Montague-Grenada Weir Modification Project

BID PACKET

June 5th, 2020

PROJECT SUMMARY

The Montague-Grenada Weir Modification Project, herein referred to as “the Project”, is located on the Meamber Ranch near Montague in the Shasta Valley, Siskiyou County, California. This project is funded by the US Fish and Wildlife Service (USFWS) and the Cal Fish Passage Forum Grant Programs.

The purpose of this project is to improve fish passage for salmon species through all life stages while preserving the ability of the existing measuring weir to provide accurate flow measurements in the Shasta River. This project will also improve flow control at the pump station just downstream from this concrete structure.

Work consists of excavation of tules and other vegetation along a section of the north bank of the Shasta River on the Meamber Ranch, dewatering and concrete work in the stream channel to improve fish passage at low flows and preserve accuracy for flow measurements at the site.

This job must be started within two weeks of the Notice to Proceed. Contract administration will be performed by the Shasta Valley Resource Conservation District (SVRCD). Construction oversight will be performed by the Project Engineer and field staff from the SVRCD.

CONTRACTOR'S OBLIGATIONS

Contractor must analyze and respond to all sections of this Bid Packet providing sufficient information to allow SVRCD to evaluate the Bids. Contractor, by submitting its bid, agrees that any costs incurred by the Contractor in responding to this Bid Packet, are to be borne by Contractor and may not be billed to SVRCD.

Contractor’s bid must match the order in which the Bid Packet was submitted or clearly state where the information resides. If SVRCD has any confusion or difficulty in retrieving the required information from a Contractor’s bid, it may result in the disqualification of such bid. Contractor may be permitted to resubmit their bid to SVRCD.

BID SUBMISSION REQUIREMENTS

Submission of Bids:

Contractor should submit bid to the address listed below. Only hard copies will be accepted.

Shasta Valley RCD
215 Executive Ct., Suite A
Yreka, CA 96097
**CRITICAL DATES**

**Pre-bid Site Visit**

Contractor is required to attend a pre-bid site field visit on June 22nd at 10 am. Contractors are expected to meet with Shasta Valley RCD staff at SVRCD/NRCS office (215 Executive Ct., Suite A; Yreka, CA) in order to proceed to the site as a group. If the Contractor does not have a representative at this pre-bid site visit, the SVRCD has the right to reject the bid.

Directions to the meeting site: Exit I-5 at the Central Yreka Exit and travel east to an immediate right on Foothill Rd. Take an immediate left at the train depot onto Executive Court. Proceed around the corner to the end of the cul-de-sac.

**Questions Regarding the Bid Packet**

Contractors can submit questions to the Shasta Valley RCD Project Manager, Mike Riney at mriney@svrcd.org at or after the pre-bid site visit and before 2:00 p.m. on June 26th, 2020. Questions will be addressed by 5 pm, June 30th. Answers will be sent by e-mail to all Contractors interested in bidding on the project. Contractor understands and agrees that it has a duty to inquire about and clarify any Bid Packet questions that the Contractor does not fully understand or believes may be interpreted in more than one way. Shasta Valley RCD, however, is not required to answer all questions that are not pertinent to the Bid Packet or are considered to be SVRCD’s proprietary information. The contact information is as follows:

- Mike Riney, Project Manager
  - Email: mriney@svrcd.org
  - Phone: 949.355.3641

**Bid Due Date**

Bids shall be received by SVRCD on or before July 8th at 2:00 p.m. at the Shasta Valley RCD address listed below.

**Address and Marking of Bid**

The envelope enclosing the bid shall be sealed, addressed and delivered or mailed to:

Shasta Valley RCD
215 Executive Ct., Suite A,
Yreka, CA 96097

The envelope shall be plainly marked in the upper left-hand corner with the name and address of the bidder and shall bear the words "Bid for the Montague-Grenada Weir Modification Project 2020”.

**CONTRACTUAL COMMITMENT OF BID**

The contents of submitted bids will be considered obligations of the successful Contractor. No information should be submitted that is not intended to be incorporated into the Bids and any contract, which may result from such Bid. If there is any inconsistency between the terms herein and any of the other contract documents, the terms in the other contract documents shall prevail.

**Contract Completion Date**
SVRCD-Montague-Grenada Weir Modification Project-2020
Due to grant funding restrictions, placing the orders for components for this project must commence no later than two weeks after the notice to proceed, and, weather allowing, construction must commence when components are received. The project must be COMPLETED no later than October 15th, 2020. The final invoice is due to the SVRCD no later than 14 days after an approved final inspection. It is estimated that work on this project should take no more than 20 full-time working days.

LABOR COMPLIANCE
Contractor agrees to be bound by all the provisions of the California State Labor code regarding prevailing wages and shall monitor all contracts subject to reimbursement from this Agreement to assure that the prevailing wage provisions of the Labor Code are being met. The contractor is expected to submit certified payroll on an established schedule to the Department of Industrial Relations (DIR). This project is a public works project; therefore, the following statements apply:

• No contractor or subcontractor may be listed on a bid for a public works project unless registered with the Department of Industrial Relations pursuant to Labor Code section 1725.5. CONTRACTORS AND SUBCONTRACTORS MUST BE REGISTERED PRIOR TO SUBMITTING BID. Register at DIR website: https://www.dir.ca.gov. If you have listed non-registered contractors your bid will be rejected.

