



Mar 17, 2021

(date)

**Prospective Bidders for
Shore Power Computer
and PLC Replacement
Oakland, California**

ADDENDUM NO. 1

The following are revisions to the Project Manual for **SHORE POWER COMPUTER AND PLC REPLACEMENT, OAKLAND, CALIFORNIA**, dated March 2021. Please transmit this information to your prospective sub-bidders, as applicable. This Addendum No. 1 is part of the Contract Documents and its receipt shall be acknowledged on Document 00400, Bid Form.

1. DOCUMENT 00100 – INVITATION TO BID, page 00100-1

REVISE the first paragraph of the Invitation to Bid to read as follows:

“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 19, Bid Submission, until 12:00 noon on Tuesday, March 23, 2021, for the following public work:”

2. DOCUMENT 00200 – INSTRUCTIONS TO BIDDERS

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

The revisions to Document 00200 consist of (a) changing the bid date; and (b) correction of minor typographical errors.

3. DOCUMENT 00400 – BID FORM

DISCARD Document 00400, Bid Form, and REPLACE with the attached Addendum No. 1 Document 00400. Bidder shall use the attached Addendum No. 1 Bid Form to submit its Bid.

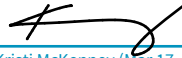
Footer

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

The revisions to the Bid Form affect Bid Items 5 and 6.

Sincerely,



Kristi McKenney (Mar 17, 2021 11:32 PDT)

Kristi McKenney
Chief Operating Officer

Attachments:
Document 00200, Instructions to Bidders
Document 00400, Bid Form

DOCUMENT 00200

INSTRUCTIONS TO BIDDERS

Bids are requested for a general construction contract described in general as follows:

PORT OF OAKLAND CONTRACT 2021-02-M1

**SHORE POWER
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 19 herein. The Port will receive Bids until 12:00 p.m., on Tuesday, March 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 Total Base Bid Price. 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, of not less than ten percent (10%) of the aggregate amount of the Total Base Bid Price, 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.** Based on work which is included in the Total Base Bid Price, Bidders must submit with their Bids the names of all subcontractors and their respective bid item sub-bids on Document 00430, Port of Oakland Subcontractor and Supplier List Form (Base Bid) , 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 Total Base Bid Price. Bidders must also submit the names of all trucking brokers, on Document 00430, Port of Oakland Subcontractor and Supplier List Form (Base Bid) regardless of whether the broker's portion of the work will or will not exceed one-half of one percent (0.5%) of the Total Base Bid Price and regardless of whether the Bidder is requesting any local business preference points for the listed broker(s).

Based on work which is included in the Additive Alternate A Bid Price, Bidders must submit with their Bids the names of all subcontractors and their respective bid item sub-bids on Document 00430A, Port of Oakland Subcontractor and Supplier List Form (Alternate A), 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 Additive Alternate A Bid Price. Bidders must also submit the names of all trucking brokers, on Document 00430, Port of Oakland Subcontractor and Supplier List Form (Alternate A) regardless of whether the broker's portion of the work will or will not exceed one-half of one percent (0.5%) of the Additive Alternate A Bid Price and regardless of whether the Bidder is requesting any local business preference points for the listed broker(s)

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 11:00 AM on Tuesday, March 9, 2021. Due to the Governor's Shelter-in-Place order, the meeting will be conducted via Zoom videoconferencing The Zoom meeting ID is 999 6372 1260. 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/99963721260>. 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 Port strongly recommends that potential Bidders attend the pre-bid meeting. The meeting will address insurance, bonds, Maritime and Aviation Project Labor Agreement, Port's Non-Discrimination and Small/Local Business Utilization Policy and other non-technical issues related to the work and the Project.

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 conduct a site tour for this project on Wednesday, March 10, 2021 starting at 9:00 a.m. Bidders who wish to participate in the site tour must register with Tyler Brown at tbrown@portoakland.com no later than 12:00 noon on Tuesday, March 9, 2021, to confirm.

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, subject to compliance with the Port of Oakland Maritime and Aviation Project Labor Agreement (MAPLA). 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
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. **PROJECT LABOR AGREEMENT.** The apparent successful bidder, whether union or non-union, must comply with the Port of Oakland Maritime and Aviation Project Labor Agreement, attached as Document 00823R1, and must execute Document 00630R1, Letter of Assent. Non-union Bidders and Bidders' subcontractors are not required to sign union agreements nor are their employees required to become union members to perform work on this Project. The apparent successful bidder further must cause all "Contractors" (as such term is defined in the Project Labor Agreement) that contract under Contractor on this Contract and are covered by the Project Labor Agreement, to comply with the requirements imposed on "Contractors" (as such term is defined in the Project Labor Agreement) under said agreement and to execute Document 00630R1, Letter of Assent. Pursuant to the Project Labor Agreement, Contractors shall be required to make contributions to the Social Justice Trust Fund of \$0.30 per labor hour, as more fully described in Document 00825R1, Social Justice Labor Management Cooperation Trust Fund [2016] V.1.

