

5. BID FORMS

TABLE OF CONTENTS

SECTION 1	BID FORM
SECTION 2	BID DATA FORMS
2.A	LIST OF PROPOSED SUBCONTRACTORS
2.B	BID BOND
SECTION 3	NON-COLLUSION AFFIDAVIT
SECTION 4	BIDDER INFORMATION FORM
4.A	INFORMATION ABOUT BIDDER
4.B	LIST OF CURRENT PROJECTS (Backlog)
4.C	LIST OF COMPLETED PROJECTS - LAST THREE YEARS
4.D	EXPERIENCE AND TECHNICAL QUALIFICATIONS QUESTIONNAIRE
4.E	VERIFICATION AND EXECUTION
SECTION 5	NOTICE OF PRE-BID MEETING AND JOB WALK
SECTION 6	DISABLED VETERAN BUSINESS ENTERPRISE REQUIREMENTS

Bidder Name: _____

SECTION 1 – BID FORM

Honorable President and Members of the Governing
Board of the Chaffey Community College District
c/o **Director of Purchasing Services**
5885 Haven Avenue
Rancho Cucamonga, California 91737

In response to the Notice Inviting Bids dated **March 26, 2009**, for:

CHAFFEY COMMUNITY COLLEGE DISTRICT
BID No. 09P90
Stadium Bleacher Repair Project

The Work to be performed under this Contract includes, but is not limited to, **performing patching and repairing of exposed reinforcing steel and steel embeds at the existing South Stadium Bleacher**, as is more fully described in the Bid and Contract Documents. All capitalized terms shall have the meanings ascribed to them in the General Conditions.

We, the undersigned, hereby declare that we have carefully examined the location of the proposed Work, and have read and examined the Bid Documents, including all plans, specifications, and all addenda, if any. We hereby propose to furnish all labor, materials, equipment, tools, transportation, and services, and to discharge all duties and obligations necessary and required to perform and complete the "Work":

We, the undersigned, propose to perform the Work for the following **TOTAL BID PRICE:**

	BID PRICE (IN NUMBERS)
BID	

Bidder Name: _____

The undersigned agrees that these Bid Forms constitute a firm offer to the OWNER which cannot be withdrawn for the number of Calendar Days indicated in the Notice Inviting Bids from and after the bid opening deadline, or until a Contract for the Work is fully executed by the OWNER and a third party, whichever is earlier. The undersigned also agrees that if there is a discrepancy between any written amount and the numerical amount, the written amount shall govern.

Attached hereto is a certified check, a cashier's check or a bid bond in the amount of _____ Dollars (\$) _____) **said amount being not less than ten percent (10%) of the Total Bid Price including alternates.** The undersigned agrees that said amount shall be retained by the OWNER if, upon award, we fail or refuse to execute the Contract and furnish the required bonds, certificates and endorsements of insurance and other certifications within the time provided.

If awarded the Contract, the undersigned agrees to execute the Contract prepared by the OWNER and to return the Contract with the required documents per the Instructions to Bidders.

The undersigned offers and agrees that if its bid is accepted, it will assign to the purchasing 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 of Part 2 of Division 7 of the Business and Professional Code), arising from purchases of goods, materials or services by the Bidder for sale to the purchasing body pursuant to the bid. Such assignment shall be made and become effective at the time the purchasing body tenders final payment to the Contractor.

Bidder understands and agrees that, when requested by OWNER, he shall provide: (1) evidence satisfactory to the OWNER of Bidder's California contractor's license(s) in good standing at the time of bid submission; (2) evidence that the person signing this Bid is authorized to bind Bidder to this Bid and to a contract resulting therefrom; and (3) any other information and documentation, financial or otherwise, needed by OWNER to award a Contract to the lowest responsible and responsive bidder.

Bidder understands and agrees that liquidated damages shall apply to this Contract in the amounts and subject to the terms and conditions described in the Contract Form and the Contract Documents.

Attached to this Bid Form and by this reference incorporated herein and made a part of these completed Bid Forms are Section 2 - Bid Data Forms, Section 3 - Non-Collusion Affidavit, Section 4 - Bidder Information Form, Section 5 - Notice of Pre-Bid Meeting and Job Walk, Section 6 - DVBE Requirements.

The undersigned acknowledges receipt, understanding and full consideration of the following addenda to the Contract Documents.