• No contractor or subcontractor may be awarded a contract for public work on a public works project unless registered with the DIR pursuant to Labor Code section 1725.5.

• This project is subject to compliance monitoring and enforcement by the DIR. For this project, certified payroll must be filed electronically with DIR by the contractor.

SCOPE OF WORK
Project Specifications:
The project consists of modification of one concrete structure in the Shasta River known as the Montague-Grenada Weir or Watermaster’s Weir.

The Montague-Grenada Weir Modification includes the modification or reconstruction of an existing 56-foot-wide water measuring control structure consisting of concrete sill with a step-down low flow notch, currently. A new 24-foot wide instream concrete fishway with tilt-up stanchions (note: contractor is responsible for fabrication of the stanchions and accompanying hardware) will raise the existing low flow sill to match the weir sill elevation. Resulting flow will provide fish passage meeting California Department of Fish and Wildlife requirements, and reshape the north bank to consolidate and better convey flows past the downstream pump station. Up to 800 linear feet (30 cubic yards) of existing bank vegetation will be removed by Contractor with direction from SVRCD staff, landowner and engineer. Local disposal of material is expected. A Water Control Plan must be submitted with the Contractor’s bid. Water control for the total flow of the Shasta River, around forms and concrete work in the channel portion of the stream, is required to avoid harm to anadromous fish species and water contamination downstream. The work will be staked in the field by the Project Engineer. Existing flow measurement equipment at the weir will be removed by USGS staff prior to construction and replaced after construction is complete.

Contractor is expected to follow attached Cascade Stream Solutions engineering specifications and plans for this project including installation according to vertical and horizontal controls in plans as well as NRCS concrete and backfill specifications. Additional requirements include CA Department of Fish Wildlife (CDFW) and USFWS permits.

Payment Schedule:
SVRCD-Montague-Grenada Weir Modification Project-2020

Contractor will be paid for expenses based on the following schedule. This schedule is negotiable and can be refined during the contracting process. The Shasta Valley RCD must receive invoices no later than the 5th of each month in order to adhere to the SVRCD’s billing schedule. The following is a suggested payment schedule:

- **Payment #1:** Payment for materials upon delivery of a detailed invoice that is approved by construction manager.
- **Payment #2:** Upon completion of 100% of the contract and final approval by construction manager and upon receipt of invoice reflecting the remaining balance of the contract.
- **Payment #3:** 10% withheld, if applicable. In the event that the Project is not fully functional when this construction contract is considered complete, (final approval see payment #2); the SVRCD reserves the right to withhold 10% of the payment due until the Project is fully tested and operational.

Payments to the contractors shall be paid within thirty (30) days from receipt of the funds by the SVRCD from the funding agency, which can be as much as six months after invoice submittal for this particular grant. SVRCD will make every effort to expedite payment to the contractor.

**BID DETAILS:**

This contract will not be awarded based solely on the lowest bid. This project requires experience and references as described in the Additional Information section under the subheading References & Required Experience. Bidders will be evaluated using the Contractor Bid Scoring Sheet.

The Contractor shall submit the bid for activities identified in this Bid Packet in the following manner on the attached bid form. Bid may be rejected if the attached bid form is not used or is not complete. Bids should reflect the following information:

Lump sum bid with details on:

- Mobilization
- Materials
- Bonds and Insurance
- Dewatering plans and ability to follow permit requirements
- Modification of existing facilities
- Installation of new concrete weir components to specifications
- Erosion control/cleanup/demobilization

**Quantity Variations:**

Where the quantity of work shown for an item in the project plans or outlined in this Bid Packet, including any modification thereof, is estimated, no adjustment of the contract price nor of the performance time shall be made for over-runs or under-runs which are within 15 percent of the estimated quantity of any such item. For over-runs of more than 15 percent, the engineer shall re-estimate the quantity for the item, establish an equitable contract price for the over-run of more than 15 percent (using the bid schedule), adjust contract performance time, and modify the contract in form of a written change order to be approved and signed by Contractor and SVRCD. For under-runs of more than 15 percent, the engineer shall determine the quantity for the item, establish an equitable contract price therefore (using bid schedule), adjust contract performance time, and modify the contract in the form of a written change order to be approved and signed by Contractor and SVRCD.

**Additional Information and Required Documents**

**Presence of livestock and irrigation water:** The Project is located on privately owned active cattle ranches. Construction activities cannot prohibit or interfere with ongoing cattle operations. The Contractor is responsible for ensuring that construction activities will not harm or disturb...
SVRCD-Montague-Grenada Weir Modification Project-2020

livestock. The SVRCD will work with the Contractor to ensure cattle are moved to alternate pasture, as needed, in order to prevent livestock escapement. The Contractor is expected to notify the SVRCD 48 hours in advance if construction activities are expected to interfere with any livestock or irrigation activities. Removal of fencing for construction will be replaced at no cost to the landowner.

Vehicle access: Contractor is responsible for transferring materials to and from the job site. The access points to the construction area via ranch roads and designated staging areas will be identified during the pre-bid site visit. The SVRCD is not responsible for damage that may occur to vehicles as a result of access to project site. The SVRCD and landowner recognize that increased traffic on ranch roads and across pastures during construction may result in their eventual wear and tear. Contractor is responsible for completing necessary grading of roads and pastures to return them to pre-project condition.