16. **COSTS OF DRUG TESTING.** The implementation costs of the Maritime and Aviation Project Labor Agreement Uniform Substance Abuse Policy must be included in the Total Bid Price.

These costs are stated in Document 00824R1, Port of Oakland Maritime and Aviation Project Labor Agreement Substance Abuse Prevention Policy Drug Testing [2016] V.1.

- 17. 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.

- 18. WEB ACCESSED MONITORING SYSTEM (WAMS):** Bidders are alerted that the Port of Oakland has adopted an electronic monitoring system to satisfy the reporting requirements for prevailing wages, construction workforce and business utilization. The Port has designated Elation Systems, Inc. (Elation) as its vendor for the electronic submission system and the successful bidder and their subcontractors will be required to utilize the Elation service for this contract. There will be no fees associated with the use of WAMS on the successful bidder's part. It will be the responsibility of the successful bidder and their subcontractors to ensure access into WAMS by registering for an Elation account prior to starting work on the project. Registration instructions are as follows:

To register for an Elation account:

1. Access the Elation website at: www.elationsys.com
2. Click on the Register link located near the top right corner of the window
3. Click on the Register as a Contractor or Subcontractor button
4. Input the Promo Code "PortOakland-2017"
5. Upon submitting the Registration Application, the applicant will receive the first of two emails. Open the first email and click the link in the email, this will complete your Registration Application
6. The applicant will receive the 2nd email, confirming that their application has been activated.

*ALL contractors at all tier levels must have an Elation account. Current Elation account users DO NOT have to register again.

19. **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 2021-02-M1 – SHORE POWER COMPUTER AND
PLC REPLACEMENT, 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 19.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 of not less than 10% of the amount of the Bid. Bidder and its surety must execute Document 00411, Bond Accompanying Bid.
 - 3) Document 00420, Contractor Registration and Safety Experience Form.
 - 4) Document 00430, Port of Oakland Subcontractor and Supplier List Form (Base Bid): 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) Document 00430A, Port of Oakland Subcontractor and Supplier List Form (Alternate A): 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.
 - 6) Document 00450, Statement of Qualifications for Construction Work.
 - 7) Completed Document 00455, Attachment 2, Construction and Demolition Debris Waste Reduction and Recycling Plan ("WRRP") form.
 - 8) Document 00456, Regulatory Compliance Statement.
 - 9) Document 00481, Non-Collusion Declaration: signed and completed as indicated therein.
 - 10) Document 00482, Bidder Certifications: signed and completed as indicated therein.

- 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 2021-02-M1 – SHORE POWER
COMPUTER AND PLC REPLACEMENT, 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 19.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.

20. **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 March 23, 2021. The Zoom meeting ID is 923 1148 6653.

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/92311486653>. 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 23.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.

The three (3) apparent lowest responsive Bidders must execute and submit the following documents after Bids have been opened and duly inspected. The successful Bidders’ failure to submit these documents properly and timely entitles the Port to reject the Bid as non-responsive.

- a. Submit the following document, by 5:00 p.m. of fifth (5th) day following Bid opening. Award of Contract depends on the accurate submission of this document and on the approval of the submissions by the Port:

A letter addressed to the Port Attorney, Michele Heffes, 530 Water Street, 4th Floor, Oakland, CA 94607, representing that such Bidder and all other "Contractors" (as such term is defined in Document 00823R1, Port of Oakland Maritime and Aviation Project Labor Agreement ("MAPLA")) covered by such MAPLA, are willing, ready and able to comply with the MAPLA, and that such Bidder and the other "Contractors" shall execute Document 00630R1, Letter of Assent, without modification or qualification, within ten (10) days of the Notice of Award. The letter must be without qualification and must be in form acceptable to the Port Attorney.

The letter must be submitted electronically to the Port Attorney at mheffes@portoakland.com, with a copy to Laurice Henry Ross, Legal Assistant II, at lhenry@portoakland.com. The letter must be submitted as a PDF file consisting of a scanned copy of the letter, signed by the signatory of the Bid Form.

21. **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 twentieth (20th) 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.
- 4) Insurance forms, documents and certificates required by Document 00700, General Conditions, Paragraph 4.2, including, without means of limitation Alliant WrapX online enrollment and compliance requirements. Port reserves the right to make changes and modifications to the Project Insurance Manual (See Document 00700, General Conditions, Paragraph 4.2 and Document 00830, Project Insurance Manual), including the forms to be filed thereunder and Alliant WrapX online enrollment and compliance requirements, as Port may deem necessary from time to time after the bid date. In the event there is any modification or change to the Project Insurance Manual after the bid date, then at the election of Port, upon the latter of the Notice of Award of the Contract or the date the Port provides notice of the modifications or changes to the Project Insurance Manual, the Port will provide the Project Insurance Manual to the successful bidder, which document shall be a

Contract Document. In such case, all other copies of the Project Insurance Manual received by Bidder are superceded.

