



Feb 24, 2023

(date)

**Prospective Bidders for
Furnishing Labor, Materials and Equipment
for Sanitary Sewer Rehabilitation
for the Period Commencing May 1, 2023 and Ending April 30, 2024, 2025 or 2026
Oakland, California**

ADDENDUM NO. 2

The following are revisions to the Project Manual for **FURNISHING LABOR, MATERIALS AND EQUIPMENT FOR SANITARY SEWER REHABILITATION FOR THE PERIOD COMMENCING MAY 1, 2023 AND ENDING APRIL 30, 2024, 2025 OR 2026, OAKLAND, CALIFORNIA**, dated February 2023. 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. DOCUMENT 00200 – INSTRUCTIONS TO BIDDERS

DISCARD Document 00200, Instructions to Bidders, and REPLACE with the attached Addendum No. 2 Document 00100.

NOTE: The sole revision to these documents consists of changing the bid opening date from Monday, February 27 to Monday, March 6.

Sincerely,

Steve Low
Port Principal Engineer
Engineering Services – Administration

Attachments:

Document 00100, Invitation to Bid

Document 00200, Instructions to Bidders

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

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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 19, Bid Submission, until 12:00 noon on Monday, March 6, 2023, for the following public work:

**FURNISHING LABOR, MATERIALS AND EQUIPMENT
FOR SANITARY SEWER REHABILITATION
FOR THE PERIOD COMMENCING MAY 1, 2023
AND ENDING APRIL 30, 2024, 2025 OR 2026
OAKLAND, CALIFORNIA**

The Work of this annual contract consists generally of furnishing all labor, materials, equipment, traffic control, and incidentals necessary to rehabilitate various Port of Oakland sanitary sewer assets, including, but not limited to:

- furnishing and installing cured-in-place-pipe (CIPP);
- providing emergency bypass pumping;
- rehabilitation of existing sewer manholes;
- furnishing and installing new manholes and clean-outs;
- performing sewer spot repairs by removing and legally disposing damaged pipe and furnishing and installing new sewer lines by open-cut; and
- associated excavation, shoring, backfill, pavement restoration and striping,

all in accordance with the Contract Documents.

The intention of the Port is to execute contracts for the said work with up to three contractors. The estimated total aggregate cost for the work to be performed under all awarded contracts is \$13,000,000.

To bid this Contract, Bidders must have a California Class A contractor's license. 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.

Refer to Document 00200, *Instructions to Bidders*, for required documents and items to be included in the Bid. 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*. To receive preference points for modifying the Bids for comparison purposes, prospective prime contractors and subcontractors must complete all certifications and be certified by the Port of Oakland prior to the time of the Bid opening, or must have submitted the Port's Database Questionnaire and all documentation sufficient to support

certification to the Social Responsibility Division at least seven (7) business days prior to the Bid opening. For this Project, preference points will be fully credited only for prime contractors that satisfy the certification requirements for local business participation (LIABE or LBABE), Small Business Enterprises (SBE), and Very Small Business Enterprises (VSBE). Preference points will not be credited for participation by LIABE, LBABE, SBE, or VSBE subcontractors or truckers. For a questionnaire, a checklist of required documents, a list of Port certified truckers, or any questions concerning the Port's policy, you may contact Kimberly Wilson at kwilson@portoakland.com or at (510) 627-1390.

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

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

Certain Instances of Work under this contract may be subject to the provisions of Document 00823R1, *Port of Oakland Maritime and Aviation Project Labor Agreement (MAPLA) [2016] V.1*, as specified in Document 00200, *Instructions to Bidders*, Paragraph 15, Project Labor Agreement.

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 1:00 PM on Wednesday, February 15, 2023. The meeting will be conducted via Zoom videoconferencing. The Zoom meeting ID is 95228988944. 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/95228988944>. 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, Maritime and Aviation Project Labor Agreement, and any other special working conditions for this contract.

Site inspection tours will not be conducted for this project.

The work of this project is subject to Document 00455, *Construction and Demolition Debris Waste Reduction and Recycling Requirements*, included in the Project Manual.

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, February 6, 2023. Any Addenda modifying the Plans and 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 same location as the Plans and Project Manual.

