

**ZONE 7 WATER AGENCY
 PPWTP CENTRIFUGE RENTAL SERVICES
 LIVERMORE, CALIFORNIA
 PROJECT 273-18
 ADDENDUM NO. 1
 NOVEMBER 20, 2018**

This Addendum No. 1 (“Addendum”) is dated the date set forth above and modifies certain Bidding Documents issued by the Alameda County Flood Control and Water Conservation District, acting by and through its Zone 7 Water Agency (“District”) in connection with the District’s project: *PPWTP Centrifuge Rental Services, Livermore, California*. All capitalized terms not otherwise defined herein shall have the meanings provided in the Bidding Documents. There are no other amendments to the Bidding Documents other than expressly contained in this Addendum No. 1.

The following clarifications and/or modifications shall be incorporated into plans and specifications for the above-referenced project and shall become part of the Contract Documents. All other provisions and requirements shall remain unchanged.		
CONTRACT DOCUMENTS AND SPECIFICATIONS		
Addendum Item	Document/ Section	Location and Description of Change
1	00200	Replace Specification Document 00200 – Instructions to Bidders with Document 00200A.
2	00481	Insert new Specification Document 00481A – Non-Collusion Affidavit.

Please be reminded that all bidders shall acknowledge receipt of this Addendum No. 1 in Document 00400 (Bid Form) and failure to acknowledge addendum in the Bid Form shall render the bid non-responsive and may be cause for its rejection.

Acknowledgement of receipt of Addendum No. 1 for the PPWTP Centrifuge Rental Services, Livermore, California, Project No. 273-18.

Please also sign and email a copy of this page to Athena Watson, Zone 7 Water Agency, at awatson@zone7water.com to acknowledge receipt of Addendum No. 1 for this project.

 Signature and Print Name

 Date

 Company

INSTRUCTIONS TO BIDDERS

Bids are requested for a Vendor Services Contract, or work described in general, as follows:

1. **RECEIPT OF BIDS.** Sealed Bids will be received by the District at District's office (see paragraph 2 below) by the submission deadline stated in Document 00100 (Advertisement for Bids), paragraph 2 (Bid Submission). District will receive Bids in one opaque, sealed 10" x 13" envelope, containing the respective items described in paragraph 4 below. All Bid envelopes will be time stamped to reflect their submittal time. District will reject all Bids received after the specified time, as determined by District staff by using <http://www.time.gov>, and will return such Bids to Bidders unopened. Bidders must submit Bids in accordance with this Document 00200A.
2. **CONTACT INFORMATION.** Refer to Document 00100 (Advertisement for Bids), paragraph 3 (Contact Information), for contact information on this Project.
3. **BID SUBMISSION.** Bidder shall mark its Bid envelope as "BID FOR ZONE 7 WATER AGENCY" and specify the Services Contract Number and Title as provided in Document 00100 (Advertisement for Bids). Bids shall be deemed to include the written responses of the Bidder to any questions or requests for information of District made as part of Bid evaluation process after submission of Bid. Bidder's failure to submit all required documents strictly as required entitles District to reject the Bid as non-responsive. A bidder must also purchase a set of the bid documents to submit a bid.
4. **CONTENTS OF BID ENVELOPE - BID PRICE.** Bid envelope shall include the following, except as otherwise noted in Document 00800 (Supplementary Conditions):
 - a. Document 00400 (Bid Form) completed in accordance with paragraph 6 of this Document 00200A.
 - b. Document 00411 (Bond Accompanying Bid) Bid security supplied and completed in accordance with paragraph 7 of this Document 00200A.
 - c. [Document 00430 \(Subcontractors List\) in accordance with paragraph 8 of this Document 00200A.](#)
 - d. Document 00450 (Statement of Qualifications). Bidder shall complete this form as indicated.
 - e. [Document 00481A \(Non-Collusion Affidavit\).](#)
 - f. [Document 00482 \(Bidder Certifications\). Bidder shall complete this form as indicated.](#)
5. **NOT USED**
6. **REQUIRED BID FORMS.** All Bidders must submit Bids using, where applicable, documents supplied in this Services Manual, including without limitation Document 00400 (Bid Form), Document 00411 (Bond Accompanying Bid), [Document 00430 Subcontractors List](#), Document 00450 (Statement of Qualifications), [Document 00481A Non-Collusion Affidavit](#), and Document [00482 \(Bidder Certifications\)](#) District will reject as non-responsive any Bid not submitted on the required forms. Bids must be full and complete. Bidders must complete all Bid items and supply all information required by Bidding Documents. District 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 may not modify the Bid Form or qualify their Bids. Bidders must submit clearly and distinctly written Bids. Bidders must clearly make any changes in their Bids by crossing out original entries, entering new entries, and initialing new entries. District reserves the right to reject any Bid not clearly written.
7. **REQUIRED BID SECURITY.** Bidders must submit with their Bids either cash, a cashier's check, or certified check from a responsible bank in the United States, or corporate surety bond furnished by a surety authorized to do business in the State of California, of not less than ten percent of amount of Bid, payable to District. All Bidders choosing to submit a surety bond must submit it on the required form, Document 00411 (Bond Accompanying Bid). District will reject as non-responsive any Bid submitted without the necessary Bid security.

