

Notice Inviting Bids

1. **Bid Acceptance.** The Moss Landing Harbor District ("Owner") will accept sealed bids for its B-177 and J DOCK PILE REPLACEMENT PROJECT ("Project"), by or before July 15, 2020 at 2 p.m., at Moss Landing Harbor District, Attn: Tommy Razzeca, General Manager, 7881 Sandholdt Road, Moss Landing, California 95039, at which time the bids will be publicly opened and read aloud. Owner reserves the right to reject any and all bids and to waive any non-substantive irregularities. This Notice relates exclusively to removal, furnishing and replacement of one (1) guide pile at B-177 floating dock and two (2) gangway support piles at J Dock, removal and the re-installment of the J Dock gangway.

2. **Project Information.**

2.1 Location and Description. The Project is located at the Moss Landing South Harbor, and is described as follows:

Removal and disposal of one damaged concrete pile and pile guide; installation of one (1) Contractor-provided precast concrete pile and one (1) Contractor-provided pile guide; other miscellaneous requirements as specified in the Contract Documents.

Removal of J Dock gangway prior to removal and disposal of two (2) damaged timber support piles; installation of two (2) owner supplied composite material support piles; re--installation of J Dock Gangway.

2.2 Time for Completion. The planned timeframe for commencement and completion of construction of the Project is: 60 days from the start date specified in Owner's issuance of Notice to Proceed.

3. **License and Registration Requirements.**

3.1 License. This Project requires a valid California contractor's license for the following classification(s): Class A – General Engineering Contractor.

3.2 DIR Registration. Owner will not accept a Bid Proposal from or enter into the Contract with a bidder, without proof that the bidder and its Subcontractors are registered with the California Department of Industrial Relations ("DIR") to perform public work under Labor Code section 1725.5, subject to limited legal exceptions.

4. **Contract Documents.** The plans, specifications, bid and contract documents for the Project, and any addenda thereto ("Contract Documents") may be downloaded from Owner's website located at: <http://www.mosslandingharbor.dst.ca.us>.

5. **Requests for Information.** Questions regarding the Project, the bid procedures or any of the Contract Documents must be submitted by email (NO PHONE CALLS PLEASE) to Sea Engineering Inc, Attn: Paul Roberts, PE at proberts@seaengineering.com and copied to razzeca@mosslandingharbor.dst.ca.us. Final questions to be submitted in writing no later than five (5) business days prior to bid opening date and time. Responses shall be issued to all bidders no later than two (2) business days prior to bid opening date.

5. **Bid Security.** The Bid Proposal must be accompanied by bid security of ten percent of the maximum bid amount, in the form of a cashier's or certified check made payable to Owner, or a bid bond executed by a surety licensed to do business in the State of California on the

Bid Bond form included with the Contract Documents. The bid security must guarantee that upon award of the bid, the bidder will execute the Contract and submit payment and performance bonds and insurance certificates as required by the Contract Documents within ten days after issuance of the notice of award.

6. Prevailing Wage Requirements.

6.1 General. This Project is subject to the state and federal (Davis-Bacon) prevailing wage requirements applicable to the locality in which the Work is to be performed for each craft, classification or type of worker needed to perform the Work, including employer payments for health and welfare, pension, vacation, apprenticeship and similar purposes.

6.2 Rates. The state prevailing rates are available online at <http://www.dir.ca.gov/DLSR>. Each Contractor and Subcontractor must pay no less than the specified rates to all workers employed to work on the Project. The schedule of per diem wages is based upon a working day of eight hours. The rate for holiday and overtime work must be at least time and one-half.

6.3 Compliance. The Contract will be subject to compliance monitoring and enforcement by the DIR, under Labor Code section 1771.4.

7. Performance and Payment Bonds. The successful bidder will be required to provide performance and payment bonds for 100% of the Contract Price.

8. Substitution of Securities. Substitution of appropriate securities in lieu of retention amounts from progress payments is permitted under Public Contract Code section 22300.

9. Subcontractor List. Each bidder must submit the name, location of the place of business, California contractor license number, DIR registration number, and percentage of the Work to be performed (based on the Base Bid) for each Subcontractor that will perform work or service or fabricate or install work for the prime contractor in excess of one-half of 1% of the bid price, using the Subcontractor List form included with the Contract Documents.