Addenda Nos. _____

The Bidder understands and agrees that the Total Bid Price is inclusive of all labor, materials, and equipment or supplies necessary to complete the Work as described in the Bid Documents. If this bid is accepted, the undersigned Bidder agrees to enter into and execute the Contract with the necessary bonds and accept the Total Bid Price as compensation in full for all Work under the contract.

Bidder Name: _____

By: _____
Signature *Bidder Name*

_____ *Business Street Address*
Print Name

_____ *City, State & Zip Code*
Title

_____ *Telephone & Fax Numbers*

Bidder's State of Incorporation: _____

Partners or Joint Venturers: _____

Contractor's License Number & Classification: _____

NOTES:

- 1) By its signature on this Bid, the Bidder certifies under penalty of perjury the accuracy of the representations made on the Bid Forms. Per the Instructions to Bidders, Bidder can provide evidence that the person signing on behalf of the corporation, partnership or joint venture has the authority to do so.
- 2) If Bidder is a corporation, enter State of Incorporation in addition to Business Address.
- 3) If Bidder is a partnership or joint venture, give full names of all partners or joint venturers.

Bidder Name: _____

SECTION 2 – BID DATA FORMS

Bidder shall submit its Bid data in accordance with the format shown on each of the following Bid Data Forms. Bidders shall prepare and use as many sheets as are necessary to adequately provide the information required. Bidder shall ensure that every page of its Bid Data Forms is properly identified with the Bidder's name and page number.

SECTION 2.A – LIST OF PROPOSED SUBCONTRACTORS

In compliance with the "Subletting and Subcontracting Fair Practices Act," Sections 4100 through 4114 of the California Public Contract Code, and any amendments thereto, each Bidder shall provide the information requested below for each subcontractor who will perform work, labor or render service to Bidder in or about the construction of the Work in an amount in excess of one-half of one percent (greater than 0.5 %) of the Bidder's Total Bid Price, or, in the case of bids or offers for the construction of streets or highways, including bridges, in excess of one-half of 1 percent of the Contractor's total bid or ten thousand dollars (\$10,000), whichever is greater, and shall further set forth the portion of the Work which will be done by each subcontractor. Bidder shall list only one subcontractor for any one portion of the Work.

Pursuant to Public Contract Code Section 4104, the OWNER has determined that it will allow Bidders twenty-four (24) additional hours after the deadline for submission of bids to submit the information requested by the OWNER about each subcontractor on the Expanded List of Subcontractors Form provided, other than the name and location of each subcontractor.

If the Bidder fails to specify a subcontractor for any portion of the Work to be performed under the Contract, it shall be deemed to have agreed to perform such portion itself, and shall not be permitted to subcontract that portion of the Work except under the conditions hereinafter set forth below.

Subletting or subcontracting of any portion of the Work in excess of one half of one percent (greater than 0.5%) of the Total Bid Price or, in the case of bids or offers for the construction of streets or highways, including bridges, in excess of one-half of 1 percent of the Contractor's total bid or ten thousand dollars (\$10,000), whichever is greater, for which no subcontractor was designated in the original bid shall only be permitted in cases of public emergency or necessity, and then only after OWNER approval.

Bidder Name: _____

2.A LIST OF PROPOSED SUBCONTRACTORS (continued)

[Duplicate this page if needed for listing additional subcontractors.]

Description of Work to be Subcontracted: _____

Name and Location of Subcontractor: _____

Description of Work to be Subcontracted: _____

Name and Location of Subcontractor: _____

Description of Work to be Subcontracted: _____

Name and Location of Subcontractor: _____

Description of Work to be Subcontracted: _____

Name and Location of Subcontractor: _____

Description of Work to be Subcontracted: _____

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Description of Work to be Subcontracted: _____

Name and Location of Subcontractor: _____

Description of Work to be Subcontracted: _____

Name and Location of Subcontractor: _____

Description of Work to be Subcontracted: _____

Name and Location of Subcontractor: _____

Description of Work to be Subcontracted: _____

Name and Location of Subcontractor: _____

Bidder Name: _____

LIST OF CHANGES IN PROPOSED SUBCONTRACTORS DUE TO ALTERNATES

[Duplicate this page if needed for listing additional subcontractors.]

The information below must be provided for all changes in first-tier Subcontractors if OWNER selects Alternates. List changes in Subcontractors only for those portions of the Work valued in excess of ½ of 1% of Bidder's Total Bid Price.