Re-seeding of disturbed areas: The contractor is responsible for seeding and mulching any disturbed pasture area, re-grading of the ditch to match existing grade, and returning any other area disturbed from project related activities back to existing conditions.

Spill Prevention/Cleanup: The Contractor is responsible for having materials on site to apply immediately in the event of a leak or spill from any vehicle or heavy equipment.

Licensed in the State of California: All Contractors must be licensed in the State of California in the category of work to be performed on this project (License Class-A).

Subcontracting: Any subcontractors must be identified along with the defined work they will perform on the bid form provided. The SVRCD will not refuse a bid based on the use of subcontractors but does retain the right to refuse the subcontractors selected. Contractor shall remain solely responsible for all subcontracted work.

Utility Location: Contractor is responsible for locating all underground utilities prior to ground disturbing activities.

References: Contractor is required to provide at least three (3) references that can speak to the contractor’s experience in the type of work identified in Cascade Stream Solutions Engineered Plans and Specifications. Reference information should include a contact name and current phone numbers.

Bonding: Each bid must be submitted on the prescribed bid form and accompanied by Bid Security in the form of a certified cashier’s check or a corporate bid bond, payable to the SVRCD, in the amount of five percent (5%) of the bid. A performance and payment bond equal to a 100% of the contract price must also be submitted.

Warranty: Contractor must warranty all materials and work for 12 months.

Insurance: The successful bidder will be required to provide SVRCD with proof of insurance that meets the requirements set forth in the contract.

SAM (System for Award Management) Registration: Contractor, subcontractors and suppliers must in good standing to do business with the federal government through SAM.

Disputes: Disputes regarding awarding of bids will be decided by the SVRCD Board. Written appeal must be received within 10 days of award to Shasta Valley Resource Conservation District, 215 Executive Ct, Suite A, Yreka, CA 96097.

ATTACHMENTS

- Bid Form Attachment No. 1: Contractor Information
- Bid Form Attachment No. 2: Bid Schedule
- Bid Form Attachment No. 3: Proposed Sub-Contractor Form
SVRCD-Montague-Grenada Weir Modification Project-2020

- Bid Form Attachment No. 4: Project Questionnaire
- Bid Form Attachment No. 5: Contractor Scoring Sheet
- Bid Form Attachment No. 6: Public Contract Code Questions
- New Public Works Contractor Registration Law (SB854)
- Concrete Delivery Legislation (AB219) Fact Sheet
- Project Plans: Cascade Stream Solutions Design
- NRCS Specifications
  - Concrete 900
  - Earth Fill 903
Bid Form Attachment No. 1: Contractor Information

Bid Due: 07/08/2020 at 2:00 pm

General Information:

Company Name: __________________________________________________________

Company Address: ________________________________________________________

Contact Name: __________________________________________________________

Phone: ______________________ Fax: ______________________

Email: ______________________ Federal ID or SSN #: ______________________

CA Contractor License #: ______________________

Years in Business: ________________

Please include the following in your response to this RFP. Mark Y if included mark N if not included. **SVRCD will reject any bid if the contractor does not provide adequate documentation of the following requirements to bid on this project**

- Copy of Contractor’s License
- Copy of SAM Registration [https://sam.gov/SAM/](https://sam.gov/SAM/)
- Copy of Non-Discrimination Policy

**References:** Provide a minimum of 3 references, with contact names and phone numbers for each reference.

1. (CONTACT NAME) ____________________________ (PHONE) ______________________
   (BUSINESS NAME) ______________________________

2. (CONTACT NAME) ____________________________ (PHONE) ______________________
   (BUSINESS NAME) ______________________________

3. (CONTACT NAME) ____________________________ (PHONE) ______________________
   (BUSINESS NAME) ______________________________
Warranty
Please check the box and print the name of company to acknowledge that the company guarantees the work and materials for 12 months upon accepted completion of work.

☐ _____________________________, warranties the work and materials for 12 months upon accepted completion of work.
(name of company)

Bid Validity
Please specify the length of time this bid is valid for (must be a minimum of 30 days)

___________________________ days

Bid Information
Bidder agrees to accept as full payment the following total base bid price:

_________________________________________________________ dollars
(in words)

______________________________
(in numerals)

In the event of a discrepancy, amount in words shall prevail.

The bidder hereby acknowledges that the total base bid price is based solely on the bidder’s own estimate of costs and includes all applicable taxes, overheads, and profit.