The District may retain Bid securities and Bid bonds of other than the Apparent Low Bidder for a period of 90 Days after award or full execution of the Contract, whichever is the later. Upon full execution of the Contract, and upon request by Bidder prior to the end of the aforementioned 90-Day period, District will return to the respective unsuccessful Bidders their Bid securities and Bid bonds.
8. **REQUIRED SUBCONTRACTORS LIST.** All Bidders must submit with their Bids the required information on all Subcontractors in Document 00430 (Subcontractors List) 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 of total Bid. Violation of this requirement may result in Bid being deemed non-responsive and not being considered.

9. NOT USED

10. PRE-BID SITE VISIT. District will conduct a Pre-Bid Site Visit at the date, time, and location as specified in Document 00100 (Advertisement for Bids). District reserves the right to schedule and organize the Site Visit to minimize disruption to existing facilities and congestion. Bidders are encouraged to submit written questions in connection with the Site Visit. District will transmit to all parties recorded as having received Bidding Documents such Addenda as District in its discretion considers necessary in response to written questions. Bidders shall not rely on oral statements. Oral statements will not be binding or legally effective. Other Pre-Bid Site Visits may be scheduled at District's sole discretion, depending on staff availability. Bidder agrees to provide at least 48 hours advance written notice to District before accessing the Site for any purpose, which notice shall describe the purpose(s), location(s), time(s), and duration(s) of such access.

11. OTHER REQUIREMENTS PRIOR TO BIDDING. Submission of Bid signifies Bidder's careful examination of Bidding Documents and complete understanding of the nature, extent, and location of Services to be performed. Submission of Bid shall constitute Bidder's express representation to the District that Bidder has fully completed these tasks.

12. EXISTING DRAWINGS, GEOTECHNICAL DATA AND SITE INVESTIGATION. Bidders may examine any available existing conditions information (e.g., record documents, specifications, studies, drawings of previous work) by giving District reasonable advance notice, as well as applicable environmental assessment information (if any) regarding the Project

13. ADDENDA. Bidders must direct all questions about the meaning or intent of Bidding Documents to District in writing (Attention: District Representative). Interpretations or clarifications considered necessary by District in response to such questions will be issued by Addenda mailed, electronically mailed, faxed, or delivered to all parties recorded by District as having received Bidding Documents. Addenda will be written and will be issued to each Bidder using the contact information supplied to District by Bidder. District may not answer questions received less than seven (7) Days prior to the date for opening Bids. Only questions answered by formal written Addenda will be binding. Oral and other interpretations or clarifications will be without legal effect.