Alt. # _____ Description of Work to be Subcontracted: _____

Name and Location of Subcontractor: _____

Alt. # _____ Description of Work to be Subcontracted: _____

Name and Location of Subcontractor: _____

Alt. # _____ Description of Work to be Subcontracted: _____

Name and Location of Subcontractor: _____

Alt. # _____ Description of Work to be Subcontracted: _____

Name and Location of Subcontractor: _____

Alt. # _____ Description of Work to be Subcontracted: _____

Name and Location of Subcontractor: _____

Alt. # _____ Description of Work to be Subcontracted: _____

Name and Location of Subcontractor: _____

Alt. # _____ Description of Work to be Subcontracted: _____

Name and Location of Subcontractor: _____

Alt. # _____ Description of Work to be Subcontracted: _____

Name and Location of Subcontractor: _____

SECTION 2.B – BID BOND

KNOW ALL MEN BY THESE PRESENTS:

THAT _____, as Principal,
and _____, as Surety, are held firmly bound unto the **CHAFFEY COMMUNITY COLLEGE DISTRICT** (hereinafter called the DISTRICT) in the sum of _____ DOLLARS (\$ _____), being not less than ten percent (10%) of the Total Bid Price; for the payment of which sum will and truly to be made, we bind ourselves, our heirs, executors, administrators, successors, and assigns, jointly and severally, firmly by these presents.

WHEREAS, said Principal has submitted a bid to the DISTRICT to perform all Work required for the construction of the Bid No. **09P90, Stadium Bleacher Repair Project** as set forth in the Notice Inviting Bids and accompanying Bid Documents, dated March 26, 2009.

NOW, THEREFORE, if said Principal is awarded a Contract for the Work by the DISTRICT and, within the time and in the manner required by the above- referenced Bid Documents, enters into the written form of Contract bound with said Bid Documents, furnishes the required bonds (one to guarantee faithful performance and the other to guarantee payment for labor and materials) furnishes the required insurance certificates and endorsements, and furnishes any other certifications as may be required by the Contract, then this obligation shall be null and void; otherwise it shall remain in full force and effect. In the event suit is brought upon this bond by the DISTRICT and judgment is recovered, said Surety shall pay all costs incurred by the DISTRICT in such suit, including reasonable attorneys' fees to be fixed by the court.

SIGNED AND SEALED, this _____ day of _____, 20_____.

PRINCIPAL: _____ <i>Name of Company</i>	SURETY: _____ <i>Name of Company</i>
By: _____ <i>Signature</i>	By: _____ <i>Signature</i>
_____ <i>Print Name & Title</i>	_____ <i>Print Name & Title</i>
	Address for Notices: _____ <i>Street Address</i> _____ <i>City, State & Zip Code</i>

NOTE: Notary acknowledgement for Surety and Surety's Power of Attorney must be attached.

SECTION 3 – NON-COLLUSION AFFIDAVIT

In accordance with Public Contract Code Section 7106, the undersigned, being first duly sworn, deposes and says that he or she holds the position listed below with the bidder, the party making the foregoing bid, that the bid is not made in the interest of, or on behalf of, any undisclosed person, partnership, company, association, organization, or corporation; that the bid is genuine and not collusive or sham; that the bidder has not directly or indirectly induced or solicited any other bidder to put in a false or sham bid, and has not directly or indirectly colluded, conspired, connived, or agreed with any bidder or anyone else to put in a sham bid, or that anyone shall refrain from bidding; that the bidder has not in any manner, directly or indirectly, sought by agreement, communication, or conference with anyone to fix the bid price of 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, or to secure any advantage against the public body awarding the contract of anyone interested in the proposed contract; that all statements contained in the bid are true; and, further, that 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, or paid, and will not pay, any fee to any corporation, partnership, company association, organization, bid depository, or to any member or agent thereof to effectuate a collusive or sham bid.

Signature

Typed or Printed Name

Title

Bidder

Subscribed and sworn before me
This ____ day of _____, 20____

(Seal)

Notary Public in and for
the State of California

My Commission Expires: _____

Bidder Name: _____

SECTION 4 – BIDDER INFORMATION FORM

4.A INFORMATION ABOUT BIDDER

[Indicate not applicable (“N/A”) where appropriate.]

NOTE: Where Bidder is a joint venture, pages shall be duplicated and information provided for all parties to the joint venture.