Contractor Signature_________________________________________________________

Additional bid Information: Please provide detailed information as outlined in the bid schedule below. Costs shown above should include all materials, labor, taxes, overheads, and profit, which must also be included in following schedule. The cost breakdown outlined below will be used in case a change order is requested/required due to over-run or under-run greater than 15% of estimated quantities (see Quantity Variations outlined above).
SVRCD-Montague-Grenada Weir Modification Project-2020

**Bid Form Attachment No. 2: Bid Schedule**

<table>
<thead>
<tr>
<th>Item</th>
<th>Description (confirm based on plans and specifications)</th>
<th>Estimated Quantity</th>
<th>Unit Bid</th>
<th>Total Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Mobilization, Demobilization Insurance and Bonds</td>
<td>1</td>
<td>Lump Sum</td>
<td></td>
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<tr>
<td>2</td>
<td>Removal and replacement of fencing, construction</td>
<td>1</td>
<td>Lump Sum</td>
<td></td>
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<tr>
<td></td>
<td>preparations for modification of concrete weir.</td>
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<td>3</td>
<td>Vegetation excavation and removal</td>
<td>30</td>
<td>CY</td>
<td></td>
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<tr>
<td>4</td>
<td>Water Control Plan - Dewatering of channel for</td>
<td>1</td>
<td>Lump Sum</td>
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<tr>
<td></td>
<td>construction</td>
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<tr>
<td>5</td>
<td>Fish Ladder Construction: forms for concrete work</td>
<td>1</td>
<td>Lump Sum</td>
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<td></td>
<td>and placement of 3000 psi concrete formed fishway,</td>
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<td></td>
<td>and modification of low-flow notch</td>
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<td>6</td>
<td>Fabrication and installation of stanchions and</td>
<td>1</td>
<td>Lump Sum</td>
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<td>flashboards</td>
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<td>7</td>
<td>Rock Scour Protection</td>
<td>34</td>
<td>CY</td>
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<td>8</td>
<td>Erosion control, road and site cleanup</td>
<td>1</td>
<td>Lump Sum</td>
<td></td>
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</tbody>
</table>

**TOTAL BID COST**

$
Bid Form Attachment No. 3: Proposed Sub-Contractor Form

The BIDDER should submit with the Bid Form a listing of names and business addresses of subcontracting firms or businesses that will be awarded subcontractors for portions of Work as described above.

The Subcontractor list shall be completed and should include the following information:

1. Subcontractors, listing each subcontractor whose subcontract amount is more than 10 percent of the Contract price with whom the Bidder, if awarded the Contract, will subcontract for performance.
2. The categories of work those subcontractors will perform on the Contract.

A Proposal will be considered non-responsive and will be rejected if the BIDDER does not correctly complete the Subcontract List contained herein and include this Proposed Subcontractor list with the Bid Form.

A. List of Subcontractors to be used

<table>
<thead>
<tr>
<th>Subcontractor Name/Address/License #</th>
<th>Work</th>
<th>Dollar Amount</th>
<th>% of Total</th>
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B. Material Suppliers List

<table>
<thead>
<tr>
<th>Supplier</th>
<th>Material</th>
<th>Dollar Amount</th>
<th>% of Total</th>
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</table>
SVRCD-Montague-Grenada Weir Modification Project-2020

BID FORM ATTACHMENT NO. 4: Project Questionnaire

Please initial _____ if contractor has **direct previous experience** fulfilling labor compliance requirements, including, but not limited to, wage determinations, submission of payroll records, etc.

If no **direct** previous experience, please list below who will assist in meeting this requirement.
Please include contact information and experience.

________________________________________________________________________________

Please fill in the Contractor’s project schedule below:

**SVRCD Schedule**
- Invitation to Bid: June 5th, 2020
- Pre-bid On-Site Meeting: Monday June 22nd, 2020; 10:00 am at SVRCD Office
- Question Deadline: June 26th, 2020 2:00 pm
- Answers provided to contractor from SVRCD: June 30th, 2020
- Bids Due and opened: July 8th, 2020 2:00 pm
- Bidder Selected and Awarded: July 15th, 2020 at the SVRCD Special Board Meeting
- Contract and NTP issued: by August 3rd, 2020
- Project Complete: October 15th, 2020

**Contractor’s Schedule (please write dates in space provided after each milestone **)**

- **Order Materials by:**
- **Mobilize by:**
- **Start Construction Activities by:**
- **End Construction Activities by:**
- **Final Invoice to RCD by:**

Please Initial _____ if Contractor understands that the above schedule is binding and will be used **to determine contractor’s suitability for the project**, as well as evaluating contractor performance and liquidated damage obligations.

To determine contractor’s availability, in space provided below, please include a list of projects contractor already has in place summer/fall of 2020.

Please list personnel/staff that would be available to work on project. Resumes can be included for reference.
**BID FORM ATTACHMENT NO. 5: Contractor Scoring Sheet**

*For Information Only - Contractor does NOT fill out*

To be completed by SVRCD - Contractor Bid Scoring Sheet

<table>
<thead>
<tr>
<th>Project Title:</th>
<th>Montague-Grenada Weir Modification Project</th>
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<tbody>
<tr>
<td>Bidder/Contractor:</td>
<td></td>
</tr>
<tr>
<td>Lump Sum Bid Amount:</td>
<td></td>
</tr>
<tr>
<td>Where does this Bid rank?</td>
<td></td>
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</tbody>
</table>

The SVRCD will reject any bid if the contractor does not provide adequate documentation of the following requirements to bid on this project.

