

SECTION 00 91 03

ADDENDUM NO. 3

SUMMARY

This document includes requirements that clarify or supersede portions of the Request for Proposal. This Addendum is a Contract Document.

General

The following changes, additions and deletions shall be made to the following document(s); all other conditions shall remain the same.

I. SPECIFICATIONS:

Item No.	Reference	Description
A.	Document 00 01 10	Table of Contents V.4 dated March 14, 2008, attached, supersedes V.3 dated March 7, 2008. Table of Contents V.4 adds Section 00 91 03 Addendum No. 3
B.	Documents 00 11 19	Instruction to Bidders V.3 dated March 14, 2008, attached, supersedes V.2 dated March 7, 2008. Instruction to Bidders extends the Bid Due Date to April 3, 2008.

END OF ADDENDUM

DOCUMENT 00 01 10

TABLE OF CONTENTS**INTRODUCTORY INFORMATION**

Document	Title
00 01 01	Title Page
00 01 07	Not Used
00 01 10	Table of Contents V.4
00 01 15	List of Drawings

BIDDING REQUIREMENTS

Document	Title
00 11 13	Advertisement for Bids
00 11 19	Instructions to Bidders V.3
00 11 20	Not Used
00 21 14	Bid Submittal Vicinity Map
00 21 15	Project Site Campus Map
00 31 19	Reports, Surveys and Existing Conditions
00 41 00	Bid Form
00 43 10	Indemnity and Release Agreement
00 43 13	Bond Accompanying Bid
00 43 25	Substitution Request
00 43 33	Schedule of Major Equipment and Materials Suppliers
00 43 36	Subcontractors List
00 43 45	Escrow Agreement for Security Deposit
00 45 00	Bidder Certifications
00 45 14	Key Personnel
00 45 19	Non-Collusion Affidavit

CONTRACTING REQUIREMENTS

Document	Title
00 50 00	Notice to Proceed
00 51 00	Notice of Award
00 51 01	Notice of Intent to Award for Construction
00 52 00	Agreement
00 61 00	Construction Performance Bond
00 62 00	Construction Labor and Material Payment Bond
00 65 36	Guaranty
00 65 73	Agreement and Release of Any and All Claims

CONDITIONS OF THE CONTRACT

Section	Title
00 71 00	General Conditions
00 73 00	Supplementary Conditions
00 73 05	Supplementary Conditions – Hazardous Materials
00 73 17	Insurance
00 73 37	Apprenticeship Program
00 91 01	Addendum No. 1
00 91 02	Addendum No. 2
00 91 03	Addendum No. 3

SPECIFICATIONS

Division 1 - General Requirements

Section	Title
01 10 00	Summary of Work
01 21 00	Allowance
01 23 00	Alternates
01 26 00	Modification Procedures
01 29 00	Measurement and Payment
01 31 19	Project Meetings
01 31 23	Web-based Project Management System
01 32 16	Progress Schedules and Reports
01 32 19	Submittal Procedures
01 35 00	Special Procedures
01 35 27	Project Labor Agreement
01 41 00	Regulatory Requirements
01 41 01	Regulatory Requirements – Hazardous Materials
01 42 00	References and Definitions
01 45 23	Testing and Inspection
01 51 00	Temporary Facilities and Controls
01 56 00	Site Security and Safety
01 58 00	Project Identification and Signs
01 60 00	Product Requirements
01 74 00	Cleaning
01 76 01	Existing Underground Facilities
01 77 00	Contract Closeout
01 78 39	Project Record Documents
01 91 13	Commissioning Requirements
23 08 00	Commissioning Requirements - HVAC

Division 2 and Above – Technical Requirements

See Volume 2 (by DES Architect & Engineers, September 12, 2007) for Technical Requirements

END OF DOCUMENT

DOCUMENT 00 11 19

INSTRUCTIONS TO BIDDERS

Bids are requested for a general construction contract, or work described in general, as follows:

THE CSM BUILDINGS 14, 16 MODERNIZATION PROJECT

1. **RECEIPT OF BIDS.** Sealed Bids will be received by the District at their office (see paragraph 2 below) **no later than 2:00pm, on Thursday, April 3rd, 2008.** District will receive Bids from pre-qualified contractors in a sealed envelope that is clearly labeled with the name and number of the bid. All Bids will be time stamped to reflect their submittal time. District will reject all Bids received after the specified time and will return such Bids to Bidders unopened. Bidders must submit Bids in accordance with this DOCUMENT 00 11 19.