1.0 Name of Bidder: _____

2.0 Type, if Entity: _____

3.0 Bidder Address: _____

4.0 How many years has Bidder been in business under its current license number as a Contractor? _____

5.0 How many years has Bidder been in business under its present name? _____

5.1 Under what other names or business forms (e.g. sole proprietorship, corporation, etc.) has Bidder operated?

6.0 If Bidder's organization is a corporation, answer the following:

6.1 Date of Incorporation: _____

6.2 State of Incorporation: _____

6.3 President's Name: _____

6.4 Vice-President's Name(s): _____

6.5 Secretary's Name: _____

6.6 Treasurer's Name: _____

Bidder Name: _____

7.0 If an individual or a partnership, answer the following:

7.1 Date of Organization: _____

7.2 Name and address of all partners (state whether general or limited partnership):

8.0 If other than a corporation or partnership, describe organization and name principals:

9.0 List other states in which Bidder's organization is legally qualified to do business.

10.0 What type of work does the Bidder normally perform with its own forces?

11.0 Has Bidder ever failed to complete any work awarded to it, either under its current name or any former name(s)? If so, note when, where, and why:

Bidder Name: _____

12.0 Within the last five years, has any officer or partner of Bidder's organization ever been an officer or partner of another organization when it failed to complete a contract? If so, attach a separate sheet of explanation:

13.0 On a separate sheet, list the construction experience of the key individuals of Bidder's organization.

14.0 List Trade References:

15.0 List Bank References (Bank, Branch Address, Account Number):

16.0 Name of Bonding Company and Name and Address of Agent:

Bidder Name: _____

4.B LIST OF CURRENT PROJECTS (Capacity)

(Duplicate Page if needed for listing additional current projects.)

<u>Project</u>	<u>Client Name Contact Person, Address & Phone No.</u>	<u>Description of Bidder's Work</u>	<u>Completion Date</u>	<u>Estimated Magnitude (\$, m/hrs. etc.)</u>
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Bidder Name: _____

4.C LIST OF COMPLETED PROJECTS

(Duplicate Page if needed for listing additional completed projects.)

List the projects completed by Bidder that demonstrate the experience and technical expertise required in the Supplementary General Conditions. ALL SPACES MUST BE COMPLETED.

Project 1:

Project Name & Location: _____

Client Name: _____

Client Contact Person: _____ Telephone Number(s): _____

Street Address: _____

City, State & Zip: _____

Description of Work: CA Public: School (K-12) Community College University DSA Project Number: _____

City Municipality Public entity _____

Design-Bid-Build Design-Build CM-at-Risk Other _____.

Original Contract Sum: _____ Final Contract Sum: _____

Start Date: _____ Original Completion Date: _____ Actual Completion Date: _____

Contractor started and completed this project under License Number: _____

Total Number of Change Orders: _____ Which included how many Owner Initiated Change Orders? _____

Bidder Name: _____

Project 2:

Project Name & Location: _____

Client Name: _____

Client Contact Person: _____ Telephone Number(s): _____

Street Address: _____

City, State & Zip: _____

Description of Work: CA Public: School (K-12) Community College University DSA Project Number: _____

City Municipality Public entity _____

Design-Bid-Build Design-Build CM-at-Risk Other _____.

Original Contract Sum: _____ Final Contract Sum: _____

Start Date: _____ Original Completion Date: _____ Actual Completion Date: _____

Contractor started and completed this project under License Number: _____

Total Number of Change Orders: _____ Which included how many Owner Initiated Change Orders? _____

Bidder Name: _____

4.D EXPERIENCE AND TECHNICAL QUALIFICATIONS QUESTIONNAIRE

Personnel:

The Bidder shall identify the key personnel to be assigned to this project in a management, construction supervision or engineering capacity.

- 1. List each person's job title, name and percent of time to be allocated to this project:

- 2. Summarize each person's specialized education:

- 3. List each person's years of construction experience relevant to the project:

- 4. Summarize such experience:

- 5. FOR DAS 13 FORM INFORMATION FILED BY OWNER, LIST CLASSIFICATION(S) OR TYPE(S) OF WORKER(S) (CARPENTER, PLUMBER, ETC.), NOT SUBCONTRACTOR(S), THAT BIDDER WILL **EMPLOY** ON THIS PROJECT:

Bidder agrees that personnel named in this Bid will remain on this Project until completion of all relevant Work, unless substituted by personnel of equivalent experience and qualifications approved in advance by the OWNER.

