

**PROJECT NAME:** Severe Special Day Class Buildings - EMS  
**BID NUMBER:** F08-25

## NOTICE INVITING BIDS

**NOTICE IS HEREBY GIVEN** that **SAN BERNARDINO CITY UNIFIED SCHOOL DISTRICT** invites sealed bids for the construction of **Severe Special Day Class Buildings – Energy Management System**, a project of the Facilities Management Department in the San Bernardino City Unified School District, (“DISTRICT”), County of San Bernardino, California.

### SUBMITTAL OF BIDS

All bids shall be made on a bid form furnished by the DISTRICT. Bid Forms, together with all required attachments to the Bid Form, **in a sealed envelope with a copy of the completed required bid cover sheet affixed to the outside of the envelope**, shall be delivered to the DISTRICT and placed in the **Bid Box** in the **Purchasing Department** of San Bernardino City Unified School District, 777 North “F” Street, San Bernardino, CA 92410, not later than **2:00 p.m. on Tuesday March 10, 2009**. Bid Forms received by the stipulated time will be promptly opened in public and read aloud at said address. Bid Forms or Attachments thereto received after the stipulated time will be rejected and returned to BIDDERS unopened. The DISTRICT will not accept incomplete bids, bids received after the stipulated time, bids sent to the address or location other than that specified herein, or bids otherwise not delivered in accordance with the requirements of this Notice, whether by the BIDDER or courier/delivery service.

All bids submitted must be readily identifiable as bid submissions by the presence of the completed bid cover sheet affixed to the outside of the sealed envelope. Bids delivered in an outer envelope of a courier/delivery service or other envelope without a completed bid cover sheet affixed to the outside must have, within the outer envelope, a second sealed envelope containing the bid with the completed bid cover sheet affixed. DISTRICT will not be responsible for the timely identification or receipt of bids not delivered in a sealed envelope with a clearly visible and completed bid cover sheet affixed to it. ***IT IS THE RESPONSIBILITY OF EACH BIDDER TO MAKE CERTAIN THE BID IS DELIVERED ON TIME IN THE SPECIFIED MANNER AT THE SPECIFIED LOCATION AND PLACED IN THE BID BOX.***

### PRE-BID CONFERENCE AND SITE INSPECTION

A **MANDATORY** pre-bid conference and job walk will be held at the Project site for attendance by any interested BIDDER with representatives of the DISTRICT. The conference and walk will commence at **2:00 P.M. on Friday, February 27, 2009**. **All attendees shall meet at the Construction Trailer at the rear of Hunt Elementary School, 1342 Pumalo Street, San Bernardino, CA 92404.** All Prime CONTRACTORS bidding the project are required to attend.

### REQUESTS FOR INFORMATION

Direct all requests for information to the CONSTRUCTION MANAGER:  
Neff Construction, Inc., 1701 South Bon View Avenue, Suite 104, Ontario, CA 91761 Attention:  
Wes Smylie, phone (909) 947-3768, fax (909) 947-3823.

### BID GUARANTEE AND SECURITY

Each bid shall be accompanied by a cashier’s check made payable to the DISTRICT, or a satisfactory bid bond in favor of the DISTRICT, executed by the BIDDER as principal and a California admitted surety company as Surety, in an amount not less than ten percent (10%) of the Base Bid in the proposal.

The check or bid bond shall be given as a guarantee that the BIDDER will execute the contract if it is awarded to it, in conformity with the Contract Documents, and will provide the surety bonds as specified in the General Conditions, within ten (10) calendar days after notification of the

DISTRICT'S award of the contract to the BIDDER. In case of BIDDER'S refusal or failure to execute the Agreement and provide the bonds and other documents within ten (10) calendar days of the award, the cashier's check, or bid bond, as the case may be, shall be forfeited to the DISTRICT, as liquidated damages.

Each BIDDER shall guarantee his bid for a period of ninety (90) days after the date set for the opening of bids, and agree not to withdraw his bid prior to that time.

