only the items listed above are required to be submitted with the Bid.

- e. Bids shall be deemed to include any written responses of a Bidder to any questions or requests for information of the Port made as part of the Bid evaluation process after submission of the Bid. The provisions of the California Public Contract Code relating to relief from bids, Section 5100 et seq. are applicable to this contract.
18. **BID OPENING.** The Secretary of the Board of Port Commissioners shall open Bids received via email up to and including the time and date specified. Due to the Health Orders, the bid opening will not be open to the public, but will be conducted via Zoom videoconferencing, and will commence at 12:10 p.m. on Tuesday, February 23. The Zoom meeting ID is 966 9977 0500.

Bidders and other interested parties who wish to participate in the bid opening may do so by logging into the Zoom website at the following URL: <https://portoakland.zoom.us/j/96699770500>. Bidders and interested parties may also participate in the bid opening via teleconference at 1 (669) 900-9128, using the meeting ID listed above.

The bid results, corrected per the provisions of Paragraph 21.e below, will be posted as soon as possible following the bid opening, and available online via the "Engineering Bid Results" link at <http://www.portoakland.com/Bids>. Notification of the posting of bid results will be faxed or emailed to all parties who registered as plan holders for this project. For assistance in locating the posted bid results, please contact Bill Russell at brussell@portoakland.com.

19. **POST-NOTICE OF AWARD REQUIREMENTS.** The apparent low Bidder must execute and submit the following documents after Bids have been opened and duly inspected. The apparent low Bidder's failure to submit these documents properly and timely entitles the Port to reject the Bid as non-responsive.
- a. Submit the following documents to the Port by 5:00 p.m. of the tenth (10th) day following receipt of the Notice of Award. Execution of contract depends upon approval of these documents:
- 1) Document 00520, Agreement: To be executed by the successful Bidder. Submit two (2) copies, each bearing all required original signatures.
 - 2) Document 00610, Construction Performance Bond. To be executed by the successful Bidder and surety, in the amount of one hundred percent (100%) of the Contract Sum.
 - 3) Document 00620, Construction Labor and Material Payment Bond. To be executed by successful Bidder and surety, in the amount of one hundred percent (100%) of the Contract Sum.
 - 5) Insurance Certificates and Endorsements required by Document 00700, General Conditions, Paragraphs 4.2 (OCIP) or 4.3 (Non-OCIP), whichever applies.
 - 6) A resume or outline of the safety and health qualifications and experience for the Safety Representative listed by you on Document 00420, Contractor Registration And Safety Experience Form.

- b. Upon receipt of the Notice of Award, the successful Bidder and each of its subcontractors who employs workers in any apprenticeable craft or trade shall apply to the joint apprenticeship committee administering the apprenticeship standards of the craft or trade for a certificate approving the contractor or subcontractor under the apprenticeship standards for the employment and training of apprentices, in accordance with Section 1777.5 of the California Labor Code.
 - c. The Port shall have the right to contact directly the bond sureties proposed by the successful Bidder to confirm the issuance of the bonds.
20. **BID PROTEST.** Any Bid protest must be submitted electronically to the Secretary of the Board of Port Commissioners at dedgerly@portoakland.com with a copy to the Chief Engineer at randrews@portoakland.com, before 5:00 p.m. of the third (3rd) business day following Bid opening. The Bid protest must be submitted as a single PDF file containing (1) a scanned copy of the protest letter, signed by the signatory of the Bid Form, and (2) any attached documentation.
- a. The initial protest document must contain a complete statement of the basis for the protest.
 - b. The protest must refer to the specific portion of the document which forms the basis for the protest.
 - c. The protest must include the name, address and telephone number of the person representing the protesting party.
 - d. The party filing the protest must concurrently transmit an electronic copy of the initial protest document and any attached documentation to all other parties with a direct financial interest which may be adversely affected by the outcome of the protest. Such parties shall include all other Bidders who appear to have a reasonable prospect of receiving an award depending upon the outcome of the protest. The email addresses of such Bidders will be provided upon request by the Secretary of the Board of Port Commissioners.
 - e. The procedure and time limits set forth in this paragraph are mandatory and are the Bidder's sole and exclusive remedy in the event of Bid protest. The Bidder's failure to comply with these procedures shall constitute a waiver of any right to further pursue the Bid protest, including filing a Government Code Claim or legal proceedings. A Bidder may not rely on a protest submitted by another Bidder, but must timely pursue its own protest.
21. **BID EVALUATION.** The Port may reject any and all bids and waive any informalities or minor irregularities in the Bids. The Port also reserves the right, in its discretion, to reject any or all Bids and to re-bid the Project. The Port reserves the right to reject any or all nonconforming, non-responsive, unbalanced or conditional Bids, re-bid, and to reject the Bid of any Bidder if the Port believes that it would not be in the best interest of Project to make an award to that Bidder, whether because the Bid is not responsive or the Bidder is unqualified or of doubtful financial ability or fails to meet any other pertinent standard or criteria established by the Port.
- a. In evaluating Bids, the Port will consider the qualifications of Bidders, whether or not the Bids comply with the prescribed requirements, and such unit prices and other data, as may be requested in the Bid Form or prior to the Notice of Award.