10. Instructions to Bidders. Additional and more detailed information about the Project and Owner's bidding requirements is provided in the Contract Documents on Owner's website at www.mosslandingharbor.dst.ca.us. All bidders should carefully review the "Instructions to Bidders" before submitting a Bid Proposal.

Publication Dates: 6.24.2020 and 7.1.2020

By: /s/ Tommy Razzeca, General Manager/Harbor Master

Date: June 24, 2020

END OF NOTICE INVITING BIDS

Instructions to Bidders

Each Bid Proposal submitted to Moss Landing Harbor District ("Owner") for its B-177 and J Dock Pile Replacement Project ("Project") must be submitted in accordance with the following instructions and requirements:

1. Bid Submission.

1.1 General. Each bid ("Bid Proposal") must be signed, sealed and submitted to Owner, using the form provided in the Contract Documents, by or before the date and time set forth in the Notice Inviting Bids, or as amended by subsequent addendum. Faxed or emailed Bid Proposals will not be accepted, unless otherwise specified. Late submissions will be returned unopened. Owner reserves the right to postpone the date and time for receiving or opening bids. Each bidder is solely responsible for all of its costs to prepare and submit its bid and by submitting a bid waives any right to recover those costs from Owner. The bid price(s) must include all costs to perform the Work as specified, including all indirect costs such as applicable taxes, insurance and field offices.

1.2 Bid Envelope. The envelope containing the sealed Bid Proposal and all required forms and attachments must be clearly labeled and addressed as follows:

BID PROPOSAL:

B-177 and J Dock Pile Replacement Project

Moss Landing Harbor District
Attn: Tommy Razzeca, General Manager
7881 Sandholdt Road
Moss Landing, CA 95039

The envelope must also be clearly labeled, as follows, with the bidder's name, address, and its registration number with the California Department of Industrial Relations ("DIR") for bidding on public works contracts (Labor Code sections 1725.5 and 1771.1):

[Contractor company name]

[street address]

[Owner, state, zip code]

DIR Registration No: _____

1.3 DIR Registration. Owner will not accept a Bid Proposal from, or enter into the Contract with, a bidder without proof that the bidder and its Subcontractors are registered with the DIR to perform public work under Labor Code section 1725.5, subject to limited legal exceptions. If Owner is unable to confirm that the bidder's DIR registration is current, Owner must disqualify the bidder and return its bid unopened. (Labor Code section 1725.5.)

- 2. Bid Proposal Form and Enclosures.** Each Bid Proposal must be completed in ink using the Bid Proposal form included in the Contract Documents. The Bid Proposal form should be fully completed without interlineations, alterations, or erasures. Any necessary corrections must be clear and legible, and must be initialed by the bidder's authorized representative. A Bid Proposal submitted with terms such as "negotiable," "will negotiate," or similar, will be considered non-responsive. Each Bid Proposal must be accompanied by bid security, as set forth in Section 4 below, and by a completed Subcontractor List and Non-Collusion Declaration using the forms included in the Contract Documents.

