

DEPARTMENT OF TRANSPORTATION
DIVISION OF ENGINEERING SERVICES
 OFFICE ENGINEER, MS 43
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**** WARNING ** WARNING ** WARNING ** WARNING ****
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Users are cautioned that California Department of Transportation (Department) does not assume any liability or responsibility based on these electronic files or for any defective or incomplete copying, excerpting, scanning, faxing or downloading of the contract documents. As always, for the official paper versions of the bidders packages and non-bidder packages, including addenda write to the California Department of Transportation, Plans and Bid Documents, Room 0200, P.O. Box 942874, Sacramento, CA 94272-0001, telephone (916) 654-4490 or fax (916) 654-7028. Office hours are 7:30 a.m. to 4:15 p.m. When ordering bidder or non-bidder packages it is important that you include a telephone number and fax number, P.O. Box and street address so that you can receive addenda.

March 9, 2006

04-Ala-80,580,880-74.5
 04-143554

Addendum No. 2

Dear Contractor:

This addendum is being issued to the contract for construction on State highway in ALAMEDA COUNTY IN OAKLAND AT ROUTE 80/580/880 SEPARATION.

Submit bids for this work with the understanding and full consideration of this addendum. The revisions declared in this addendum are an essential part of the contract.

Bids for this work will be opened on April 4, 2006. The original bid opening date was previously postponed indefinitely under Addendum No. 1 dated January 26, 2006.

This addendum is being issued to set a new bid opening date as shown herein and revise the Notice to Contractors and Special Provisions and the Proposal and Contract.

In the Special Provisions, Section 2-1.01, "GENERAL," is revised as attached.

In the Special Provisions, Section 3, "AWARD AND EXECUTION OF CONTRACT," is revised as attached.

In the Special Provisions, Section 4, "BEGINNING OF WORK, TIME OF COMPLETION AND LIQUIDATED DAMAGES," is revised as attached.

In the Special Provisions, Section 10-1.15, "OBSTRUCTIONS," the fifth paragraph is deleted.

In the Special Provisions, Section 10-1.15, "OBSTRUCTIONS," the sixth paragraph is revised as follows:

"The following utility facilities will be relocated during the progress of the contract. The Contractor shall notify the Engineer, in writing, prior to doing work in the vicinity of the facility. The utility facility will be relocated within the listed working days, as defined in Section 8-1.06, "Time of Completion," of the Standard Specifications, after the notification is received by the Engineer:

Utility	Location	Working Days
East Bay Municipal Utility District	At and near the Railroad tracks	120
PG&E Electric	At and near the Railroad tracks	20
Pacific Bell/SBC (Fiberoptics)	At and near the Railroad tracks	90
PG&E Gas	At and near the Railroad tracks	20
Qwest (Fiberoptics)	At and near the Railroad tracks	90

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In the Proposal and Contract, "Proposal to the Department of Transportation," paragraph 10 is revised as follows:

"If this proposal shall be accepted and the undersigned shall fail to execute the contract and return it, together with the contract bonds, to the Department of Transportation so that it is received within 10 days, not including Saturdays, Sundays and legal holidays, after the bidder has received the contract for execution, the Department of Transportation may, at its option, determine that the bidder has abandoned the contract, and thereupon this proposal and the acceptance thereof shall be null and void and the forfeiture of the security accompanying this proposal shall operate and the same shall be the property of the State of California."

In the Proposal and Contract, "CALTRANS BIDDER – DVBE – INFORMATION," is deleted.

In the Proposal and Contract, "TELEPHONE LOG AND LIST OF REJECTED DVBE's Page 2 of 2" is deleted.

In the Proposal and Contract, "CALTRANS BIDDER – DVBE – INFORMATION," is added as attached.

To Proposal and Contract book holders:

Inquiries or questions in regard to this addendum must be communicated as a bidder inquiry and must be made as noted in the NOTICE TO CONTRACTORS section of the Notice to Contractors and Special Provisions.

Indicate receipt of this addendum by filling in the number of this addendum in the space provided on the signature page of the proposal.

Submit bids in the Proposal and Contract book you now possess. Holders who have already mailed their book will be contacted to arrange for the return of their book.

Inform subcontractors and suppliers as necessary.