- b. The Port may conduct such investigations as the Port deems necessary to assist in the evaluation of any Bid and to establish the responsibility, qualifications and financial ability of Bidders, proposed subcontractors, suppliers and other persons and organizations to perform and furnish the Work in accordance with the Contract Documents. The Port shall have the right to communicate directly with Bidder's Surety regarding Bidder's bonds.
- c. Calculation errors in the Bid Form will be corrected on the following basis:
 - (i) Discrepancies between written words and figures, or words and numerals, will be resolved in favor of the words.
 - (ii) All corrections of calculation errors will be incorporated into the bid results posted at <http://www.portoakland.com/Bids>. A Bidder's failure to dispute such corrections within three (3) business days of posting of bid results, or to request relief from its Bid in accordance with Section 5103 of the California Public Contract Code, will constitute Bidder's affirmation that it is willing and able to perform the work of the contract for the purposed total bid amount.
- d. In addition to the price, in determining the lowest responsible, responsive Bidder, consideration shall be given to:
 - (i) The ability, capacity and skill of Bidder to perform the Work required by the Contract Documents;
 - (ii) The ability of Bidder to perform the Work required by the Contract Documents within the times specified, without delay;
 - (iii) The character, integrity, reputation, judgment, experience and efficiency of Bidder;
 - (iv) The quality of Bidder's performance on previous contracts with the Port of Oakland or City;
 - (v) The ability of Bidder to provide future maintenance, repair parts and services for the use of the supplies purchased;
 - (vi) Bidder's satisfaction of Port's Non-Discrimination and Small/Local Business Utilization Policy, the responsiveness of information furnished under other applicable requirements.
- e. Bids will be compared on the basis of the Modified Bid Amount calculated for the participation of LIABE and LBABE bidders, in accordance with the applicable paragraphs of Part IV, Section A, of the Non-Discrimination and Small/Local Business Utilization Policy. For purposes of this Project only, preference points will not be available for listed certified subcontractors and truckers. The Modified Bid Amount is equal to the percentage of direct labor costs shown on the Bid Form; less the product of "equivalent percentage," and said percentage of direct labor cost. The "equivalent percentage" calculation is based upon the validated preference points, (i.e., 5 points = 5%).

The Modified Bid Amount is equal to the percentage of direct labor costs shown on the Bid Form; less the product of "equivalent percentage," and said percentage of direct labor cost. The "equivalent percentage" calculation is based upon the validated preference points, (i.e., 5 points = 5%) as calculated per the above table.

EXAMPLE:

MBA = Modified Bid Amount
DL = Percentage of Direct Labor Costs Shown on the Bid Form (say 80%)
EP = Equivalent Percentage (e.g., say 5 points = 5% = 5/100)

MBA = DL - EP (DL)
= 80% - (5/100) (80%)
= 80% - 4%
= 76%

If the bid is accepted and the Contract awarded on the basis of the Modified Bid Amount, the actual amount bid before reduction under these rules will be the amount awarded the Contractor. The Board reserves the right to award the Contract to the lowest responsible responsive bidder on the basis of this calculation.