2. CONTACT INFORMATION:

Bid Submittal and Mailing address:
San Mateo County Community College District
Construction Planning Department
1700 West Hillsdale Blvd., Building 6
San Mateo, CA 94402

Contact Name:
Patricia 'Pepper' Powell

Telephone:
(650) 358-6811

Fax:
(650) 358-6764

Email (acceptable for informal communication, but not legal notice): powellp@smccd.edu

3. **BID SUBMISSION.** Bidder should mark its Bid envelope as BID FOR THE DISTRICT, BID NUMBER 86574, CSM Buildings 14, 16 Modernization PROJECT. Bids shall be deemed to include the written responses of the Bidder to any questions or requests for information of District made as part of Bid prior to submission of Bid. Bidder's failure to submit all required documents strictly as required entitles District to reject the Bid as non-responsive.

4. Not used.

5. Not used.

6. **REQUIRED BID FORMS.** All Bidders must submit Bids using, where applicable, documents supplied in this Project Manual, including without limitation Document 00 11 20 (Indemnity and Release Agreement), Document 00 41 00 (Bid Form), 00 43 13 (Bond Accompanying Bid), Document 00 43 36 (Subcontractors List), Document 00 45 00 (Bidder Certifications), Document 00 43 33 (Schedule of Major Equipment and Material Suppliers), Document 00 45 19 (Non-collusion Affidavit), Document 00 45 14 (Key Personnel), and Document 00 73 17 (OCIP Qualification Form). District will reject as non-responsive any Bid not submitted on the required forms. Bids must be full and complete. Bidders must complete all Bid items and supply all information required by Bidding Sections. District reserves the right in its sole discretion to reject any Bid as non-responsive as a result of any error or omission in the Bid. Bidders may not modify the Bid Form or qualify their Bids. Bidders must submit clearly and distinctly written Bids. Bidders must clearly make any changes in their Bids by crossing out original entries, entering new entries, and initialing new entries. District reserves the

right to reject any Bid not clearly written.

7. **REQUIRED BID SECURITY.** Bidders must submit with their Bids either cash, a cashier's check, or certified check from a responsible bank in the United States, or corporate surety bond furnished by a surety authorized to do business in the State of California, of not less than ten percent of amount of Bid, payable to District. All Bidders choosing to submit a surety bond must submit it on the required form, Document 00 43 13 (Bond Accompanying Bid). District will reject as non-responsive any Bid submitted without the necessary Bid security.

The District may retain Bid securities and Bid bonds of other than the Apparent Low Bidder for a period of ninety (90) Days after award or full execution of the Contract, whichever first occurs. Upon full execution of the Contract, and upon request by Bidder, District will return to the respective unsuccessful Bidders their Bid securities and Bid bonds.

8. **REQUIRED SUBCONTRACTORS LIST.** All Bidders must submit with their Bids the required information on all Subcontractors in Document 00 43 36 (Subcontractors List) for those Subcontractors who will perform any portion of the Work, including labor, rendering of service, or specially fabricating and installing a portion of the Work or improvement according to detailed drawings confined in the plans and specifications, in excess of one half of one percent of total Bid. Violation of this requirement may result in Bid being deemed non-responsive and not being considered.

9. Not used.

10. **MANDATORY PRE-BID SITE VISIT.** District will conduct two Pre-Bid Site Visits (only one is mandatory) at 3:00pm on Tuesday, February 19th, 2008 and 3:00pm on Thursday, February 21st at the College of San Mateo, Building 6, Maverick's Conference Room. District reserves the right to schedule and organize the Site Visit to minimize congestion and disruption to existing facilities and congestion. Bidders are encouraged to submit written questions in connection with the Site Visit. District will transmit to all parties recorded as having received Bidding documents such Addenda as District in its discretion considers necessary in response to written questions. Bidders shall not rely on oral statements. Oral statements will not be binding or legally effective. Other Pre-Bid Site visits may be scheduled at District's sole discretion, depending on staff availability.

11. **OTHER REQUIREMENTS PRIOR TO BIDDING.** Submission of Bid signifies Bidder's careful examination of Bidding Documents and complete understanding of the nature, extent, and location of Work to be performed. As a condition to Bidding, Bidder must complete tasks listed in Document 00 52 00 (Agreement), Article 5. Submission of Bid shall constitute Bidder's express representation to the District that Bidder has fully completed these tasks.