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Y</th>
<th>N</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contractor's License necessary is up to date for general contractor and all listed subcontractors to perform project:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>DIR registration is up to date for general contractor and all listed subcontractors:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>SAM registration is up to date for general contractor and all listed subcontractors and vendors</td>
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<tr>
<td>Non-Discrimination Policy</td>
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<td></td>
</tr>
</tbody>
</table>

Experience with similar projects (based on References and/or RCD experience with Contractor and/or what is listed as experience):

Exhibits an understanding of project through experience or has provided a sufficient workplan:

Following requirements will be evaluated on the following scoring criteria:

<table>
<thead>
<tr>
<th>Scoring Criteria</th>
<th></th>
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<tbody>
<tr>
<td>5 = Excellent</td>
<td></td>
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<tr>
<td>3 = Adequate</td>
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<tr>
<td>0 = Inadequate (cause for rejection of bid)</td>
<td></td>
</tr>
</tbody>
</table>

Guarantee on Services:

Labor Compliance Experience (direct experience or hired):

Ability to implement project within stipulated timeframe:

Labor force to perform work:

Explain any potential conflicts of interest that could arise from hiring this contractor.
Public Contract Code 10285.1 - Fraud, Bribery, Collusion, Conspiracy

Any state agency may suspend, for a period of up to three years from the date of conviction, any person from bidding upon, or being awarded, a public works or services contract with the agency under this part or from being a subcontractor at any tier upon the contract, if that person, or any partner, member, officer, director, responsible managing officer, or responsible managing employee thereof, has been convicted by a court of competent jurisdiction of any charge of fraud, bribery, collusion, conspiracy, or any other act in violation of any state or federal antitrust law in connection with the bidding upon, award of, or performance of, any public works contract, as defined in Section 1101, with any public entity, as defined in Section 1100, including, for the purposes of this article, the Regents of the University of California or the Trustees of the California State University.

The bidder declares under penalty of perjury that neither the person nor any subcontractor to be engaged by the person has been convicted of any of the offenses referred to in this section within the preceding three years.

The Bidder Has ______________ Has Not ______________

Signature __________________________________ Date ______________________

Public Contract Code 7106 – Noncollusion Declaration

I am the ______________ of ______________, the party making the foregoing bid.

The bid is not made in the interest of, or on behalf of, any undisclosed person, partnership, company, association, organization, or corporation. The bid is genuine and not collusive or sham. The bidder has not directly or indirectly induced or solicited any other bidder to put in a false or sham bid. The bidder has not directly or indirectly colluded, conspired, connived, or agreed with any bidder or anyone else to put in a sham bid, or to refrain from bidding. The bidder has not in any manner, directly or indirectly, sought by agreement, communication, or conference with anyone to fix the bid price of the 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. All statements contained in the bid are true. The bidder has not, directly or indirectly, submitted his or her bid price or any breakdown thereof, or the contents thereof, or divulged information or data relative thereto, to any corporation, partnership, company, association, organization, bid depository, or to any member or agent thereof, to effectuate a collusive or sham bid, and has not paid, and will not pay, any person or entity for such purpose.

Any person executing this declaration on behalf of a bidder that is a corporation, partnership, joint venture, limited liability company, limited liability partnership, or any other entity, hereby represents that he or she has full power to execute, and does execute, this declaration on behalf of the bidder.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration is executed on ______________________[date], at ______________________[city], ______________________[state].

Signature __________________________________________________________________
Public Contract Code 10162 – Disqualification from Bidding
All prospective bidders must complete under penalty of perjury the below questionnaire inquiring whether such prospective bidder, any officer of such bidder, or any employee of such bidder who has a proprietary interest in such bidder, has ever been disqualified, removed, or otherwise prevented from bidding on, or completing a federal, state, or local government project because of a violation of law or a safety regulation, and if so to explain the circumstances.

A bid may be rejected on the basis of a bidder, any officer of such bidder, or any employee of such bidder who has a proprietary interest in such bidder, having been disqualified, removed, or otherwise prevented from bidding on, or completing a federal, state, or local project because of a violation of law or a safety regulation.

Has the bidder, any officer of the bidder, or any employee of the bidder who has a proprietary interest in the bidder, ever been disqualified, removed, or otherwise prevented from bidding on, or completing a federal, state, or local government project because of a violation of law or a safety regulation?
Yes _________ No ______________
If the answer is yes, explain the circumstances in the following space.

Signature ______________________________ Date _______________________

Public Contract Code Section 10232 Statement – Contempt of Court
Pursuant to Public Contract Code Section 10232, the Contractor shall swear, under penalty of perjury, that no more than one final, unappealable finding of contempt of court by a Federal court has been issued against the Contractor within the immediately preceding 2-year period because of the Contractor’s failure to comply with an order of a Federal court which orders the Contractor to comply with an order of the National Labor Relations Board. For purposes of Section 10232 a finding of contempt does not include any finding which has been vacated, dismissed, or otherwise removed by the court because the Contractor has complied with the order which was the basis for the finding. The State may rescind any contract in which the Contractor falsely swears to the truth of the statement required by Section 10232.

Signature ______________________________ Date _______________________

Public Contract Code Section 7110 - Child and family support
The Contractor acknowledges in accordance with Public Contract Code Section 7110, that:

a) the Contractor recognizes the importance of child and family support obligations and shall fully comply with all applicable state and federal laws relating to child and family support enforcement, including, but not limited to, disclosure of information and compliance with earnings assignment orders, as provided in Chapter 8 (commencing with Section 5200) of Part 5 of Division 9 of the Family Code; and

b) the Contractor, to the best of its knowledge is fully complying with the earnings assignment orders of all employees, and is providing the names of all new employees to the New Hire Registry maintained by the California Employment Development Department.