22. **FAILURE TO EXECUTE AND DELIVER DOCUMENTS.** If the Bidder to whom the contract is awarded shall for twenty (20) days after such award fail or neglect to execute and deliver all required Contract Documents and file all required bonds, insurance certificates, and other documents (see section 19a.), the Port may, in its sole discretion, deposit the Bidder's surety bond, cashier's check or certified check for collection, and proceeds thereof may be retained by the Port as liquidated damages for Bidder's failure to enter into the Contract Documents. The Bidder agrees that calculating the damages the Port may suffer as a result of the Bidder's failure to execute and deliver all required Contract Documents and other required documents would be extremely difficult and impractical and that the amount of the Bidder's required Bid security shall be the agreed and presumed amount of the Port's damages.
23. **AWARD.** If the Contract is to be awarded, it will be awarded to the lowest responsible responsive Bidder within one hundred twenty (120) days of Bid opening. The Notice of Award, Document 00510, shall be delivered as provided therein.

The Port reserves the right to reject all Bids.

Pursuant to the Port of Oakland Purchasing Ordinance, the Port of Oakland Standard Contract Provisions (Standard Contract Provisions) are incorporated by reference into Project Manuals issued by the Port for public works construction projects. The Contract Documents consist of the approved Project Manual, any addenda and the approved terms of the Standard Contract Provisions, as specified in more detail in Documents 00520, Agreement, and 00800, Supplementary Conditions – Modifications to Standard Contract Provisions.

24. **DEFINITIONS.** Except as set forth herein, all abbreviations and definition of terms used in these Instructions to Bidders are set forth in Specification Section 01420, References and Definitions.
25. **SIGNING BIDDING DOCUMENTS AND CONTRACT DOCUMENTS.** If the Bidder is a corporation, all Bidding Documents required to be executed by the Bidder (and, if such Bidder is the apparent low bidder and receives the Notice of Award, all Contract Documents required to be executed by such Bidder after Notice of Award) shall set forth the legal name of the corporation and must be signed by the officer or officers legally authorized by the corporation or by law to bind the corporation. If the Bidder is a non-corporate entity, all Bidding Documents

required to be executed by the Bidder (and, if such Bidder is the apparent low bidder and receives the Notice of Award, all Contract Documents required to be executed by such Bidder after Notice of Award) shall be submitted in the name of the entity and signed by a partner or member, with authority to sign documents on behalf of such entity. The Port reserves the right to require additional evidence of the authority of any person executing the documents on behalf of the Bidder.

Any person signing on behalf of an entity thereby warrants their authority to bind the entity. The Port reserves the right to require additional evidence of the authority of any person executing documents on behalf of the Bidder.

26. **OBTAINING FULL-SIZE PLANS AND PROJECT MANUALS.** The Project Manual is available for download at <http://www.portoakland.com/Bids>.

After Award of Contract, the Port will provide the Contractor with one hard copy of the Contract Project Manual, incorporating all addendum revisions. Upon the Contractor's request, a PDF copy of the Contract Project Manual will also be provided.

END OF DOCUMENT

DOCUMENT 00400

BID FORM

To be submitted by date and time noted in Document 00200

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

To: Secretary of the Board of Port Commissioners

Re: Contract Number 2021-01-S2

**PERFORMING EMERGENCY SPILL RESPONSE OR
EMERGENCY REPAIRS IN A HAZARDOUS ENVIRONMENT
FOR PORT OF OAKLAND FACILITIES
FOR THE PERIOD COMMENCING JULY 1, 2021
AND ENDING JUNE 30, 2022, 2023 OR 2024
OAKLAND, CALIFORNIA**

1. The undersigned Bidder proposes and agrees, if this Bid is accepted, to enter into an agreement with the City of Oakland, a municipal corporation, acting by and through its Board of Port Commissioners ("Port") in the form included in the Contract Documents, Document 00520 *Agreement*, to perform and furnish all Work specified or indicated in the Contract Documents for the Contract Sum and within the Contract Time indicated in this Bid and in accordance with all other terms and conditions of the Contract Documents.
2. The Bidder accepts all of the terms and conditions of the Contract Documents and the Invitation to Bid and Instructions to Bidders, including without limitation, those dealing with the disposition of Bid security. This Bid will remain subject to acceptance for one hundred twenty (120) calendar days after the day of Bid opening, and may not be withdrawn during that time period. The Bidder will sign and submit the Agreement, Bonds and other documents required by Document 00200, *Instructions to Bidders*, by the time and in the manner set forth therein.
3. In submitting this Bid, the Bidder represents that:
 - (a) Bidder has examined all of the Contract Documents and of the following Addenda (receipt of all of which is hereby acknowledged).