3. **Authorization and Execution.** Each Bid Proposal must be signed by the bidder's authorized representative. A Bid Proposal submitted by a partnership must be signed in the partnership name by a general partner with authority to bind the partnership. A Bid Proposal submitted by a corporation must be signed with the legal name of the corporation, followed by the signature and title of two officers of the corporation with full authority to bind the corporation to the terms of the Bid Proposal, under California Corporation Code section 313.
4. **Bid Security.** Each Bid Proposal must be accompanied by bid security of ten percent of the maximum bid amount, in the form of a cashier's check, certified check, or bid bond using the form included in the Contract Documents and executed by a surety licensed to do business in the State of California, made payable to Owner. The bid security must guarantee that, upon award of the Contract, the bidder will: execute and submit the Contract on the form included in the Contract Documents; submit payment and performance bonds for 100% of the maximum Contract Price; and submit the insurance certificates and endorsements as required by the Contract Documents within ten days after issuance of the notice of award.
5. **Pre-Bid Investigation**
 - 5.1 **Contract Documents.** Each bidder is solely responsible for diligent and thorough review of the Contract Documents (as defined in the General Conditions), examination of the Project site, and reasonable and prudent inquiry concerning known and potential site conditions prior to submitting a Bid Proposal. However, except for any areas that are open to the public at large, bidders may not enter Owner's property or the Project site without prior written authorization from Owner. Bidders are responsible for reporting any errors or omissions in the Contract Documents to Owner prior to submitting a Bid Proposal, subject to the limitations of Public Contract Code section 1104. Owner expressly disclaims responsibility for assumptions a bidder might draw from the presence or absence of information provided by Owner.
 - 5.2 **Project Site.** If applicable Soil and soil test data, water table elevations, and soil analyses for test holes may be available for inspection in the Owner's main office or as otherwise specified in the Special Conditions. Any additional subsurface exploration at the Project site must be done at the bidder's expense, but only with prior written authorization from Owner. All soil data and analyses available for inspection or provided in the Contract Documents apply only to the test hole locations. Any water table elevation indicated by a soil test report existed on the date the test hole was drilled. The bidder is responsible for determining and allowing for any differing soil or water table conditions during construction. Because groundwater levels may fluctuate, difference(s) in elevation between ground water shown in soil boring logs and ground water actually encountered during Project construction will not be considered changed Project site conditions. Actual locations and depths must be determined by bidder's field investigation. The bidder may request access to underlying or background information in Owner's possession that is necessary for bidder to form its own conclusions.
 - 5.3 **Utility Company Standards.** The Project must be completed in a manner that satisfies the standards and requirements of the affected utility companies or agencies (collectively, "utility owners"). The successful bidder may be required by the utility owners to provide detailed plans prepared by a California registered civil engineer showing the necessary temporary support of the utilities during coordinated construction work. Bidders are directed to contact the utility owners about their requirements before submitting a Bid Proposal.
6. **Bidders Interested in More Than One Bid.** No person, firm, or corporation may submit or be a party to more than one Bid Proposal unless alternate bids are specifically called for. However, a person, firm, or corporation that has submitted a subcontract proposal or quote to a bidder may submit subcontract proposals or quotes to other bidders, and may also submit a Bid Proposal as a prime contractor.

- 7. Requests for Information.** Questions or requests for clarifications regarding the Project, the bid procedures, or any of the Contract Documents must be submitted in writing to Sea Engineering Inc, Attn: Paul Roberts, PE at proberts@seaengineering.com and copied to razzeca@mosslandingharbor.dst.ca.us. Final questions to be submitted in writing no later than five (5) days prior to bid date. Bidders should submit such inquiries at least five working days before the scheduled bid opening. Questions received any later might not be addressed before the bid deadline.
- 8. Addenda.** Any addenda issued prior to the bid opening are part of the Contract Documents. Subject to the limitations of Public Contract Code section 4104.5, Owner reserves the right to issue addenda prior to bid time. Each bidder is responsible for ensuring it has received and reviewed all addenda prior to submitting its bid. Bidders should check Owner's website periodically for any addenda or updates on the Project at: <http://www.mosslandingharbor.dst.ca.us>.
- 9. Brand Designations and "Or Equal" Substitutions.** Any specification designating a material, product, thing, or service by specific brand or trade name, followed by the words "or equal," is intended only to indicate quality and type of item desired, and bidders may request use of any equal material, product, thing, or service. All data substantiating the proposed substitute as an equal item must be submitted with the written request for substitution. A request for substitution must be submitted within the time period(s) provided in the Contract Documents. This provision does not apply to materials, products, things, or services that may lawfully be designated by a specific brand or trade name under Public Contract Code section 3400(c).
- 10. Withdrawal of Bid Proposals.** A Bid Proposal may not be withdrawn for a period of 90 days after the bid opening without forfeiture of the bid security, except as authorized for material error under Public Contract Code section 5100 et seq.
- 11. Bid Protest.** Any bid protest must be in writing and received by Owner at 7881 Sandholdt Road, Moss Landing, CA 95039 before 5:00 p.m. no later than two Working Days following bid opening (the "Bid Protest Deadline") and must comply with the following requirements:

 - 11.1 General.** Only a bidder who has actually submitted a Bid Proposal is eligible to submit a bid protest against another bidder. Subcontractors are not eligible to submit bid protests. A bidder may not rely on the bid protest submitted by another bidder, but must timely pursue its own protest. If required by Owner, the protesting bidder must submit a non-refundable fee in the amount specified by Owner, based upon Owner's reasonable costs to administer the bid protest. Any such fee must be submitted to Owner no later than the Bid Protest Deadline, unless otherwise specified. For purposes of this Section 11, a "Working Day" means a day that Owner is open for normal business, and excludes weekends and holidays observed by Owner.
 - 11.2 Protest Contents.** The bid protest must contain a complete statement of the basis for the protest and all supporting documentation. Material submitted after the Bid Protest Deadline will not be considered. The protest must refer to the specific portion or portions of the Contract Documents upon which the protest is based. The protest must include the name, address, email address, and telephone number of the protesting bidder and any person representing the protesting bidder.
 - 11.3 Copy to Protested Bidder.** A copy of the protest and all supporting documents must be concurrently transmitted by fax or by email, by or before the Bid Protest Deadline, to the protested bidder and any other bidder who has a reasonable prospect of receiving an award depending upon the outcome of the protest.
 - 11.4 Response to Protest.** The protested bidder may submit a written response to the protest, provided the response is received by Owner before 5:00 p.m., within two Working Days after the