Signature ______________________________ Date _______________________

Public Contract Code 10285.1 - Fraud, Bribery, Collusion, Conspiracy

Any state agency may suspend, for a period of up to three years from the date of conviction, any person from bidding upon, or being awarded, a public works or services contract with the agency under this part or from being a subcontractor at any tier upon the contract, if that person, or any partner, member, officer, director, responsible managing officer, or responsible managing employee thereof, has been convicted by a court of competent jurisdiction of any charge of fraud, bribery, collusion, conspiracy, or any other act in violation of any state or federal antitrust law in connection with the bidding upon, award of, or performance of, any public works contract, as defined in Section 1101, with any public entity, as defined in Section 1100, including, for the purposes of this article, the Regents of the University of California or the Trustees of the California State University.

The bidder declares under penalty of perjury that neither the person nor any subcontractor to be engaged by the person has been convicted of any of the offenses referred to in this section within the preceding three years.

The Bidder Has ______________ Has Not ______________

Signature __________________________________ Date ______________________

Public Contract Code 7106 – Noncollusion Declaration

I am the _________________ of ______________________, the party making the foregoing bid.

The bid is not made in the interest of, or on behalf of, any undisclosed person, partnership, company, association, organization, or corporation. The bid is genuine and not collusive or sham. The bidder has not directly or indirectly induced or solicited any other bidder to put in a false or sham bid. The bidder has not directly or indirectly colluded, conspired, connived, or agreed with any bidder or anyone else to put in a sham bid, or to refrain from bidding. The bidder has not in any manner, directly or indirectly, sought by agreement, communication, or conference with anyone to fix the bid price of the 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. All statements contained in the bid are true. The bidder has not, directly or indirectly, submitted his or her bid price or any breakdown thereof, or the contents thereof, or divulged information or data relative thereto, to any corporation, partnership, company, association, organization, bid depository, or to any member or agent thereof, to effectuate a collusive or sham bid, and has not paid, and will not pay, any person or entity for such purpose.

Any person executing this declaration on behalf of a bidder that is a corporation, partnership, joint venture, limited liability company, limited liability partnership, or any other entity, hereby represents that he or she has full power to execute, and does execute, this declaration on behalf of the bidder.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration is executed on _________________[date], at _________________[city], _________________[state].

Signature ______________________________________________________________
Public Contract Code 10162 – Disqualification from Bidding
All prospective bidders must complete under penalty of perjury the below questionnaire inquiring whether such prospective bidder, any officer of such bidder, or any employee of such bidder who has a proprietary interest in such bidder, has ever been disqualified, removed, or otherwise prevented from bidding on, or completing a federal, state, or local government project because of a violation of law or a safety regulation, and if so to explain the circumstances.

A bid may be rejected on the basis of a bidder, any officer of such bidder, or any employee of such bidder who has a proprietary interest in such bidder, having been disqualified, removed, or otherwise prevented from bidding on, or completing a federal, state, or local project because of a violation of law or a safety regulation.

Has the bidder, any officer of the bidder, or any employee of the bidder who has a proprietary interest in the bidder, ever been disqualified, removed, or otherwise prevented from bidding on, or completing a federal, state, or local government project because of a violation of law or a safety regulation?
Yes __________  No ______________
If the answer is yes, explain the circumstances in the following space.

Signature ______________________________ Date _______________________

Public Contract Code Section 10232 Statement – Contempt of Court
Pursuant to Public Contract Code Section 10232, the Contractor shall swear, under penalty of perjury, that no more than one final, unappealable finding of contempt of court by a Federal court has been issued against the Contractor within the immediately preceding 2-year period because of the Contractor’s failure to comply with an order of a Federal court which orders the Contractor to comply with an order of the National Labor Relations Board. For purposes of Section 10232 a finding of contempt does not include any finding which has been vacated, dismissed, or otherwise removed by the court because the Contractor has complied with the order which was the basis for the finding. The State may rescind any contract in which the Contractor falsely swears to the truth of the statement required by Section 10232.

Signature ______________________________ Date _______________________

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The Contractor acknowledges in accordance with Public Contract Code Section 7110, that:

a) the Contractor recognizes the importance of child and family support obligations and shall fully comply with all applicable state and federal laws relating to child and family support enforcement, including, but not limited to, disclosure of information and compliance with earnings assignment orders, as provided in Chapter 8 (commencing with Section 5200) of Part 5 of Division 9 of the Family Code; and

b) the Contractor, to the best of its knowledge is fully complying with the earnings assignment orders of all employees, and is providing the names of all new employees to the New Hire Registry maintained by the California Employment Development Department.

Signature ______________________________ Date _______________________

Public Works Reforms (SB 854) Fact Sheet

Public Works Contractors – Effective 7/1/17 PWCR registration increases to $400.

Public works reforms (SB 854) were signed into law on June 20, 2014. The reforms made several significant changes to the administration and enforcement of prevailing wage requirements by the Department of Industrial Relations (DIR). Among other things, SB 854 established a public works contractor registration program to replace prior Compliance Monitoring Unit (CMU) and Labor Compliance Program (LCP) requirements for bond-funded and other specified public works projects. The fees collected through the program established by SB 854 are used to fund DIR’s public works activities.