<u>Date</u>	<u>Number</u>
_____	_____
_____	_____
_____	_____
_____	_____

[Attach additional pages if necessary]

- (b) Bidder has visited the Site and performed all tasks, research, investigation, reviews, examinations, analysis, and given notices, regarding the Project and the Site, as set forth in Document 00520, *Agreement*, Article 5.
4. Based on the foregoing, Bidder proposes and agrees to fully perform the Work within the time stated and in strict accordance with the Contract Documents for the following sum of money listed in the following Bid Schedule:

SCHEDULE OF BID PRICES

Bidder must fill in Item 1 percentage in numerals only. Bid items are described in Section 01100, Summary of Work.

<u>ITEM</u>	<u>DESCRIPTION</u>
1.	Direct Labor Costs Plus _____% of Labor Costs
2.	Tools and Equipment Furnished at the Rental Rates as Specified in the Specifications
3.	Materials Furnished at Cost Plus 10% of Material Cost
4.	Disposal Fees Furnished at Cost Plus 10% of Disposal Fee Cost
5.	Subcontractor Work Furnished at Cost Plus 10% of Subcontracted Work Cost

5. Bidders shall refer to Document 00200, *Instructions to Bidders*, for required documents and items, including additional contactor qualifications documentation to be submitted as specified in Document 00200, and the applicable times for submission.
6. Subcontractors and their sub-bids for work included in all bid items are listed on the attached Document 00430, *Port of Oakland Subcontractor and Supplier List Form*, as specified in Document 00200, *Instructions to Bidders*.
7. The undersigned understands that the Port reserves the right to reject this Bid, or all bids.
8. If written notice of the acceptance of this Bid, hereinafter referred to as Notice of Award, is mailed or delivered to the undersigned Bidder within the time described in Section 2 above or at any other time thereafter before it is withdrawn, the undersigned will execute and deliver the documents required by Document 00200, *Instructions to Bidders*, including, but not limited to, Document 00520, *Agreement*, Document 00610, *Construction Performance Bond*, Document 00620, *Construction Labor and Material Payment Bond*, and the required certificates of insurance, all within the time and in the manner specified in Document 00200, *Instructions to Bidders*.
9. Notice of Award or request for additional information may be addressed to the undersigned at the address set forth below.

10. The undersigned herewith encloses a corporate surety bond furnished by a surety authorized to do a surety business in the State of California, in the amount of \$15,000, and made payable to Port of Oakland.
11. The undersigned agrees to commence work under the Contract Documents on the date established in Document 00700, *General Conditions*, and to complete all work within the time specified in Document 00520 *Agreement*.
12. The undersigned agrees that, in accordance with Document 00700, *General Conditions*, liquidated damages for failure to complete all Work under the Contract Documents within the time specified in Document 00520, *Agreement*, shall be as set forth in Document 00520, *Agreement*.

Remainder of page intentionally left blank.

13. The names of all persons interested in the foregoing Bid as principals are:

(IMPORTANT NOTICE: If Bidder or other interested person (including any partner or joint venturer of any partnership or joint venture bidder, respectively) is a corporation, give the legal name of corporation, state where incorporated, and names of president and secretary thereof; if a partnership, give name of the firm and names of all individual co-partners composing the firm; if Bidder or other interested person is an individual, give first and last names in full).

licensed in accordance with an act for the registration of Contractors, and with license number: _____.

BIDDER: _____

FOR PORT USE ONLY
Verification of Active Contractor and Subcontractor Licenses and DIR registrations.
By: _____ Date: / /20
<i>For Federally-Funded Projects</i>
Verification of Non-Debarment Listing and Approved Surety.
By: _____ Date: / /20
FOR PORT USE ONLY

By: _____
 [Signature]

 [Printed Name]

Its: _____
 [If Corporation: Chairman, President or Vice President]

By: _____
 [Signature]

 [Printed Name]

Its: _____
 [If Corporation: Secretary, Assistant Secretary, Chief Financial Officer or Assistant Treasurer]

NOTE: If the Bidder is a corporation, set forth the legal name of the corporation together with the signature of the officer or officers authorized to sign contracts on behalf of the corporation. If the Bidder is a partnership, set forth the name of the firm together with the signature of the partner or partners authorized to sign contracts on behalf of the partnership.

Business Address: _____

Telephone Number: _____

Fax Number: _____

Date of Bid: _____

END OF DOCUMENT