Bid Protest Deadline or after actual receipt of the bid protest, whichever is sooner (the "Response Deadline"). The response must include all supporting documentation. Material submitted after the Response Deadline will not be considered. The response must include the name, address, email address, and telephone number of the person representing the protested bidder if different from the protested bidder.

11.5 Copy to Protesting Bidder. A copy of the response and all supporting documents must be concurrently transmitted by fax or by email, by or before the Response Deadline, to the protesting bidder and any other bidder who has a reasonable prospect of receiving an award depending upon the outcome of the protest.

11.6 Exclusive Remedy. The procedure and time limits set forth in this section are mandatory and are the bidder's sole and exclusive remedy in the event of bid protest. A bidder's failure to comply with these procedures will constitute a waiver of any right to further pursue a bid protest, including filing a Government Code Claim or initiation of legal proceedings.

11.7 Right to Award. Owner reserves the right to award the Contract to the bidder it has determined to be the responsible bidder submitting the lowest responsive bid, and to issue a notice to proceed with the Work notwithstanding any pending or continuing challenge to its determination.

- 12. Reservation of Rights.** Owner reserves the right, acting in its sole discretion, to waive immaterial bid irregularities, to accept or reject any and all bids, or to abandon the Project entirely. The Contract will be awarded, if at all, within 90 days after opening of bids or as otherwise specified in the Special Conditions, to the responsible bidder that submitted the lowest responsive bid. Any date given for planned commencement of the Project given in Section 2.2 of the Notice Inviting Bids is provided as informative of the Owner's expectations at the time the Notice Inviting Bids was first issued. The Owner is not bound to issue a Notice to Proceed by or before such planned commencement date, and reserves the right to issue the Notice to Proceed when the Owner determines, in its sole discretion, the appropriate time for commencing the Work.
- 13. Bonds.** The successful bidder is required to submit payment and performance bonds as specified in the Contract Documents using the bond forms included in the Contract Documents. All required bonds must be calculated on the maximum total Contract Price as awarded, including additive alternates, if applicable.
- 14. Evidence of Responsibility.** Within 24 hours following a request by Owner, a bidder must submit to Owner satisfactory evidence showing the bidder's financial resources, the bidder's experience in the type of work being required by Owner, the bidder's organization available for the performance of the Contract, and any other required evidence of the bidder's qualifications to perform the proposed Contract. Owner may consider such evidence before making its decision awarding the proposed Contract.
- 15. License(s).** The successful bidder and its Subcontractor(s) must possess the California contractor's license(s) in the classification(s) required by law to perform the Work. The successful bidder and Subcontractors must also obtain any business permit that may be required by the County of Monterey within 7 days following Owner's issuance of the notice of award.
- 16. Ineligible Subcontractor.** Any Subcontractor who is ineligible to perform work on a public works project under Labor Code sections 1777.1 or 1777.7 is prohibited from performing work on the Project.
- 17. Bid Schedule.** Each bidder must complete the Bid Schedule form with unit prices as indicated, and submit the completed Bid Schedule with its Bid Proposal.

17.1 Incorrect Totals. In the event a computational error for any bid item (base bid or alternate) results in an incorrect extended total for that item, the submitted base bid or bid alternate total will be adjusted to reflect the corrected amount) as the product of the estimated quantity and the unit cost), unless the cumulative amount of correction changes the total amount of the base bid or bid alternate by more than five percent. In the event of a discrepancy between the actual total of the itemized or unit prices shown on the Bid Schedule for the base bid, and the amount entered as the base bid on the Bid Proposal form, the actual total of the itemized or unit prices shown on the Bid Schedule for the base bid will be deemed the base bid price. Likewise, in the event of a discrepancy between the actual total of the itemized or unit prices shown on the Bid Schedule for any bid alternate, and the amount entered for the alternate on the Bid Proposal form, the actual total of the itemized prices shown on the Bid Schedule for that alternate will be deemed the alternate price. Nothing in this provision is intended to prevent a bidder from requesting to withdraw its bid for material error under Public Contract Code section 5100 et seq.