### **PERFORMANCE AND PAYMENT BOND**

Payment bond and performance bond will be required prior to the execution of the contract, in the form and amount set forth in the Contract Documents. Said bonds shall be on a form acceptable to the DISTRICT from an admitted California Surety satisfactory to the DISTRICT and listed in the Federal Register, issued by the Department of Treasury and licensed in California. Said bonds shall remain in full force and effect through the guarantee period. Facsimile of each required bond form is appended to the Bidding Documents. Prime CONTRACTORS bidding this work shall require, pursuant to Public Contract Code Article 4108, all subcontractors providing labor and materials in excess of \$100,000.00 to supply an original signature and fully executed 100% Faithful Performance and 100% Payment Bond. All Prime CONTRACTORS bidding on this work must specify this requirement for subcontractor bonds in their written or published requests for subcontractor bids. Failure to comply with this requirement shall not excuse the Prime CONTRACTOR from complying with the subcontractor bonding requirements. The practice of issuing separate purchase orders and/or subcontracts for the purpose of circumventing the subcontractor bonding requirement shall not serve to exempt the CONTRACTOR from these requirements. No payments, except for a reimbursement payment to the Prime CONTRACTOR for the cost of the Prime CONTRACTOR'S own Faithful Performance and Payment Bonds, will be made to the Prime CONTRACTOR until the Prime CONTRACTOR provides the aforementioned subcontractor bonds to the DISTRICT. In accordance with provisions of Public Contract Code Section 22300, substitution of eligible and equivalent securities for any monies withheld to ensure performance under this contract will be permitted at the request and expense of the CONTRACTOR.

### **BID AND CONTRACT DOCUMENTS**

Each bid must conform and be responsive to all pertinent Bidding Requirements and Contract Documents, which are on file and open for public inspection at the DISTRICT office.

Prospective BIDDERS may pickup or have delivered at their own expense, one free set of said documents from:

**OCB Reprographics  
200 N. "D" Street  
San Bernardino, CA 92401  
(909) 381-6535**

BIDDERS in need of more than one set of bid documents may purchase additional sets for **\$20.00** each; the charge is non-refundable. Pickup/delivery of all bid documents shall be at the bidder's expense.

Bid documents (*with a sample bid form only*) will be placed in the DISTRICT office and also in the following public plan rooms:

F.W. Dodge McGraw-Hill, Inc.  
720 East Carnegie Drive, Suite 130  
San Bernardino, CA 92408  
Phone: 909-890-9828

F.W. Dodge Plan Room  
2150 Town Center Place, Suite 100  
Anaheim, CA 92806  
Phone: 714-937-0831

**SCOPE OF WORK** - Install an Energy Management System for one (1) building each at eight (8) elementary schools.

**TYPE OF CONTRACT**

This public works project will be constructed based on a single prime lump-sum contract. By entering into this CONTRACT, CONTRACTOR acknowledges that there may be other CONTRACTORS on the site whose work must be coordinated with that of its own. CONTRACTOR expressly warrants and agrees that it will cooperate with other CONTRACTORS and will do nothing to delay, hinder or interfere with the work of other separate CONTRACTORS, the DISTRICT, the CONSTRUCTION MANAGER, the ARCHITECT or utilities companies. CONTRACTOR also expressly agrees that in the event its work is hindered, delayed, interfered with or otherwise affected by another CONTRACTOR, its sole remedy will be a direct action against the other CONTRACTOR. To the extent allowed by law, the CONTRACTOR will have no remedy and hereby expressly waives any remedy against the DISTRICT, the CONSTRUCTION MANAGER or the ARCHITECT on account of delay, hindrance, interference or other events caused by another CONTRACTOR.

**PRIME CONTRACT AND BID CATEGORIES:**

The following Prime Contract Bids apply to this project.

HVAC Controls
---------------

**DVBE**

**PARTICIPATION GOALS**

In accordance with Education Code Section 17076.11, this DISTRICT has a total goal for Disabled Veteran Business Enterprises (“DVBE”) of at least three percent (3%) of the dollar amount of funds allocated to the DISTRICT by the State Allocation Board pursuant to Leroy F. Greene School Facilities Act of 1998 for construction or modernization as expended each year by the DISTRICT. Prior to, and as a condition precedent for final payment under any contract for the project, the CONTRACTOR shall provide appropriate documentation to the DISTRICT identifying the amount paid to disabled veteran business enterprises in conjunction with the contract, so that the DISTRICT can assess its success at meeting this goal.