- a. Addenda may also be issued to modify the Bidding Documents as deemed advisable by District.
- b. Addenda shall be acknowledged by number with signature in Document 00400 (Bid Form) and shall be part of the Contract Documents. A complete listing of Addenda may be secured from District.
- c. Bidders are responsible for ensuring that they have received any and all Addenda. To this end, each Bidder should contact the District Representative listed herein to verify receipt of all Addenda issued, if any, prior to Bid opening.

14. NOT USED.

15. WAGE RATES. Copies of the general prevailing rates of per diem wages for each craft, classification, or type of worker needed to execute the Contract, as determined by Director of the State of California Department of Industrial Relations may be obtained on line at <http://www.dir.ca.gov/dlsr>, and are deemed included in the Bidding Documents. Contractor shall post the applicable prevailing wage rates at the Site. Bidder shall comply with all applicable prevailing wage laws. Bidders shall include all costs of compliance with specified requirements in their Bids.

16. EQUAL EMPLOYMENT OPPORTUNITY. Contractor shall comply with all applicable federal, state, and local laws, rules, and regulations in regard to nondiscrimination in employment because of race, color, ancestry, national origin, religion, sex, marital status, age, medical conditions, disability, or any other reason.

17. BID OPENING. District will open all Bidders' envelopes immediately following the submission deadline stated in Document 00100 (Advertisement for Bids), paragraph 2 (Bid Submission), initially evaluate them for responsiveness, and determine an Apparent Low Bidder as specified herein.

18. DETERMINATION OF APPARENT LOW BIDDER. Apparent Low Bid will be based solely on the total amount of all Bid items (including any alternates) based on assumptions contained in Document 00400 (Bid Form). All Bidders are required to submit Bids on all Bid items (including any alternates). If Apparent Low Bidder is determined to be non-responsive or non-responsible, District will proceed to the Second Apparent Low Bidder's Bid pursuant to any procedures determined in its reasonable discretion, and proceed for all purposes as if this Second Apparent Low Bidder were the original Apparent Low Bidder.

19. BID EVALUATION. District may reject any or all Bids and waive any informalities or minor irregularities in the Bids. District also reserves the right, in its discretion, to reject any or all Bids and to re-bid the Project. District reserves the right to reject any or all nonconforming, non-responsive, unbalanced, or conditional Bids, and to reject the Bid of any Bidder if District 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 District. For purposes of this paragraph, an “unbalanced Bid” is one having nominal prices for some work items and enhanced prices for other work items.

- a. In evaluating Bids, District will consider Bidders’ qualifications, whether or not the Bids comply with the prescribed requirements, unit prices and other data, as may be requested in Document 00400 (Bid Form) or prior to the Notice of Award.
- b. District may conduct reasonable investigations and reference checks of Bidder, proposed Subcontractors, suppliers and other persons and organizations as District deems necessary to assist in the evaluation of any Bid and to establish Bidder’s responsibility, qualifications, financial ability, proposed Subcontractors, suppliers, and other persons and organizations to perform and furnish the Services in accordance with the Contract Documents to District’s satisfaction within the prescribed time. Submission of a Bid constitutes Bidder’s consent to the foregoing. District shall have the right to consider information provided by sources other than Bidder.
- c. Discrepancies between the multiplication of units of Work and unit prices will be resolved in favor of the unit prices. Unless the amount set forth as a unit price is ambiguous, unintelligible, or uncertain for any cause, or is omitted; in the event of such uncertainty, then the amount set forth in the "Total" column for the item will be divided by the estimated quantity for the item, and the price thus obtained will be the unit price. Discrepancies between the indicated sum of any column of figures and the correct sum thereof will be resolved in favor of the correct sum.
- d. Quantities stated in the Bidding Documents are approximate only and are subject to correction upon final measurement of the Work, and are subject further to the rights reserved by the District to increase or diminish the amount of work under any classification as advantages to design or construction needs require.
- e. District may determine whether a Bidder is qualified in its sole discretionary judgment.
- f. Bidder shall also be a California Registered Public Works contractor for their bid to be considered Responsive.