Essentials of public works contractor registration program:

- Contractors are subject to a registration and annual renewal fee set at $400. This fee is non-refundable and applies to all contractors and subcontractors who intend to bid or perform work on public works projects (as defined under the Labor Code).
- Contractors apply and pay the fee online and must meet minimum qualifications to be registered as eligible to bid and work on public works projects:
  - Must have workers’ compensation coverage for any employees and only use subcontractors who are registered public works contractors.
  - Must have Contractors State License Board license if applicable to trade.
  - Must not have any delinquent unpaid wage or penalty assessments owed to any employee or enforcement agency.
  - Must not be under federal or state debarment.
  - Must not be in prior violation of this registration requirement once it becomes effective. However, for the first violation in a 12-month period, a contractor may still qualify for registration by paying an additional penalty.
- The registration fee is not related to any project. It is more like a license that enables the registrant to bid on and perform public works.
- DIR provides a searchable database of registered contractors and subcontractors on its website, so that awarding bodies and contractors can comply with the requirement to only use registered contractors and subcontractors.
- Various protections are built in so that
  - A contractor won’t be in violation for working on a private job that is later determined to be public work;
  - The inadvertent listing of an unregistered subcontractor on a bid doesn’t necessarily invalidate that bid;
  - A contract with an unregistered contractor or subcontractor is subject to cancellation but is not void as to past work;
  - An unregistered contractor or subcontractor can be replaced with one who is registered;
A contractor whose registration lapses will have a 90-day grace period within which to pay a late fee and renew.

- Contractors and subcontractors register online. The preferred method of payment is by credit card.
- The requirement to list only registered contractors and subcontractors on bids became effective on March 1, 2015. The requirement to only use registered contractors and subcontractors on public works projects applies to all projects awarded on or after April 1, 2015.

**Essentials of Public Works Enforcement Fund:**

All contractor registration fees go into the State Public Works Enforcement Fund and are used to fund the following items:

- Administration of contractor registration requirement;
- All DIR costs for administering and enforcing public works laws;
- Labor Commissioner’s enforcement of other Labor Code violations on monitored public works projects.

DIR no longer charges awarding bodies for prevailing wage compliance monitoring and enforcement on legacy CMU projects.

**Related changes in DIR’s administration and enforcement of public works requirements:**

- Requirements to use CMU or specified alternative (labor compliance program or project labor agreement) for state bond-funded and other specified projects were eliminated and replaced by requirements that apply to all public works projects (as defined under the Labor Code).

- Awarding bodies are required to submit PWC-100 (contract award notice) for all public works projects.

- Contractors and subcontractors on all public works projects are required to submit certified payroll records (CPRs) to the Labor Commissioner unless excused from this requirement.
  - CPRs are furnished to the Labor Commissioner online
  - This requirement phases in as follows:
    - Applied to public works projects that had been under CMU monitoring;
    - Applies to any new projects awarded on or after April 1, 2015;
    - May apply to other projects as determined by Labor Commissioner;
    - Applies to all public works projects, (except those listed under Exemptions just below), on and after January 1, 2016.

- **Exemptions:** As of April 1, 2015, and even after January, 1, 2016, the following projects are exempt from the requirement to have contractors and subcontractors furnish certified payroll records (CPRs) to the Labor Commissioner:

  **Small Project Exemption**

  Contractors who work exclusively on small public works projects are not required to register as a public works contractor or file electronic certified payroll reports for those projects. Contractors are still required to maintain certified payroll records on a continuous basis, and provide them to the Labor Commissioner’s Office upon request. Additionally, awarding agencies are not required to submit the notice of contract award
through DIR’s PWC-100 system on projects that fall within the small project exemption. The small project exemption applies for all public works projects that do not exceed:

- $25,000 for new construction, alteration, installation, demolition or repair
- $15,000 for maintenance

Any projects monitored and enforced by the following legacy LCPs:

- California Department of Transportation (Caltrans)
- City of Los Angeles
- Los Angeles Unified School District
- County of Sacramento

Projects covered by qualifying project labor agreements, at the Labor Commissioner’s discretion.

- Requirements for awarding bodies to adopt and enforce a DIR-approved LCP are now limited to: (1) ongoing public works projects awarded prior to January 1, 2012, that were under a pre-existing LCP requirement (see the four legacy LCPs listed above) and (2) projects funded in whole or in part by Proposition 84.

June 2017
Public Works Reforms (SB 854) Fact Sheet

Public works reforms (SB 854) were signed into law on June 20, 2014. The reforms made several significant changes to the administration and enforcement of prevailing wage requirements by the Department of Industrial Relations (DIR). Among other things, SB 854 established a public works contractor registration program to replace prior Compliance Monitoring Unit (CMU) and Labor Compliance Program (LCP) requirements for bond-funded and other specified public works projects. The fees collected through the program established by SB 854 are used to fund DIR's public works activities.