For questions pertaining to the download of the Project Manual, please contact Bill Russell at
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(510) 627-1439 or at brussell@portoakland.com. For technical questions, please contact Tony Chu at (510) 627-1239 or at tchu@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 annual sanitary sewer rehabilitation contract described in general as follows:

PORT OF OAKLAND CONTRACT 2023-02-S1

**FURNISHING LABOR, MATERIALS AND EQUIPMENT
FOR SANITARY SEWER REHABILITATION
FOR THE PERIOD COMMENCING MAY 1, 2023
AND ENDING APRIL 30, 2024, 2025 OR 2026
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 Monday, March 6, 2023. 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.** Port staff will recommend that the Board award this Contract to up to three Bidders whose Bids meet all of the Bid requirements, and which, as determined by the Executive Director, best meet the needs of the Port. Comparison of bid prices will be based on bid Item 1, Markup to Direct Labor Costs (non-MAPLA Instances of Work). The Port reserves the right to award one, two, or three contracts, if it determines that such awards will best meet the needs of the Port. All Bidders are required to submit Bids on all Bid items.
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 One Hundred Thousand and No/100 Dollars (\$100,000.00), 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 remaining Bid securities and Bid bonds will be retained until award of the contract to the successful Bidder, at which time the Bid securities and Bid bonds of the second and third lowest bidders, if applicable, shall be returned. 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.** For purposes of this Project only, listing of subcontractors, suppliers and trucking brokers on Document 00430, Port of Oakland Subcontractor and Supplier List Form, is optional. Please note that for purposes of this Project only, preference points will not be credited for participation by LIABE or LBABE 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 10:00 a.m. on Monday, February 27, 2023. 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/99804860505>. Bidders may also participate in the bid opening via teleconference at 1 (669) 900-9128, using Zoom meeting ID 998 0486 0505, Passcode 008021.

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, the Maritime and Aviation Project Labor Agreement (MAPLA), insurance requirements, bonds, and any other special working conditions for this contract.

The Port will not conduct a site inspection tour for this 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.

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.portofoakland.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. **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, where applicable, 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

NAME	ADDRESS	TELEPHONE NUMBER
Montclair	1687 Mountain Boulevard Oakland, California 94611	(510) 482-7810
Piedmont Avenue	160-41 st Street 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

14. **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.

Please note: For purposes of this Project only, preference points will not be available for listed certified subcontractors or truckers.

Prior to the Port's contract award, the apparent successful 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.

15. **PROJECT LABOR AGREEMENT.** Instances of Work under this contract which are included in the Port's Capital Improvement Program (CIP) list for the Maritime and Aviation Divisions, and whose value exceeds \$150,000, will be subject to the provisions of Document 00823R1, Port of Oakland Maritime and Aviation Project Labor Agreement (MAPLA) [2016] V.1 and Documents 00824R1, 00825R1, 00826R2, 00827R1 and 00828R1. Prior to the performance of any such Instance of Work, the apparent successful bidder, whether union or non-union, must execute Document 00630R1, Letter of Assent [2016] V.1. 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 perform a portion of the work of any such Instance of Work 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 [2016] V.1. 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 performed under said Instances of Work, as more fully described in Document 00825R1, Social Justice Labor Management Cooperation Trust Fund [2016] V.1.

The above MAPLA provisions may not apply to a Maritime or Aviation CIP Instance of Work whose value exceeds \$150,000 if said Instance of Work is performed by a Certified Small Business Enterprise that is eligible for and requests in writing to be excluded from the operational requirements of the Maritime and Aviation Project Labor Agreement (MAPLA), provided that, prior to the solicitation of bids for said Instance of Work, the Port has exercised the discretion granted by Article 9, MAPLA Small Business Enterprise Program, to exclude the Instance of Work from MAPLA coverage, and provided that all of the conditions for MAPLA exclusion specified in Article 9 have been met.

For any Instance of Work which is subject to MAPLA, and which is funded through an agency or agencies of the United States Department of Transportation, the provisions of the Port of Oakland Maritime and Aviation Project Labor Agreement permitting the possible imposition of sanctions and/or binding arbitration for failure to demonstrate “good faith” efforts to meet local hiring goals are hereby deemed inapplicable.

