

NOTICE INVITING SEALED BIDS

FOR

NEIGHBORHOOD SIDEWALK REHABILITATION PROGRAM  
FISCAL YEAR 2012/2013

CDBG No. 601487-12 AND GAS TAX FUNDS

IN THE CITY OF MAYWOOD

PUBLIC NOTICE IS HEREBY GIVEN that the City of Maywood as AGENCY, invites sealed bids for the above-stated project and will receive such bids in the offices of the City Clerk, 4319 East Slauson Avenue, Maywood, California 90270, up to the hour of **10:00 a.m. on Monday, July 22, 2013**, at which time they will be publicly opened.

Copies of the Plans, Specifications, and contract documents are available from the City of Maywood, 4319 East Slauson Avenue, Maywood, California 90270, upon payment of a \$25 nonrefundable fee, if picked up, or payment of a \$35 nonrefundable fee, if mailed.

**A Mandatory Section 3 pre-bid meeting will be held on Monday, July 8, 2013 at 10:00 a.m., at City Hall, 4319 East Slauson Avenue, Maywood, California 90270.** All Prime Contractors are required to have a representative attend and sign in at the pre-bid meeting. Failure to comply with this attendance and sign-in requirements will result in Bidder's proposal being found non-responsive to the required bid procedures.

**This is a HUD Section 3 construction contract. First preference will be given to a bidder who provides a reasonable bid and is a qualified Section 3 Business Concern. Second preference will be given to a bidder who provides a reasonable bid and commits to achieving the Section 3 employment, training and subcontracting opportunity goals by submitting a written commitment (Economic Opportunity Plan).**

Any contract entered into pursuant to this notice will incorporate the provisions of the State Labor Code. Pursuant to the provisions of Section 1773.2 of the Labor Code of the State of California, the minimum prevailing rate of per diem wages for each craft, classification or type of workman needed to execute the contract shall be those determined by the Director of Industrial Relations of the State of California, which are on file at the City Hall, City of Maywood, 4319 East Slauson Avenue, Maywood, California 90270, and are available to any interested party on request.

In order to receive consideration for a bid preference, a bidder must be responsive to the Section 3 requirements. A Section 3 responsive bidder is a bidder who submits a *Section 3 Business Certification* form with their bid, documenting that they:

- Are 51% owned by low income residents or
- Employ low-income residents (30% or more permanent full-time employees are income qualified), and have
- Included signed *Section 3 Resident Certification* forms from each qualified employee with the bid.

This is a federally assisted construction contract. Federal Labor Standards Provisions outlined in the HUD-4010 form, including prevailing wage requirements of the Davis-Bacon and Related Acts (DBRA), will be enforced. The applicable Federal wage decision is the one in effect ten (10) days prior to bid opening; it is online at <http://www.wdol.gov/wdol/scafiles/davisbacon/ca.html>. In the event of a conflict between the Federal and State wage rates, the higher of the two will prevail. The State wage rates are available online at <http://www.dir.ca.gov/DLSR/PWD/index.htm>. Lower State wage rates for work classifications not specifically included in the Federal wage decision are not acceptable.

The Contractor's duty to pay State prevailing wages can be found under Labor Code Section 1770 et seq. and Labor Code Sections 1775 and 1777.7 outline the penalties for failure to pay prevailing wages and employ apprentices including forfeitures and debarment.

**Apprenticeship Program:** Attention is directed to Sections 1777.5, 1777.6, and 1777.7 of the California Labor Code and Title 8 of the California Administrative Code, Section 200, *et seq.*, to ensure compliance and complete understanding of the law regarding apprentices. Affirmative action to ensure against discrimination in employment practices on the basis of race, color, national origin, ancestry, sex, religion, or handicap will also be required.

**Conflict of Interest:** In the procurement of supplies, equipment, construction, and services by sub-recipients, the conflict of interest provisions in 24 CFR 85.36, OMB Circular A-110, and 24 CFR 570.611 shall apply. No employee, officer, or agent of the sub-recipient shall participate in the selection, award, or administration of a contract supported by federal funds if a conflict of interest, real or apparent, would be involved.

The AGENCY will deduct a 5-percent retention from all progress payments as specified in Section 9-3.2 of these specifications. The Contractor may substitute an escrow holder surety of equal value to the retention. The Contractor shall be beneficial owner of the surety and shall receive any interest thereon.

The AGENCY hereby affirmatively ensures that minority business enterprises will be afforded full opportunity to submit bids in response to this notice and will not be discriminated against on the basis of race, color, national origin, ancestry, sex, or religion or handicap in any consideration leading to the award of contract.

In entering into a public works contract, or a subcontract, to supply goods, services, or material pursuant to a public works contract, the Contractor, or subcontractor, offers and agrees to assign to the awarding body all rights, title and interest in, and to, all causes of action it may have under Section 4 of the Clayton Act (15 U.S.C. Section 15) or under the Cartwright Act (Chapter 2 [commencing with Section 16700] of part 2 of Division 7 of the Business and Professions Code), arising from purchases of goods, services, or materials pursuant to the public works contract or the subcontract. This assignment shall be made and become effective at the time the awarding body tenders final payment to the Contractor, without further acknowledgment by the parties.

Bids must be prepared on the approved Proposal forms in conformance with the Instructions to Bidders and submitted in a sealed envelope plainly marked on the outside.

The bid must be accompanied by a certified or cashier's check, or bidders bond, issued by an "admitted surety insurer" made payable to the AGENCY for an amount no less than 10 percent of the amount bid for the prime contract.

All bidders shall be licensed in accordance with the provisions of the Business and Professions Code and shall possess a State Contractor's License, Class A, C12, or C32, at the time of bid submittal. The successful Contractor and his subcontractors will be required to possess business licenses from the City prior to starting work on the project.

The AGENCY reserves the right to reject any or all bids, to waive any irregularity and to take all bids under advertisement for a period of forty-five (45) days.

The work of this project shall be completed within twenty (20) working days from the effective date of the Notice to Proceed issued by AGENCY. Contractor must be available to begin work 10 calendar days after the award of contract. Anticipate award will be based upon receipt of favorable bids.

BY ORDER OF the City of Maywood, California.