**PREVAILING WAGES AND LABOR COMPLIANCE PROGRAM**

Pursuant to Labor Code Section 1771.7, the DISTRICT has adopted a Labor Compliance Program (“LCP”). Each BIDDER agrees that if its bid is accepted by the DISTRICT, as the awarded CONTRACTOR, it will comply with the provisions of the DISTRICT’S LCP. The CONTRACTOR and all subcontractors utilized by the successful BIDDER on the project shall maintain and furnish to the DISTRICT, or its designated representative, on a periodic basis as directed by the DISTRICT, but in no event less frequent than once each month, certified copies of weekly payroll reports signed under penalty of perjury. The DISTRICT, or its designated representative, will review the payroll reports to verify compliance with the prevailing wage and other requirements of the LCP and will conduct audits as it deems necessary.

The prevailing rate of per diem wages and a description of employer payments are on file at the DISTRICT Office and are available to any interested party upon request. If the CONTRACTOR’S payroll records or reports are delinquent or inadequate, the DISTRICT will withhold contract payments until the delinquency or inadequacy is corrected. Additionally, if after an investigation it is established that an underpayment occurred, the DISTRICT will withhold contract payments equal

to the amount of underpayment and applicable penalties. The DISTRICT thereafter will follow the requirements regarding notice to the CONTRACTOR or its subcontractor as provided in Labor Code Section 1771.6. Copy of the Labor Compliance Program is on file at DISTRICT Office for BIDDER review. The DISTRICT has obtained from the Director of the Department of Industrial Relations the general prevailing rate of per diem wages and the general prevailing rate for holiday and overtime work in the locality in which the work is to be performed for each craft, classification or type of work needed for the work of the contract. Straight-time hourly rates and overtime hourly rates (daily, Saturday, Sunday and holiday) shall be paid, at a minimum, in accordance with the general prevailing wage determination issued by the Director of the Department of Industrial Relations.

The general prevailing rate of per diem wages applicable to the Project can also be located on the Internet at the following web address: [www.dir.ca.gov](http://www.dir.ca.gov). Copies of schedules of rates so determined are on file at the DISTRICT'S Office: San Bernardino City Unified School District, 777 North "F" Street, San Bernardino, CA 92410, and are available to any interested party upon request. In accordance with Sections 1773 and 1773.2 of the California Labor Code, the CONTRACTOR shall post a copy of the determination of prevailing rate of wages in a prominent location at each jobsite.

The schedule of per diem wages is based upon a working day of eight (8) hours. The CONTRACTOR and any subcontractor(s) shall pay not less than the specified prevailing rates of wages to all workers employed by them in the execution of the contract.

#### **LICENSE REQUIREMENTS**

Pursuant to Section 7028.15 of the Business and Professions Code and Section 3300 of the Public Contract Code, all BIDDERS must possess proper licenses for performance of this Contract. At the time of bid, and for the duration of the Contract, if awarded, CONTRACTORS shall possess the following California CONTRACTOR'S license in order to perform the specified Bid Category of Work.

C7 or C20
-----------

Subcontractors must possess the appropriate licenses for each specialty subcontracted. Additionally, all CONTRACTORS and subcontractors must verify their possession of valid license requirements of the applicable local jurisdictions.

#### **BASIS OF AWARD**

Consistent with Public Contract Code Section 20103.8 and Section 12E (b) of the "Information for Bidders Form" relating to the use of alternate bids, the lowest responsible BIDDER for the project will be determined using the following method:

1. The lowest bid will be the lowest total bid price on the Base Bid.
2. Once the lowest responsible BIDDER has been selected, the DISTRICT may determine to add to or deduct from the Contract one (1) or more of the additive or deductive items.

The DISTRICT reserves the right to reject any or all bids and to waive irregularities in any bid.

#### **OTHER CONDITIONS**

All successful BIDDERS must undergo a CONTRACTORS and subcontractors criminal records check. **CONTRACTORS SHALL NOT COMMENCE WORK ON A SCHOOL DISTRICT SITE WITHOUT FIRST OBTAINING THE NECESSARY FINGERPRINT CLEARANCES.** For further information consult the Information for BIDDERS and the Contract Documents.

#### **PUBLICATION AND BID DATES**

First publication: Thursday, February 19, 2009  
Second publication: Thursday, February 26, 2009  
Bid Due Date: 2:00 p.m. on Tuesday, March 10, 2009  
Bid Opening Date: 2:00 p.m. on Tuesday, March 10, 2009

**END OF DOCUMENT**