

**CITY OF CUPERTINO  
NOTICE INVITING BIDS  
2019 FOG SEAL PROJECT RE-BID**

- 1. Bid Acceptance.** The City of Cupertino (“City”) will accept sealed bids for its **2019 Fog Seal Project Re-Bid** (“Project”), by or before Tuesday April 14, 2020, at 2:00 p.m., at the City Clerk’s Office, located at 10300 Torre Avenue, Cupertino, California, 95014 at which time the bids will be publicly opened in the City Hall lobby and read aloud. The City may, acting in its sole discretion, reject any and all bids, and may waive any immaterial deviation from the bid requirements to the full extent permitted by law.
- 2. Project Information.**

  - 2.1 Location and Description.** The Project is located at various locations within the City of Cupertino , and is described as follows: Crack sealing and fog sealing approximately 156,000 square yards of residential streets and crack sealing approximately 77,000 square yards of collector/arterial streets.
  - 2.2 Time for Completion.**  
The project must be completed within 30 working days from the start date set forth in the Notice to Proceed, City anticipates that the Work will begin on or about May 1, 2020 but the anticipated start date is provided solely for convenience and is neither certain or binding.
- 3. License and Registration Requirements.**

  - 3.1 License.** This Project requires a valid California contractor’s license for the following classification(s): C-12 or C-32.
  - 3.2 DIR Registration.** City may not accept a Bid Proposal from or enter into the Contract with a bidder, without proof that the bidder is registered with the California Department of Industrial Relations (“DIR”) to perform public work pursuant to Labor Code section 1725.5, subject to limited legal exceptions.
- 4. Contract Documents.** The plans, specifications, bid forms and contract documents for the Project, and any addenda thereto (“Contract Documents”) are available in electronic form only, and may be downloaded from City’s website under “Open Bids” at: <https://apps.cupertino.org/bidmanagement/Index.aspx> and may also be available from a local or regional plan room or trade journal.
- 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 City, 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 within ten days after City issues the Notice of Award, the successful bidder will execute the Contract and submit the payment and performance bonds and insurance certificates and

endorsements and any other submittals as required by the Contract Documents and specified in the Notice of Award.

**6. Prevailing Wage Requirements.**

**6.1 General.** Pursuant to California Labor Code Section 1720 et seq., this Project is subject to the 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.** These prevailing rates are on file with the City and 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, each for 100% of the Contract Price, as further specified in the Contract Documents.

**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 Subcontractor must be registered with the DIR to perform work on public projects. Each bidder must submit a completed Subcontractor List form with its Bid Proposal, including 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 price) 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 or, for construction of streets and highways, \$10,000 (whichever is greater), using the Subcontractor List form included with the Contract Documents.

**10. Subcontractor Limit.** The prime contractor is required to self-perform at least 40% of the Work on the Project, as further specified in the Instructions to Bidders.

**11. Instructions to Bidders.** All bidders should carefully review the Instructions to Bidders for more detailed information before submitting a Bid Proposal. The definitions provided in Article 1 of the General Conditions apply to all of the Contract Documents, as defined therein, including this Notice Inviting Bids.

CITY OF CUPERTINO  
/KIRSTEN SQUARCIA/

CITY CLERK  
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