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 bid price for any Instance of Work subject to the provisions of the Maritime and Aviation Project Labor Agreement. 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. **ELECTRONIC CERTIFIED PAYROLL RECORDS TO LABOR COMMISSIONER:** For instances of work under this contract NOT subject to the Maritime and Aviation Project Labor Agreement, 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 setup 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

18. WEB ACCESSED MONITORING SYSTEM (WAMS) For Instances of Work subject to the provisions of the Maritime and Aviation Project Labor Agreement, 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 successful bidder will be required to utilize WAMS to submit the required information for said Instances of Work. The Port has designated Elation Systems, Inc. (Elation) as its vendor for the electronic submission system and the successful bidder 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 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. **No paper bids will be accepted.**

- a. The PDF shall be submitted via email to 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 2023-02-S1 - FURNISHING LABOR, MATERIALS
AND EQUIPMENT FOR SANITARY SEWER REHABILITATION FOR THE
PERIOD COMMENCING MAY 1, 2023 AND ENDING APRIL 30, 2024, 2025 OR
2026, 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 in the amount of One Hundred Thousand and No/100 Dollars (\$100,000.00). 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: 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.
- 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 2023-02-S1 - FURNISHING LABOR,
MATERIALS AND EQUIPMENT FOR SANITARY SEWER REHABILITATION
FOR THE PERIOD COMMENCING MAY 1, 2023 AND ENDING APRIL 30, 2024,
2025 OR 2026, 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 6, 2023. The Zoom meeting ID is 929 8605 4956.

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/92986054956>. 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 Bidders must execute and submit the following documents after Bids have been submitted. A 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 the fifth (5th) day following bid submission. Award of Contract depends on the accurate submission of this document and on the approval of the submissions by the Port:
 1. 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”)), 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, as directed by Port staff for all instances of work covered by the MAPLA, unless said Bidder is eligible for the MAPLA Small Business Enterprise (SBE) Exemption. The letter must be without qualification and must be in form acceptable to the Port Attorney.
 2. If the Bidder is eligible for the MAPLA SBE Exemption, the Bidder shall submit a letter stating that it has a valid and effective MAPLA SBE Exemption.

21. **POST-NOTICE OF AWARD REQUIREMENTS.** The apparent successful 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.
 - 4) Insurance Certificates and Endorsements required by Document 00700, General Conditions, Paragraphs 4.2 (OCIP) or 4.3 (Non-OCIP), whichever applies. For instances of Work under this contract which are included in the Port's Capital Improvement Program (CIP) list for the Maritime and Aviation Divisions, paragraph 4.2 (OCIP) will apply.
 - 5) 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 apparent low 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 apparent low 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 Operating Officer at kmckenney@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. PDF copies of all bids submitted for this contract will be provided to bidders upon request. Any such request should be submitted to Bill Russell at brussell@portoakland.com.
 - b. 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 that 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. Discrepancies between written words and figures, or words and numerals, will be resolved in favor of the words.
- d. In addition to the price, in determining the successful Bidder, consideration shall be given to:
 - (i) The quality and performance of the supplies to be purchased and the services to be provided by Bidder;
 - (ii) The ability, capacity and skill of Bidder to perform the Work required by the Contract Documents;
 - (iii) The ability of Bidder to perform the Work required by the Contract Documents within the times specified, without delay;
 - (iv) The character, integrity, reputation, judgment, experience and efficiency of Bidder;
 - (v) The quality of Bidder's performance on previous contracts with the Port of Oakland or City;
 - (vi) The ability of Bidder to provide future maintenance, repair parts and services for the use of the supplies purchased;

- (vii) 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 in Bid Item No. 1, Markup to Direct Labor Costs (non-MAPLA Instances of Work); less the product of “equivalent percentage,” and said percentage of direct labor costs.

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 Port 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 ten (10) 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 apparent successful bidder Bidder within one hundred twenty (120) days of Bid opening or such longer period as may be specified in the resolution calling for Bids on the Project. The Notice of Award, Document 00510, shall be delivered as provided therein.

The Port reserves the right to reject all Bids.

Pursuant to Port 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 successful 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 Project Manual is available for download at <http://www.portoakland.com/Bids>. There are no plans for this Project.

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






202302S1-Addendum 2

Final Audit Report

2023-02-24

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