Bidder Name: _____

Additional Bidder's Statements:

If the Bidder feels that there is additional information which has not been included in the questionnaire above, and which would contribute to the qualification review, it may add that information in a statement here or on an attached sheet, appropriately marked:

4.E VERIFICATION AND EXECUTION

These Bid Forms shall be executed only by a duly authorized official of the Bidder:

I declare under penalty of perjury under the laws of the State of California that the foregoing information is true and correct:

Executed on this _____ day of _____, 20_____.

By: _____
Type or Print Name

Signature

Title

Subscribed and sworn before me
this ___ day of _____, 20_____.

(SEAL)

Notary Public in and for
the State of California

My Commission Expires: _____

SECTION 5 – NOTICE OF PRE-BID MEETING & JOB WALK

CHAFFEY COMMUNITY COLLEGE DISTRICT Stadium Bleacher Repair Project BID NUMBER 09P90

Each prospective bidder is responsible for fully acquainting himself with the conditions of the Project Site (which may include more than one site), as well as those relating to the construction and labor of the Project, to fully understand the facilities, difficulties and restrictions which may impact the total and adequate completion of the Project. The full extent of the Project can only be determined by a job walk-through. Therefore, the OWNER requires that all contractors attend the Pre-Bid Conference and Job Walk. The purpose of the Pre-Bid Conference and Job Walk is to give all bidders the opportunity to visit the job site prior to the bid date and ask any questions or request an explanation regarding details about the specifications and scope of work.

The OWNER expects that each contractor submitting a bid for this Project (a) is satisfied as to the conditions affecting the work, (b) has taken whatever measurements and/or gathered all information sufficient to properly bid the Project, (c) understands the facilities, difficulties and restrictions which may impact the total and adequate completion of the Project, and (d) receives clarification on any bidding and contracting requirements applicable to this Project. No allowance for lack of knowledge of existing conditions will be made after opening of the bids.

TIME: 3:00 PM
DATE: April 2, 2009
PLACE: Gymnasium, Room G-38 N & S
5885 Haven Avenue, Rancho Cucamonga, CA 91737-3002
(We will then proceed to the job site.)
CONTACT: **Mark B. Logan, Purchasing Manager, (909) 652-6701**

A sign-in sheet will be provided as proof of attendance. The Bid and Contract Documents provide the location of the Project site.

**** PLEASE SIGN THIS NOTICE AND RETURN WITH YOUR BID ****

Receipt Acknowledged By: _____
Company Name

Signature & Date

Type or Print Name

Title

SECTION 6 – DISABLED VETERANS BUSINESS ENTERPRISE REQUIREMENTS

California Education Code section 71208 establishes the “participation goals” for minority, women, and disabled veterans business enterprises (M/W/DVBE) on all contracts awarded by OWNER, with participation goals of fifteen percent (15%) for minority business enterprises, ten percent (10%) for women business enterprises and three percent (3%) for disabled veterans business enterprises. This statutory requirement is implemented by regulations promulgated in California Code of Regulations, Title 5, sections 59500-59509. Neither the statute nor the regulations impose an absolute requirement that contracts awarded by OWNER meet the M/W/DVBE participation goals. The statute, regulations and applicable law prohibit the application of strict numerical set asides unless there has been a prior factual finding of discriminatory practices. Accordingly, the failure of a bidder to have met the participation goals will not by itself render the bidder non-responsive so long as there is a show of good faith efforts by the bidder to meet the participation goals. For the definition of good faith efforts, see California Public Contract Code section 2000: <http://www.leginfo.ca.gov/cgi-bin/displaycode?section=pcc&group=01001-02000&file=2000-2002>.

ENCOURAGED PARTICIPATION

Although not specifically required, bidders are encouraged to seek and include M/W/DVBE subcontractor and supplier participation in their bids. In addition, bidders are encouraged to note in their Expanded List of Proposed Subcontractors (Contract Appendix, Subpart D, Expanded List of Subcontractors) those subcontractors who qualify as M/W/DVBEs.

REQUIRED DOCUMENTATION

Prior to, and as a condition precedent for, final payment under this Contract, the successful bidder will be required to provide documentation to the OWNER identifying the amounts paid to M/W/DVBEs, if any, in conjunction with this Contract so that OWNER can assess its success at meeting its M/W/DVBE participation goal.