12. **EXISTING DRAWINGS AND GEOTECHNICAL DATA.** Bidders may examine any available existing conditions information (e.g., record documents, specifications, studies, drawings of previous work) by giving District reasonable advance notice, as well as applicable environmental assessment information (if any) regarding the Project. Document 00 31 19 (Reports, Surveys and Existing Conditions) Reports, Surveys and Existing Conditions) applies to all supplied existing conditions information and geotechnical reports and all other information supplied regarding existing conditions either above ground or below ground. Documents may be accessed through the project web site at http://www.smccd.edu/accounts/smccd/departments/facilities/CSMB14Modernization_01.shtml

13. **ADDENDA.** Bidders must direct all questions about the meaning or intent of Bidding Documents to District Representative in writing. Interpretations or clarifications considered necessary by District in response to such questions will be issued by Addenda mailed, faxed, or delivered to all parties recorded by District as having received Bidding Documents. Addenda will be written and will be issued to each bidder to the address or fax number supplied District by Bidder. District may not answer questions received less than six Days prior to the date for opening Bids. Only questions answered by formal written Addenda will be binding. Oral and other interpretations or clarifications will be without legal effect.

- A. Addenda may also be issued to modify the Bidding Documents as deemed advisable by District.
- B. Addenda shall be acknowledged by number with signature in Document 00 41 00 (Bid Form) and shall be

part of the Contract Documents. A complete listing of Addenda may be secured from District.

14. SUBSTITUTIONS. Bidders must base Bids on products and systems specified in Contract Documents or listed by name in Addenda.

- A. Except as provided in paragraph 15.c below, District will consider substitution requests on for “or equal items.” Bidders wanting to use “or equal” item(s) may submit Document 00 43 25 (Substitution Request Forms) items no later than thirty (30) days after the date of the Notice to Proceed. After that date, the District will not accept “or equal” substitution requests. To assess “or equal” acceptability of product or system, submittals of substitutions shall contain the information required in Document 00 43 25 (Substitution Request Forms) and set forth in Section 01 60 00 (Product Requirements). Insufficient information will be grounds for rejection of substitution. District shall, within a reasonable period of time after having received a request for substitution, issue in writing its decision as to whether the proposed substitute item is an “or equal” item. District’s decision shall be conclusive on all Bidders.
- B. Approved substitutions shall be listed in Addenda and become part of contract Documents.
- C. Substitutions may be requested after submitting Bids and Award of contract only in accordance with requirements specified in Section 01 60 00 (Product Requirements).
- D. As further limitation on Bidder’s privilege to substitute items, District has found that certain items are designated as District standards and certain items are designated to match existing items in use on a particular public improvement, either completed or in the course of completion, and/or are only available from one source. As to such items, District will not permit substitution. District will not permit substitutions for the following items:

1. Door Closers	LCN
2. Door locksets	Schlage
3. Panic door hardware	Von Duprin
4. Window shades	Mechoshades
5. Top set base	Burke
6. Carpet	Collins & Aikman
7. Resilient Flooring	Tarkett Linoleum
8. Suspended Acoustical Tile	USG
9. Ceramic Tile	Dal-Tile
10. Paint	Kelly Moore
11. Controls	T.A.C. Yamas Control
12. Fire Alarm	Siemens MXL fire alarm systems, supplied by the local Siemens Building Technologies, Inc., Hayward direct branch office
13. Toilet Partitions	Bobrick Sierra
14. Security	Group 4 Technologies AMAG

15. WAGE RATES. Copies of the general prevailing rates of per diem wages for each craft, classification, or type of worker needed to execute the contract, as determined by Director of the State of California Department of Industrial Relations, are available through the Department of Industrial Relations and are deemed included in the Bidding Documents. See <http://www.dir.ca.gov/dirdatabases.html>. Upon request, District will make available copies to any interested party. In addition, Contractor shall post the applicable prevailing wage rates at the Site.

16. EQUAL EMPLOYMENT OPPORTUNITY. Contractor shall comply with all applicable federal, state, and local laws, rules, and regulations in regard to nondiscrimination in employment because of race, color, ancestry, national origin, religion, sex, marital status, age, medical conditions, disability, or any other reason.

17. BID OPENING. District will open all bidders’ envelopes, initially evaluate them for responsiveness, and determine an Apparent Low Bidder as specified herein.

18. DETERMINATION OF APPARENT LOW BIDDER. Low Bidder for the Bid No. 86574 (CSM Buildings 14, 16) will be determined based on the total amount of all bid items (including alternates) for both this project and the CSM Buildings 2, 4 Project (Bid No. 86573), as calculated cumulatively within one bidder’s bid or across multiple bidders’ bids, whichever combination affords the District the lowest possible cumulative price to buy out both projects. All Bidders are required to submit Bids on all Bid items (including any alternates).