17.2 Estimated Quantities. The quantities shown on the Bid Schedule are estimated and the actual quantities required to perform the Work may be greater or less than the estimated amount. The Contract Price will be adjusted to reflect the actual quantities required for the Work based on the itemized or unit prices provided in the Bid Schedule, with no allowance for anticipated profit for quantities that are deleted or decreased, and no increase in the unit price.

- 18. Permits and Agency Letters.** Prior to submitting a bid, each bidder is advised that not all permits have been obtained for this project, successful bidder will be requires to procure a Monterey County Construction Permit. Should any required permit not be obtained after Award of the Bid, the Award may become null and void in Owner's discretion. Bidder is advised to review all requirements contained in Owner's permits and agency consultation letters referenced in section 12 of the Special Conditions.

END OF INSTRUCTIONS TO BIDDERS

Bid Proposal

B-172 Damaged Pile Replacement Project

_____ (“Bidder”) hereby submits this Bid Proposal to Moss Landing Harbor District (“Owner”) for the above-referenced project (“Project”) in response to the Notice Inviting Bids and in accordance with the Contract Documents referenced therein.

1. **Base Bid.** Bidder proposes to perform and fully complete the Work for the Project as specified in the Contract Documents, within the time required for full completion of the Work, for the following price (“Base Bid”): \$ _____.

2. **Addenda.** Bidder agrees that it has confirmed receipt of or access to, and reviewed, all addenda issued for this Bid. Bidder specifically acknowledges receipt of the following addenda:

Addendum:	Date Received:	Addendum:	Date Received:
#01	_____	#05	_____
#02	_____	#06	_____
#03	_____	#07	_____
#04	_____	#08	_____

3. **Bidder’s Warranties.** By signing and submitting this Bid Proposal, Bidder warrants the following:

3.1 **Examination of Contract Documents.** Bidder has thoroughly examined the Contract Documents and represents that, to the best of Bidder’s knowledge, there are no errors, omissions, or discrepancies in the Contract Documents, subject to the limitations of Public Contract Code section 1104.

3.2 **Examination of Worksite.** Bidder has had the opportunity to examine the Worksite and local conditions at the Project location.

3.3 **Bidder is Qualified.** Bidder is fully qualified to perform the Work.

3.4 **Responsibility for Bid.** Bidder has carefully reviewed this Bid Proposal and is solely responsible for any errors or omissions contained in its completed Bid.

4. **Award of Contract.** By signing and submitting this Bid Proposal, Bidder agrees that if Bidder is awarded the Contract for the Project, within ten days following issuance of the notice of award to Bidder, Bidder will do all of the following:

4.1 **Execute Contract.** Enter into the Contract with Owner in accordance with the terms of this Bid Proposal, by signing and submitting to Owner the Contract prepared by Owner using the form included with the Contract Documents;

4.2 **Submit Required Bonds.** Submit to Owner a payment bond and a performance bond, each for 100% of the Contract Price, using the bond forms provided and in accordance with the requirements of the Contract Documents; and

4.3 **Insurance Requirements.** Submit to Owner the insurance certificate(s) and endorsement(s) as required by the Contract Documents.

5. **Bid Security.** As a guarantee that, if awarded the Contract, Bidder will perform its obligations under Section 4 above, Bidder is enclosing bid security in the amount of ten percent of its maximum bid amount in one of the following forms (check one):

_____ A cashier's check or certified check payable to Owner and issued by
_____ [Bank name] in the amount of
\$ _____.

_____ A bid bond, using the Bid Bond form included with the Contract Documents, payable to Owner and executed by a surety licensed to do business in the State of California.

This Bid Proposal is hereby submitted on _____, 20__.

s/ _____

Name and Title [print]

s/ _____
[See Section 3 of Instructions to Bidders]

Name and Title [print]

Company Name

License #, Expiration Date, and Classification

Address

DIR Registration #

Owner, State, Zip

Phone

Contact Name

Contact Email

END OF BID PROPOSAL

Bid Schedule

This Bid Schedule must be completed in ink and included with the sealed Bid Proposal. Pricing must be provided for each Bid Item as indicated. The lump sum or unit cost for each item must be inclusive of all costs, whether direct or indirect, including profit and overhead. The sum of all amounts entered in the "Extended Total Amount" column must be identical to the Base Bid price entered in Section 1 of the Bid Proposal Form.