20. AWARD. If the Contract is to be awarded, it will be awarded to the lowest responsible responsive Bidder. Following completion of all required District procedures and receipt of all District approvals, District will issue Document 00510 (Notice of Award) to successful Bidder. Bidder shall work with District to submit Form PWC-100 to the California Department of Industrial Relations within 5 Days of award of Contract.

21. BID PROTEST. Any Bid protest must be submitted in writing to the District’s office (Attention: District Representative), before 3:30 p.m. of the fifth Day following opening of Bidders’ envelopes.

- 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 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. Only Bidders who the District otherwise determines are responsive and responsible are eligible to protest a Bid; protests from any other Bidder will not be considered.
 - e. The party filing the protest must concurrently transmit a copy of the initial protest document and any attached documentation to all other parties with a direct financial interest that 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.
- a. The procedure and time limits set forth in this paragraph are mandatory and are Bidder’s sole and exclusive remedy in the event of Bid protest. 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.

22. POST-NOTICE OF AWARD REQUIREMENTS. After Notice of Award, the successful Bidder must execute and submit the following documents as indicated below.

- a. Submit the following documents to District by 5:00 p.m. of the 10th Day following Notice of Award. Execution of Contract by District depends upon approval of these documents:
 - 1) Document 00520 (Agreement): To be executed by successful Bidder. Submit three originals, each bearing an original signature.
 - 2) Document 00620 (Labor and Material Payment Bond): To be executed by successful Bidder and surety, in the amount set forth in Document 00620 (Labor and Material Payment Bond). Submit one original.
 - 3) Insurance certificates and endorsements required by Document 00821 (Insurance). Submit one original set.

- b. Successful Bidder's failure to submit the documents required herein, in a proper and timely manner, entitles District to rescind its award, and to cause Bidder's Bid security to be forfeited as provided herein.
- 23. FAILURE TO EXECUTE AND DELIVER DOCUMENTS.** If Bidder to whom Contract is awarded shall, within the period described in paragraph 22.a. of this Document 00200A, fail or neglect to execute and deliver all required Contract Documents and file all required bonds, insurance certificates, and other documents, District may, in its sole discretion, foreclose on Bidder's deposit surety bond, or deposit Bidder's cashier's check or certified check for collection, and retain the proceeds thereof as liquidated damages for Bidder's failure to enter into the Contract Documents. Bidder agrees that calculating the damages District may suffer as a result of Bidder's failure to execute and deliver all required Contract Documents would be extremely difficult and impractical and that the amount of Bidder's required Bid security shall be the agreed and presumed amount of District's damages. In addition, upon such failure, District may determine the next Apparent Low Bidder and proceed accordingly.
- 24. MODIFICATION OF COMMENCEMENT OF WORK.** District expressly reserves the right to modify the date for the Commencement of Work under the Contract and to independently perform and complete services related to the Contract. District accepts no responsibility to Contractor for any delays attributed to its need to complete independent work at the Site.
- 25. WITHDRAWAL OF BIDS.** Bidders may withdraw their Bids at any time prior to the Bid opening time fixed in this Document 00200A, only by written request for the withdrawal of Bid filed with the District at the District's office. Bidder or its duly authorized representative shall execute request to withdraw Bid. The submission of a Bid does not commit the District to award a contract for the Services, to pay costs incurred in the preparation of a Bid, or to procure or contract for any goods or services.
- 26. PUBLIC RECORDS ACT REQUESTS.**
- a. Per the Public Records Act, District will make available to the public, all correspondence and written questions submitted during the Bid period, all Bid submissions opened in accordance with the procedures of this Document 00200A, and all subsequent Bid evaluation information. Except as otherwise required by law, District will not disclose trade secrets or proprietary financial information submitted that has been designated confidential by Bidder. Any such trade secrets or proprietary financial information that a Bidder believes should be exempted from disclosure shall be specifically identified and marked as such. Blanket-type identification by designating whole pages or sections shall not be permitted and shall be invalid. The specific information must be clearly identified as such.
- b. Upon a request for records regarding this Bid, District will notify Bidder involved within ten Days from receipt of the request of a specific time when the records will be made available for inspection. If the Bidder timely identifies any "proprietary, trade secret, or confidential commercial or financial" information that Bidder determines is not subject to public disclosure, and requests District to refuse to comply with the records request, Bidder shall take all appropriate legal action and defend District's refusal to produce the information in all forums; otherwise, District will make such information available to the extent required by applicable law, without restriction.
- 27. DEFINITIONS.** All abbreviations and definitions of terms used in this Document 00200A are set forth in Document 00800 (Supplementary Conditions).
- 28. PUBLIC WORKS CONTRACTOR REGISTRATION.** A contractor or subcontractor shall not be qualified to bid on, be listed in a bid proposal, subject to the requirement of Section 4104 of the Public Contract Code, or engage in the performance of any contract for public work, as defined in this chapter [1770-1784 Labor Code], unless currently registered and qualified to perform public work pursuant to Section 7029.1 of the Business and Professional Code or by Section 10164 or 20103.5 of the Public Contract Code, provided the contractor is registered to perform public work pursuant to Section 1725.5 at the time the contract is awarded.