19. Not used.

20. BID EVALUATION. District may reject any or all Bids and waive any informalities or minor irregularities in the Bids. District also reserves the right, in its discretion, to reject any or all Bids and to re-bid the Project. District reserves the right to reject any or all nonconforming, non-responsive, unbalanced, or conditional Bids, and to reject the Bid of any Bidder if District believes that it would not be in the best interest of Project to make an award to that Bidder, whether because the Bid is not responsive or the Bidder is unqualified or of doubtful financial ability or fails to meet any other pertinent standard or criteria established by District. For purposes of this paragraph, an “unbalanced Bid” is one having nominal prices for some work items and enhanced prices for other work items.

- A. In evaluating Bids, District will consider Bidders' qualifications, whether or not the Bids comply with the prescribed requirements, omit prices and other data, as may be requested in Document 00 41 00 (Bid Forms) or prior to the Notice of Award.
- B. District may conduct reasonable investigations and reference checks of Bidder, proposed Subcontractors, suppliers and other persons and organizations as District deems necessary to assist in the evaluation of any Bid; ability qualifications, financial ability proposed Subcontractors, suppliers, and to establish Bidder's responsibility, and other persons and organizations to perform and furnish the Work in accordance with the Contract Documents to District's satisfaction within the prescribed time. Submission of a Bid constitutes Bidder's consent to the foregoing. District shall have the right to consider information provided by sources other than Bidder. District shall also have the right to communicate directly with Bidder's surety regarding Bidder's bonds.
- C. Discrepancies between the multiplication of units of Work and limit prices will be resolved in favor of the unit prices. Discrepancies between the indicated sum of any column of figures and the correct sum thereof will be resolved in favor of the correct sum. Discrepancies between written words and figures will be resolved in favor of the words.
- D. Quantities stated in the Bidding Documents are approximate only and are subject to correction upon final measurement of the Work, and are subject further to the rights reserved by the District to increase or diminish the amount of work under any classification as advantages to design or construction needs require.
- E. District may determine whether a Bidder is qualified in its sole discretionary judgment.

21. AWARD. If the contract is to be awarded, it will be awarded to the lowest responsible responsive Bidder. Following completion of all required District procedures and receipt of all District approvals, District will issue Document 00 51 00 (Notice of Award) to successful Bidder.

22. BID PROTEST. Any Bid protest must be submitted in writing to the District's offices, before 4:00 p.m. of the fifth (5) day following opening of Bidder's Envelopes.

- A. The initial protest document must contain a complete statement of the basis for the protest.
- B. The protest must refer to the specific portion of the document that forms the basis for the protest.
- C. The protest must include the name, address, and telephone number of the person representing the protesting party.
- D. Only Bidders who the District otherwise determines are responsive and responsible are eligible to protest a Bid; protests from any other Bidder will not be considered. In order to determine whether a protesting Bidder is responsive and responsible, District may conduct the same investigation and evaluation as District is entitled to take regarding an Apparent Low Bidder.
- E. The party filing the protest must concurrently transmit a copy of the initial protest document and any attached documentation to all other parties with a direct financial interest that may be adversely affected by the outcome of the protest. Such parties shall include all other Bidders who appear to have a reasonable prospect of receiving an award depending upon the outcome of the protest.
- F. The procedure and time limits set forth in this paragraph are mandatory and are Bidder's sole and exclusive remedy in the event of Bid protest. Bidder's failure to comply with these procedures shall constitute a waiver of any right to further pursue the Bid protest, including filing a Government Code Claim or legal proceedings. A Bidder may not rely on a protest submitted by another Bidder, but must timely pursue its own protest.
- G. Bid protests shall be submitted directly to the district at their offices located at:

San Mateo County Community College District
c/o José D. Nuñez, Vice Chancellor, Facilities Planning, Maintenance & Operations

3401 CSM Drive
San Mateo, CA 94402

* a copy of this protest shall be sent to Danny G. Tanaka, Project Manager, Construction Planning Department, SMCCCD.

23. POST-NOTICE OF AWARD REQUIREMENTS. After Notice of Award, the successful Bidder must execute and submit the following documents as indicated below.