Essentials of public works contractor registration program:

- Contractors are subject to registration and annual renewal fee set initially at $300. The fee is non-refundable and applies to all contractors and subcontractors who intend to bid or perform work on public works projects (as defined under the Labor Code).
- Contractors apply and pay fee online and must meet minimum qualifications to be registered as eligible to bid and work on public works projects:
  - Must have workers' compensation coverage for any employees and only use subcontractors who are registered public works contractors.
  - Must have Contractors State License Board license if applicable to trade.
  - Must not have any delinquent unpaid wage or penalty assessments owed to any employee or enforcement agency.
  - Must not be under federal or state debarment.
  - Must not be in prior violation of this registration requirement once it becomes effective. However, for the first violation in a 12-month period, a contractor may still qualify for registration by paying an additional penalty.
- The registration fee is not related to any project. It is more like a license that enables the registrant to bid on and perform public works.
- DIR provides a searchable database of registered contractors and subcontractors on its website, so that awarding bodies and contractors can comply with the requirement to only use registered contractors and subcontractors.
- Various protections are built in so that:
  - A contractor won't be in violation for working on a private job that is later determined to be public work;
  - The inadvertent listing of an unregistered subcontractor on a bid doesn't necessarily invalidate that bid;
  - A contract with an unregistered contractor or subcontractor is subject to cancellation but is not void as to past work;
  - An unregistered contractor or subcontractor can be replaced with one who is registered;
  - A contractor whose registration lapses will have a 90-day grace period within which to pay a late fee and renew.
- Contractors and subcontractors register online. The preferred method of payment is by credit card.
- The requirement to list only registered contractors and subcontractors on bids became effective on March 1, 2015. The requirement to only use registered contractors and subcontractors on public works projects applies to all projects awarded on or after April 1, 2015.

Essentials of Public Works Enforcement Fund:

All contractor registration fees go into the State Public Works Enforcement Fund and are used to fund the following items:

- Administration of contractor registration requirement;
- All DIR costs for administering and enforcing public works laws;
- Labor Commissioner’s enforcement of other Labor Code violations on monitored public works projects.

DIR no longer charges awarding bodies for prevailing wage compliance monitoring and enforcement on legacy CMU projects.

Related changes in DIR's administration and enforcement of public works requirements:

- Requirements to use CMU or specified alternative (labor compliance program or project labor agreement) for state bond-funded and other specified projects were eliminated and replaced by requirements that apply to all public works projects (as defined under the Labor Code).
- Awarding bodies are required to submit PWC-100 (contract award notice) for all public works projects.
- Contractors and subcontractors on all public works projects are required to submit certified payroll records (CPRs) to the Labor Commissioner unless excused from this requirement.
  - CPRs are furnished to the Labor Commissioner online.
  - This requirement phases in as follows:
    - Applied to public works projects that had been under CMU monitoring;
    - Applies to any new projects awarded on or after April 1, 2015;
    - May apply to other projects as determined by Labor Commissioner;
    - Applies to all public works projects, except those listed under Exemptions below, on and after January 1, 2016.
- Exemptions: As of April 1, 2015, and even after January 1, 2016, the following projects are exempt from the requirement to have contractors and subcontractors furnish certified payroll records (CPRs) to the Labor Commissioner.

http://www.dir.ca.gov/public-works/PublicWorksSB854.html 12/12/2016
Any projects monitored and enforced by the following legacy LCPs:
- California Department of Transportation (Caltrans)
- City of Los Angeles
- Los Angeles Unified School District
- County of Sacramento

Projects covered by qualifying project labor agreements, at the Labor Commissioner’s discretion.

- Requirements for awarding bodies to adopt and enforce a DIR-approved LCP are now limited to: (1) ongoing public works projects awarded prior to January 1, 2012, that were under a pre-existing LCP requirement (see the four legacy LCPs listed above) and (2) projects funded in whole or in part by Proposition 84.

April 2016

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Concrete Delivery Legislation (AB 219) Fact Sheet

Assembly Bill 219 (Daily, Chapter 739, Statutes of 2015) adds Section 1720.9 to the Labor Code. This bill expands the definition of public works under the California Prevailing Wage Law to include:

...the hauling and delivery of ready-mixed concrete to carry out a public works contract, with respect to contracts involving any state agency, including the California State University and the University of California, or any political subdivision of the state.

Section 1720.9 defines the term ready-mixed concrete and specifies that the rate of pay shall be the current prevailing wage "for the geographical area in which the factory or batching plant is located" as determined by the Department of Industrial Relations. The statute also requires a written agreement between the party hauling or delivering ready-mixed concrete and the party that engaged its services. The agreement must specify compliance with the Prevailing Wage Law.

Finally, section 1720.0 requires that the hauling or delivery company provide certified payroll records under Labor Code section 1776(a) to the party that engaged its services and to the general contractor within five working days after the employee has been paid, accompanied by a written time record. The time record must be certified by each driver for the performance of job duties.

The amendments do not apply to public works contracts that were advertised for bid or awarded prior to July 1, 2010.

Registration with the Department of Industrial Relations

Ready-mix haulers and companies that deliver ready-mixed concrete for public works projects are considered subcontractors under Labor Code section 1722.1 and must register with the Department of Industrial Relations as specified in Labor Code section 1726.5. A Contractors State License Board license is not required to register with DIR or to work on a public works project (contractors working in a trade that is subject to licensing by the CSLB will still be subject to CSLB licensing requirements).

Suppliers and other trucking companies will need to provide a Public Utilities Commission license number, U.S. Department of Transportation license number, and any other state or federal license, if one is required for your business. If none of these apply, the supplier can register with DIR by selecting other in the license type menu and entering N/A for not applicable in the license number field.

September 2016