END OF DOCUMENT

NON-COLLUSION AFFIDAVIT

Public Contract Code §7106

NON-COLLUSION AFFIDAVIT TO BE EXECUTED BY BIDDER AND SUBMITTED WITH BID

STATE OF CALIFORNIA)
) ss.
COUNTY OF _____)

[_____] , being first duly sworn, deposes and says that he or she is _____ [Office of Affiant] of _____ [Name of Bidder], the party making the foregoing Bid, that the Bid is not made in the interest of, or on behalf of, any undisclosed person, partnership, company, association, organization, or corporation; that the Bid is genuine and not collusive or sham; that Bidder has not directly or indirectly induced or solicited any other bidder to put in a false or sham Bid, and has not directly or indirectly colluded, conspired, connived or agreed with any bidder or anyone else to put in a sham Bid, or that anyone shall refrain from bidding, and that the Bidder has not in any manner, directly or indirectly, sought by agreement, communication or conference with anyone to fix the Bid price of Bidder or any other bidder, or to fix any overhead, profit or cost element of the Bid price, or of that of any other bidder, or to secure any advantage against the Alameda County Flood Control and Water Conservation District, its Zone 7 Water Agency, or anyone interested in the proposed contract; that all statements contained in the Bid are true; and further, that Bidder has not, directly or indirectly, submitted its Bid price or any breakdown thereof, or the contents thereof, or divulged information or data relative thereto, or paid, and will not pay, any fee to any corporation, partnership, company association, organization, Bid depository, or to any member or agent thereof to effectuate a collusive or sham Bid.

Executed under penalty of perjury under the laws of the State of California:

(Name of Bidder)

(Signature of Principal)

Subscribed and sworn before me _____

This _____ day of _____, 20____

Notary Public of the State of _____

In and for the County of _____

My Commission expires _____ (Seal)

(If Bidder is a partnership or a joint venture, this affidavit must be signed and sworn to by every member of the partnership or venture.)

(If Bidder [including any partner or venturer of a partnership or joint venture] is a corporation, this affidavit must be signed by the Chairman, President, or Vice President and by the Secretary, Assistant Secretary, Chief Financial Officer, or Assistant Treasurer.)

(If Bidder's affidavit on this form is made outside the State of California, the official position of the person taking such affidavit shall be certified according to law.)

END OF DOCUMENT