Contractors of any tier excluded from participation in the OCIP include (a) vendors, suppliers, fabricators, material dealers, equipment rental companies truckers, haulers, drivers and others who primarily transport, pickup, deliver, or carry materials, personnel, waste, parts or equipment or any other items or persons to or from the Project Site, architects, engineers (unless they are an employee of an otherwise enrolled and covered scope), consultants and other professional services firms, testing and balancing firms, surveyors (unless they are an employee of an otherwise enrolled and covered scope), employee leasing firms, (b) Contractors and each of their respective Subcontractors who do not perform any actual labor on the Project Site, (c) environmental, hazardous, abatement or regulated materials Contractors, (d) Contractors who perform marine diving activities, (e) demolition Contractors utilizing blasting, explosives or wrecking balls (f) Contractors and Subcontractors who have a workers' compensation experience modification in excess of 150% (Contractors and Subcontractors with experience modifications of 125% to 150% will be subject to additional safety requirements as described in the Contract), and (g) sole proprietor Contractors without workers' compensation insurance, who do not provide evidence of medical insurance to the OCIP Administrator. Ineligible Contractors are not permitted to Work on the Project until they have provided to the Port evidence of their compliance with the insurance requirements as outlined in the Contract.

- 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.
 - 7) Document 00630R1, Letter of Assent [2016] V.1. To be executed by the Contractor and by all other "Contractors" (as such term is defined in the MAPLA (See Document 00823R1)) who are covered by the MAPLA and have not submitted a MAPLA Driver Questionnaire (also referred to as the "Trucking Questionnaire"), proof of Direct Owner-Operator and Owner-Operator Hardship Exemptions, or proof of MAPLA Small Business Enterprise Exemption, as applicable.
 - 8) Trucking Questionnaire, proof of Direct Owner-Operator and Owner-Operator Hardship Exemptions, or proof of MAPLA Small Business Enterprise Exemption. To be executed by all "Contractors" (as defined in the MAPLA (See Document 00823R1)) applying for an exemption from the MAPLA, as applicable.
- 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.
22. **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.
23. **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) Unit Price Bid Items: If there is a discrepancy between the line item total entered on the Bid Form and the product of the Estimated Quantity and the Unit Price entered on the Bid Form, the Unit Price will prevail, and the line item total will be corrected accordingly, except in the following circumstance:
 - (a) If the Unit Price is illegible or omitted, or if in the judgment of the Port there is an obvious misplacement of the decimal point in the Unit Price, the line item total will prevail, and the Unit Price will be corrected accordingly, becoming the quotient of the line item total divided by the Estimated Quantity.
If both the Unit Price and the line item total are omitted, both the Unit Price and the line item total will be \$0.00.
 - (ii) Lump Sum Bid Items: If no line item total is entered on the Bid Form, the line item total will be \$0.00.
 - (iii) Discrepancies between the indicated sum of any column of numerals and the correct sum thereof will be resolved in favor of the correct sum.
 - (iv) Discrepancies between written words and figures, or words and numerals, will be resolved in favor of the words.
 - (v) 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 that are within 10% (ten percent) or \$1,000,000.00 (one million dollars), whichever is less, of the apparent low bidder's Total Bid Price, will be reduced by an equivalent percentage for purposes of evaluation to determine the lowest responsible bidder's "Modified Bid Amount" in accordance with the applicable paragraphs of Part IV, Section A, of the Non-Discrimination and Small/Local Business Utilization Policy. The Modified Bid Amount is equal to the Total Bid Price shown on the Bid Form, less the product of "equivalent percentage," and said Total Bid Price. The "equivalent percentage" calculation is based upon the validated preference points, (i.e., 5 points = 5%).

EXAMPLE:

$$\begin{aligned}
 \text{MBA} &= \text{Modified Bid Amount} \\
 \text{TBP} &= \text{Total Bid Price (say \$20,000,000)} \\
 \text{EP} &= \text{Equivalent Percentage (e.g., say 5 points = 5\% = } 5/100) \\
 \text{MBA} &= \text{TBP} - \text{EP}(\text{TBP}) \\
 &= \$20,000,000 - (5/100) (\$20,000,000) \\
 &= \$20,000,000 - \$1,000,000 \\
 &= \$19,000,000
 \end{aligned}$$

Additional example is shown in the table below:

Bidder	Bid	Points	Bid Adjustment	Modified Bid Amount ¹
A	\$20,000,000	5	\$1,000,000	\$19,000,000
B	\$20,400,000	6	\$1,224,000	\$19,176,000
C	\$21,625,000	8	N.A. ²	

¹ Modified Bid Amount used for bid comparison purposes.