This office is sending this addendum by confirmed facsimile to all book holders to ensure that each receives it. A copy of this addendum and the modified wage rates are available for the contractor's use on the Internet Site:

http://www.dot.ca.gov/hq/esc/oe/weekly_ads/addendum_page.html

If you are not a Proposal and Contract book holder, but request a book to bid on this project, you must comply with the requirements of this letter before submitting your bid.

Sincerely,

ORIGINAL SIGNED BY

REBECCA D. HARNAGEL, Chief
Office of Plans, Specifications & Estimates
Office Engineer

Attachments

2-1.01 GENERAL

The bidder's attention is directed to the provisions in Section 2, "Proposal Requirements and Conditions," of the Standard Specifications and these special provisions for the requirements and conditions which the bidder must observe in the preparation of the proposal form and the submission of the bid.

In addition to the subcontractors required to be listed in conformance with Section 2-1.054, "Required Listing of Proposed Subcontractors," of the Standard Specifications, each proposal shall have listed therein the name and address of each DVBE subcontractor to be used for credit in meeting the goal, and to whom the bidder proposes to directly subcontract portions of the work. The list of subcontractors shall also set forth the portion of work that will be performed by each subcontractor listed. A sheet for listing the subcontractors is included in the Proposal.

The Bidder's Bond form mentioned in the last paragraph in Section 2-1.07, "Proposal Guaranty," of the Standard Specifications will be found following the signature page of the Proposal.

Submit request for substitution of an "or equal" item, and the data substantiating the request to the Department of Transportation, Division Of Construction - Duty Senior, Mail Station: 3 - B, 111 Grand Avenue / P. O. Box 23660, Oakland, CA 94623-0660, so that the request is received by the Department by close of business on the fourth day, not including Saturdays, Sundays and legal holidays, following bid opening.

In conformance with Public Contract Code Section 7106, a Noncollusion Affidavit is included in the Proposal. Signing the Proposal shall also constitute signature of the Noncollusion Affidavit.

Failure of the bidder to fulfill the requirements of the Special Provisions for submittals required to be furnished after bid opening, including but not limited to DBE or DVBE submittals, or escrowed bid documents, where applicable, may subject the bidder to a determination of the bidder's responsibility in the event it is the apparent low bidder on a future public works contracts.

SECTION 3. AWARD AND EXECUTION OF CONTRACT

The bidder's attention is directed to the provisions in Section 3, "Award and Execution of Contract," of the Standard Specifications and these special provisions for the requirements and conditions concerning award and execution of contract.

Bid protests are to be delivered to the following address: Department of Transportation, MS 43, Attn: Office Engineer, 1727 30th Street, Sacramento, CA 95816 or by facsimile to the Office Engineer at (916) 227-6282.

The award of the contract, if it be awarded, will be to the lowest responsible bidder whose proposal complies with all the requirements prescribed and who has met the goal for DVBE participation or has demonstrated, to the satisfaction of the Department, adequate good faith efforts to do so. Meeting the goal for DVBE participation or demonstrating, to the satisfaction of the Department, adequate good faith efforts to do so is a condition for being eligible for award of contract.

The contract shall be executed by the successful bidder and shall be returned, together with the contract bonds, to the Department so that it is received within 10 days, not including Saturdays, Sundays and legal holidays, after the bidder has received the contract for execution. Failure to do so shall be just cause for forfeiture of the proposal guaranty. The executed contract documents shall be delivered to the following address: Department of Transportation MS 43, Attn: Office Engineer, 1727 30th Street, Sacramento, CA 95816.

A "Payee Data Record" form will be included in the contract documents to be executed by the successful bidder. The purpose of the form is to facilitate the collection of taxpayer identification data. The form shall be completed and returned to the Department by the successful bidder with the executed contract and contract bonds. For the purposes of the form, payee shall be deemed to mean the successful bidder. The form is not to be completed for subcontractors or suppliers. Failure to complete and return the "Payee Data Record" form to the Department as provided herein will result in the retention of 20 percent of payments due the contractor and penalties of up to \$20,000. This retention of payments for failure to complete the "Payee Data Record" form is in addition to any other retention of payments due the Contractor.