LS = Lump Sum EA = Each LF = Linear Foot CY = Cubic Yard SY = Square Yard
 SF = Square Feet LB = Pounds TON = Ton (2000 lbs) AL = Allowance

General Project Items

BID ITEM NO.	ITEM DESCRIPTION	EST. QTY.	UNIT	UNIT COST	TOTAL
1	Mobilization and demobilization	100%	LS	\$	\$

Item 1 subtotal: _____

B-Dock Damaged Pile Replacement Project

BID ITEM NO.	ITEM DESCRIPTION	EST. QTY.	UNIT	UNIT COST	TOTAL
2	Remove and dispose of existing damaged pile	1	LS	\$	\$
3	Precast Concrete Replacement Pile	1	LS	\$	\$
4	Installation of Precast Concrete Pile	1	LS	\$	\$
5	Pile Guide & Installation thereof	1	LS	\$	\$

Items 2-5 subtotal: _____

J-Dock Damaged Pile Replacement Project

BID ITEM NO.	ITEM DESCRIPTION	EST. QTY.	UNIT	UNIT COST	TOTAL
6	Remove and dispose of two (2) existing damaged timber piles	1	LS	\$	\$
7	Installation of two (2) Composite Material Piles	1	LS	\$	\$

Items 6-7 subtotal: _____

TOTAL BASE BID: Items 1 through 7 inclusive: \$ _____
[Note: The amount entered as the "Total Base Bid" should be identical to the Base Bid amount entered in Section 1 of the Bid Proposal form.]

BIDDER NAME: _____

END OF BID SCHEDULE

Subcontractor List

For each Subcontractor that will perform a portion of the Work in an amount in excess of one-half of 1% of the Bidder's total Contract Price,¹ the bidder must list a description of the Work, the name of the Subcontractor, its California contractor license number, the location of its place of business, its DIR registration number, and the portion of the Work that the Subcontractor is performing based on a percentage of the Base Bid price.

DESCRIPTION OF WORK	SUBCONTRACTOR NAME	CALIFORNIA CONTRACTOR LICENSE NO.	LOCATION OF BUSINESS	DIR REG. NO.	PERCENT OF WORK

END OF SUBCONTRACTOR LIST

¹ For street or highway construction this requirement applies to any subcontract of \$10,000 or more.

Noncollusion Declaration

TO BE EXECUTED BY BIDDER AND SUBMITTED WITH BID

The undersigned declares:

I am the _____ [title] of _____
[business name], 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.

This declaration is intended to comply with California Public Contract Code section 7106 and Title 23 U.S.C section 112.

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].

s/ _____

Name [print]

END OF NONCOLLUSION DECLARATION

Bid Bond

_____ (“Bidder”) has submitted a bid, dated _____, 20____ (“Bid”), to Moss Landing Harbor District (“Owner”) for work on the B-172 Damaged Pile Replacement Project (“Project”). Under this duly executed bid bond (“Bid Bond”), Bidder as Principal and _____, its surety (“Surety”), are bound to Owner as obligee in the penal sum of ten percent of the maximum amount of the Bid (the “Bond Sum”). Bidder and Surety bind themselves and their respective heirs, executors, administrators, successors and assigns, jointly and severally, as follows:

1. **General.** If Bidder is awarded the Contract for the Project, Bidder will enter into the Contract with Owner in accordance with the terms of the Bid.
2. **Submittals.** Within ten days following issuance of the notice of award to Bidder, Bidder must submit to Owner the following:
 - 2.1 **Contract.** The executed Contract, using the form provided by Owner in the Project contract documents (“Contract Documents”);
 - 2.2 **Payment Bond.** A payment bond for 100% of the maximum Contract Price, executed by a surety licensed to do business in the State of California using the Payment Bond form included with the Contract Documents;
 - 2.3 **Performance Bond.** A performance bond for 100% of the maximum Contract Price, executed by a surety licensed to do business in the State of California using the Performance Bond form included with the Contract Documents; and
 - 2.4 **Insurance.** The insurance certificate(s) and endorsement(s) required by the Contract Documents, and any other documents required under the Instructions for Bidders.
3. **Enforcement.** If Bidder fails to execute the Contract and to submit the bonds and insurance certificates as required by the Contract Documents, Surety guarantees that Bidder forfeits the Bond Sum to Owner. Any notice to Surety may be given in the manner specified in the Contract and delivered or transmitted to Surety as follows:

Attn: _____
Address: _____
Owner/State/Zip: _____
Phone: _____
Fax: _____
Email: _____

4. **Duration; Waiver.** If Bidder fulfills its obligations under Section 2, above, then this obligation will be null and void; otherwise it will remain in full force and effect for 90 days following award of the Contract or until this Bid Bond is returned to Bidder, whichever occurs first. Surety waives the provisions of Civil Code sections 2819 and 2845.

[Signatures are on the following page.]

This Bid Bond is entered into and effective on _____, 20_____.

SURETY: _____
Business name

s/ _____

Name/Title

(Attach Acknowledgement with Notary Seal, and Attorney-In-Fact Certificate)

BIDDER: _____
Business name

s/ _____

Name/Title

END OF BID BOND

Bidder's Questionnaire

B-177 and J Dock Pile Replacement Project

Within 48 hours following a request by Owner, a bidder must submit to Owner a completed, signed Bidder's Questionnaire using this form and including all required attachments. Owner may request the Questionnaire from one or more of the apparent low bidders following the bid opening, and may use the completed Questionnaire to evaluate a bidder's qualifications for this Project. The Questionnaire must be filled out completely, accurately, and legibly. Any errors, omissions, or misrepresentations in completion of the Questionnaire may be grounds for rejection of the bid or termination of a Contract awarded pursuant to the bid.

Part 1: General Information

Bidder Business Name: _____ ("Bidder")

Check One: Corporation
 Partnership
 Sole Proprietorship
 Joint Venture of: _____
 Other: _____

Address: _____

Phone: _____

Owner of Company: _____

Contact Person: _____

Email: _____

Bidder's California Contractor's License Number(s): _____

Part 2: Bidder Experience

1. How many years has Bidder been in business under its present business name? _____ years
2. Has Bidder completed projects similar in type and size to this Project as a general contractor?
_____ Yes _____ No
3. Has Bidder ever been disqualified on grounds that it is not responsible?
_____ Yes _____ No

If yes, provide additional information on a separate sheet of paper regarding the disqualification, including the name and address of the agency or owner of the subject project, the type and size of the project, the reasons that Bidder was disqualified as not responsible, and the month and year in which the disqualification occurred.

4. Has Bidder ever been terminated from a construction project, either as a general contractor or as a subcontractor?
_____ Yes _____ No

If yes, provide additional information on a separate sheet of paper regarding the termination, including the name and address of the agency or owner of the subject project, the type and size of the project, whether Bidder was under contract as a general contractor or a subcontractor, the reasons that Bidder was terminated, and the month and year in which the termination occurred.

5. Provide information about Bidder's past projects performed as general contractor as follows:

- 5.1 Six most recently completed public works projects within the last three years;
- 5.2 Three largest completed projects within the last three years; and
- 5.3 Any project which is similar to this Project.

6. Use separate sheets of paper to provide all of the following information for each project identified in response to the above three categories:

- 6.1 Project name
- 6.2 Location
- 6.3 Owner
- 6.4 Owner contact (name and current phone number)
- 6.5 Architect or engineer name
- 6.6 Architect or engineer contact (name and current phone number)
- 6.7 Project manager (name and current phone number)
- 6.8 Description of project, scope of work performed
- 6.9 Initial contract value (at time of bid award)
- 6.10 Final cost of construction (including change orders)
- 6.11 Original scheduled completion date
- 6.12 Time extensions granted (number of days)
- 6.13 Actual date of completion
- 6.14 Number and amount of stop notices or mechanic's liens filed
- 6.15 Amount of liquidated damages assessed against Bidder
- 6.16 Nature and resolution of any claim, lawsuit, and/or arbitration between Bidder and the owner.

Part 3: Verification

In signing this document, I, the undersigned, declare that I am duly authorized to sign and submit this Bidder's Questionnaire on behalf of the named Bidder, and that all responses and information set forth in this Bidder's Questionnaire and accompanying attachments are, to the best of my knowledge, true, accurate and complete as of the date of submission. **I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.**

Signature: _____ Date: _____

By: _____
Name and Title

END OF BIDDER'S QUESTIONNAIRE