² Bid is more than \$1,000,000 over low bid, so no adjustment is made.

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.

24. **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 21a.), 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.

25. **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.

26. **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.

27. **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.

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

After Award of Contract, the Port will provide the Contractor with two full-size hard copies of the Contract Plans, incorporating all addendum revisions, and one hard copy of the Contract Project Manual, incorporating all addendum revisions. Upon the Contractor's request, PDF copies of the Contract Plans and 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 **2021-02-M1**

**SHORE POWER COMPUTER AND PLC REPLACEMENT
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

All bid items, including lump sums, unit prices, and additive alternates must be filled in completely. Bid items are described in Section 01100, Summary of Work. Quote in numerals only unless words are specifically requested.

BASE BID ITEMS:

<u>ITEM</u>	<u>DESCRIPTION</u>	<u>ESTIMATED QUANTITY</u>	<u>UNIT</u>	<u>UNIT PRICE (Figures)</u>	<u>TOTAL</u>
1.	Mobilize and Demobilize	Lump Sum			\$ _____
2.	Furnish, Replace, and Install 1st Shore Power Substation Computer	Lump Sum			\$ _____
3.	Furnish, Replace, and Install 2 nd through 12 th Shore Power Substation Computer	11	EA	\$ _____	\$ _____
4.	Furnish, Replace, and Install Shore Power Substation PLC	4	EA	\$ _____	\$ _____
5.	Spare Computers and PLC	Lump Sum			\$ _____
6.	Update PLC Firmware	Lump Sum			\$ _____
7.	HMI System Improvements and General Debugging	Allowance			<u>\$25,000</u>
8.	Training and Support	Lump Sum			\$ _____
TOTAL BASE BID PRICE					\$ _____

ADDITIVE ALTERNATE A BID ITEM:

A-1.	Annual Maintenance and Support	10	EA	\$ _____	\$ _____
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5. 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 (Base Bid)* and Document 00430A, *Port of Oakland Subcontractor and Supplier List Form (Additive Alternate A)*, as specified in Document 00200, *Instructions to Bidders*.
6. The undersigned understands that the Port reserves the right to reject this Bid, or all bids.

7. 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*, Document 00630R1, *Letter of Assent [2016] V.1*, and the required certificates of insurance, all within the time and in the manner specified in Document 00200, *Instructions to Bidders*.
8. Notice of Award or request for additional information may be addressed to the undersigned at the address set forth below.
9. The undersigned herewith encloses a certified check or cashier's check of or on a responsible bank in the United States, or a corporate surety bond furnished by a surety authorized to do a surety business in the State of California, in the amount of ten percent (10%) of Total Bid Price and made payable to Port of Oakland.
10. 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*.
11. 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*.
12. The attention of the Bidder is directed to the necessity of including in the total for each Bid Item \$0.30 per hour of on-site craft work associated with that Bid Item, to be contributed to the Social Justice Program established under the terms of the Maritime and Aviation Project Labor Agreement. Refer to Document 00825R1, *Social Justice Labor Management Cooperation Trust Fund [2016] V.1*.
13. The implementation costs of the Maritime and Aviation Project Labor Agreement Uniform Substance Abuse Policy must be included in the Total Bid Price. These costs are stated in Document 00824R1, *Port of Oakland Maritime and Aviation Project Labor Agreement Substance Abuse Prevention Policy Drug Testing [2016] V.1*.

Remainder of page intentionally left blank.

14. 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 venture 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






202102M1-Addendum 1

Final Audit Report

2021-03-17

Created:	2021-03-17
By:	Port of Oakland Engineering Services (engrservices@portoakland.com)
Status:	Signed
Transaction ID:	CBJCHBCAABAA1N8HS3pVryPehcj4qJfdl3S9hN4oPib6

"202102M1-Addendum 1" History

-  Document created by Port of Oakland Engineering Services (engrservices@portoakland.com)
2021-03-17 - 5:44:22 PM GMT- IP address: 50.1.57.133
-  Document emailed to Kristi McKenney (kmckenney@portoakland.com) for signature
2021-03-17 - 5:45:30 PM GMT
-  Kristi McKenney (kmckenney@portoakland.com) has agreed to the terms of use and to do business electronically with Port of Oakland Engineering Services (engrservices@portoakland.com)
2021-03-17 - 6:32:38 PM GMT- IP address: 157.131.207.70
-  Document e-signed by Kristi McKenney (kmckenney@portoakland.com)
Signature Date: 2021-03-17 - 6:32:38 PM GMT - Time Source: server- IP address: 157.131.207.70
-  Agreement completed.
2021-03-17 - 6:32:38 PM GMT