Attention is also directed to "Small Business Preference" of these special provisions. Any bidder who is certified as a Small Business by the Department of General Services, Office of Small Business and Disabled Veteran Business Enterprise Certification, will be allowed a preference in the award of this contract, if it be awarded, under the following conditions:

- A. The apparent low bidder is not certified as a Small Business, or has not filled out and signed the Request for Small Business Preference included with the bid documents and attached a copy of their Office of Small Business and Disabled Veteran Business Enterprise Certification small business certification letter to the form; and
- B. The bidder filled out and signed the Request for Small Business Preference form included with the bid documents and attached a copy of their Office of Small Business and Disabled Veteran Business Enterprise Certification small business certification letter to the form.

The small business preference will be a reduction in the bid submitted by the small business contractor, for bid comparison purposes, by an amount equal to 5 percent of the amount bid by the apparent low bidder, the amount not to exceed \$50,000. If this reduction results in the small business contractor becoming the low bidder, then the contract will be awarded to the small business contractor on the basis of the actual bid of the small business contractor notwithstanding the reduced bid price used for bid comparison purposes.

Attention is also directed to "California Company Preference" of these special provisions.

The amount of the California company reciprocal preference shall be equal to the amount of the preference applied by the state of the nonresident contractor with the lowest responsive bid, except where the "California company" is eligible for a California Small Business Preference, in which case the preference applied shall be the greater of the two, but not both.

If the bidder submitting the lowest responsive bid is not a "California company" and with the benefit of the reciprocal preference, a "California company's" responsive bid is equal to or less than the original lowest responsive bid, the "California company" will be awarded the contract at its submitted bid price except as provided below.

Small business bidders shall have precedence over non-small business bidders in that the application of the "California company" preference for which non-small business bidders may be eligible shall not result in the denial of the award to a small business bidder.

SECTION 4. BEGINNING OF WORK, TIME OF COMPLETION AND LIQUIDATED DAMAGES

Attention is directed to the provisions in Section 8-1.03, "Beginning of Work," Section 8-1.06, "Time of Completion," and Section 8-1.07, "Liquidated Damages," of the Standard Specifications and these special provisions.

The Contractor shall begin work within 15 calendar days after the contract has been approved by the Attorney General or the attorney appointed and authorized to represent the Department of Transportation.

This work shall be diligently prosecuted to completion before the expiration of **370 WORKING DAYS** beginning on the date that work begins, or beginning on the fifteenth calendar day after approval of the contract, whichever occurs first. The Contractor shall pay to the State of California the sum of \$4800 per day, for each and every calendar day's delay in finishing the work in excess of the number of working days prescribed above.

DVBE INFORMATION
GOOD FAITH EFFORTS

Low, second low and third low bidders shall submit the following information to demonstrate that a good faith effort to meet the DVBE goal has been made if their CALTRANS BIDDER - DVBE - INFORMATION form indicates that the DVBE goal will not be met.

Even if the bidder's CALTRANS BIDDER -DVBE - INFORMATION form indicates the DVBE goal will be met, bidders should submit the following information to protect their eligibility for award of the contract. This is important because the submittal of only the CALTRANS BIDDER - DVBE - INFORMATION form will not normally provide sufficient information to demonstrate that a good faith effort was made. A bidder may not meet the DVBE goal after the submittal is analyzed by Caltrans for various reasons, e.g., if the subcontractor submitted by the bidder was not certified on the date bids were opened, or if the bidder made a mathematical error.

The following items are listed in Section 2-1.04 of the Special Provisions:

- A. The Office of Small Business and Disabled Veteran Business Enterprise Certification, Department of General Services was contacted to identify DVBEs:

<u>Contact</u>	<u>Dates of Contact</u>
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- B. The names and dates of advertisement in trade media and media focusing on DVBEs:

<u>Media</u>	<u>Dates of Advertisement</u>
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C. The names of all potential DVBEs to whom invitations to bid were submitted:

Names of DVBEs

Dates of Submittals

D. The names of all available DVBEs who were considered for this project:

Names of DVBEs Considered

NOTE:

- USE ADDITIONAL SHEETS OF PAPER IF NECESSARY. APPROPRIATE DOCUMENTATION SUCH AS COPIES OF NEWSPAPER ADS, LETTERS SOLICITING BIDS, AND TELEPHONE LOGS SHOULD ACCOMPANY THIS FORM.

CONTRACT NO. 04-143554
ADDED PER ADDENDUM NO. 2 DATED MARCH 9, 2006