- A. Submit the following documents to District by 4:00 p.m. of the tenth (10) day following Notice of Award. Execution of Contract by District depends upon approval of these documents:
- 1) Document 00 52 00 (Agreement): To be executed by successful Bidder. Submit two originals, each bearing an original signature.
 - 2) Document 00 61 00 (Construction Performance Bond): To be executed by successful Bidder and surety, in the amount set forth in Document 00 61 00 (Construction Performance Bond). Submit one original.
 - 3) Document 00 62 00 (Construction Labor and Material Payment Bond): To be executed by successful Bidder and surety, in the amount set forth in Document 00 62 00 (Construction Labor and Material Payment Bond). Submit one original.
 - 4) Insurance certificates and endorsements required by Section 00 71 00 (General Conditions) Article 4. Submit one original set.
 - 5) The Guaranty in the form set forth in Document 00 65 36 (Guaranty). Submit one original, bearing an original signature.
 - 6) OCIP Insurance Enrollment Forms as set forth in Section 00 73 17 (Insurance). Submit one original.
 - 7) Project Stabilization Agreement Letter of Assent as set forth in Section 01 35 27 (Project Labor Agreement). Submit one original.
- B. District shall have the right to communicate directly with Apparent Low Bidder's proposed performance bond surety, to confirm the performance bond. District may elect to extend the time to receive performance and labor and material payment bonds.
- C. Successful Bidder's failure to submit the documents required herein, in a proper and timely manner, entitles District to rescind its award, and to cause Bidder's Bid security to be forfeited as provided herein.

24. FAILURE TO EXECUTE AND DELIVER DOCUMENTS. If Bidder to whom contact is awarded shall, within the period described in paragraph 23A of this Document 00 11 19, fail or neglect to execute and deliver all required Contract Documents and file all required bonds, insurance certificates, and other documents, District may, in its sole discretion, foreclose on Bidder's deposit surety bond, or deposit Bidder's cashier's check or certified check for collection, and retain the proceeds thereof as liquidated damages for Bidder's failure to enter into the Contract Documents. Bidder agrees that calculating the damages District may suffer as a result of Bidder's failure to execute and deliver all required Contract Documents would be extremely difficult and impractical and that the amount of Bidder's required Bid security shall be the agreed and presumed amount of District's damages. In addition, upon such failure District may determine the next Apparent Low Bidder and proceed accordingly.

25. MODIFICATION OF COMMENCEMENT OF WORK. District expressly reserves the right to modify the date for the Commencement of Work under the Contract and to independently perform and complete work related to the Project.

26. WITHDRAWAL OF BIDS. Bidders may withdraw their Bids at any time prior to the Bid opening time fixed in this Document 00 11 19, only by written request for the withdrawal of Bid filed with the District's representative. Bidder or its duly authorized representative shall execute request to withdraw Bid. The submission of a Bid does not commit the District to award a contract for the Project, to pay costs incurred in the preparation of a Bid, or to procure or contract for any goods or services.

27. PUBLIC RECORDS ACT REQUESTS.

- A. Per the Public Records Act, District will make available to the public all correspondence and written questions submitted during the Bid period, all Bid submissions opened in accordance with the procedures of this Document 00 11 19, and all subsequent Bid evaluation information. All submissions not opened will remain sealed and eventually be returned to the submitter. Except as otherwise required by law, District will not disclose trade secrets or proprietary financial information submitted that has been designated

confidential by Bidder. Any such trade secrets or proprietary financial information that a Bidder believes should be exempted from disclosure shall be specifically identified and identified as such. Blanket-type identification by designating whole pages or section shall not be permitted and shall be invalid. The specific information must be clearly identified as such.

- B. Upon a request for records regarding this Bid, District shall notify Bidder involved within ten (10) Days from receipt of the request of a specific date when the records will be made available for inspection. If the Bidder timely identifies any impropriety, trade secret, or confidential commercial or financial information that Bidder determines is not subject to public disclosure and requests District to refuse to comply with the records request, Bidder shall take all appropriate legal action and defend District's refusal to produce the information in all forums; otherwise, District will make such information available to the extent required by applicable law, without restriction.
- C. Information disclosed to the District and the attendant submissions are the property of District unless Bidder makes specific reference to data that is considered proprietary. Subject to the requirements in the Public Records Act, reasonable efforts will be made to prevent the disclosure of information except on a need-to-know basis during the evaluation process.

28. CONFORMED CONSTRUCTION DOCUMENTS. Following Award of Contract, District will prepare a conformed set of Contract Documents reflecting Addenda issued during bidding, which will, failing objection, constitute the approved set of Contract Documents.

29. DEFINITIONS. All abbreviations and definitions of terms used in this Document 00 11 19 are set forth in Section 01 42 00 (References and Definitions).

END OF DOCUMENT