

NOTICE INVITING SEALED BIDS  
FOR  
CONCRETE REPAIR PROGRAM EAST SIDE – PHASE III  
CIP 1404, CDBG PROJECT NO. 601553-13  
IN THE CITY OF WEST HOLLYWOOD

PUBLIC NOTICE IS HEREBY GIVEN that the City of West Hollywood as AGENCY, invites sealed bids for the above-stated project and will receive such bids in the offices of the City Clerk, 8300 Santa Monica Boulevard, West Hollywood, California 90069, up to the hour of 1:30 PM on Wednesday, January 15, 2014 which time they will be publicly opened.

The work to be done consists of furnishing all materials, equipment, tools, labor, and incidentals to construct concrete repairs at various locations as required by the Plans, Specifications, and contract documents. The general items of work include removal and replacement of broken and damaged P.C.C. sidewalks, curbs, gutters, residential driveways, intersection cross gutter, curb ramps on street corners to meet requirements of the ADA with truncated domes, and all appurtenant work as shown on the plans and delineated in these specifications.

Copies of the Plans, Specifications, and contract documents, except the Standard Plans, Standard Specifications, and Reference Specifications, for bidding this project can only be obtained from the City of West Hollywood, Department of Public Works, 8300 Santa Monica Boulevard, West Hollywood, California 90069, upon payment of a \$25 nonrefundable fee, if picked up, or payment of a \$35 nonrefundable fee, if mailed.

Section 3 Statement: This HUD Section 3 covered construction project is subject to creating economic opportunities directed toward low-income residents and qualified business concerns within the project area.

**A Section 3 pre-bid meeting will be held on Tuesday, January 7, 2014, at 9:30 am at the West Hollywood City Hall, 8300 Santa Monica Blvd, West Hollywood, CA 90069, to discuss the available bid preference and to explain the hiring, training, and contracting goals.** Although this meeting is not mandatory, it will be an opportunity for all bidders to receive explanation of the Federal Labor Standards Provisions and the prevailing wage requirements of the Davis-Bacon and Related Acts, as well as the Section 3 goals and requirements.

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 a Section 3 Business qualified concern because 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.

- OR -

Are not a Section 3 qualified Business concern, but

- Submitted a completed *Section 3 Economic Opportunity Plan*, identify positions to reflect that they will:
  - Hire at least 30% aggregate new-hires that are qualified low-income residents, and will
    - Provide the *Section 3 Resident Certification* form for each income qualified new-hire.
  - Subcontract 25% or more of the bid amount to qualified Section 3 Business Concern(s), and will
    - Have qualified subcontractors provide a *Section 3 Business Certification* form and supporting *Resident Certification* forms for each income qualified employee.

All forms are included within the bid packet. A bidder who does not submit the minimum forms listed above with his/her bid will be considered non-responsive to the Section 3 requirements outlined above and cannot receive consideration for the bid preference.

**BID PREFERENCES:** **First preference** will be given to a bidder who is a qualified Section 3 Business Concern; and provides a reasonable bid. **Second preference** will be given to a bidder who commits to employing income qualified residents or subcontracting with qualified business concerns and identifies the positions and/or subcontractors on a completed *Economic Opportunity Plan* submitted with his/her bid; and provides a reasonable bid. A bid is considered reasonable for Section 3 if the bid is found to be within the *Zone of Consideration* as outlined in 24 CFR 135, III *Examples of Procurement Procedures That Provide for Preference for Section 3 Business Concerns*.

**For additional information and assistance with Section 3 requirements contact our Section 3 Coordinator, Sharon Perlstein (323) 848-6383.**

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 West Hollywood, 8300 Santa Monica Boulevard, West Hollywood, California 90069, and are available from the California Department of Industrial Relations website at <http://www.dir.ca.gov>.

Furthermore, this is a federally-assisted construction project. Federal Labor Standards Provisions, including the prevailing wage requirements of the Davis-Bacon and Related Acts will be enforced. The Federal minimum wage rates are available in Appendix D, as well as directly from the Department of Labor Internet website <http://www.wdol.gov>. In the event of a labor dispute, with Federal and State wage rates are in conflict, the higher of the two will prevail.

The wage rates for any classification not listed by the Federal Department of Labor and/or California Department of Industrial Relations, but which may be required to execute the proposed contract, shall be in accordance with the specified rates for similar or comparable classifications for those performing similar or comparable duties, within the agencies determinations.

Attention is directed to the provisions of Section 1777.5 (Chapter 1411, Statutes of 1968) and 1777.5 of the Labor Code concerning the employment of apprentices by the Contractor or any such subcontractor under him. Affirmative action to ensure against discrimination in employment practices on the basis of race, color, national origin, ancestry, sex, religion, sexual orientation, or handicap will also be required.

This is a HUD Section 3 construction contract and all bidders must commit to employ low-income residents from the local community to achieve the Section 3 goals and to be considered a Section 3 responsive bidder. A bidder who is not responsive to Section 3 requirements shall be considered a non-responsive bidder to this Invitation for Bids.

**This Community Development Block Grant (CDBG) funded project has a Disadvantaged Business Enterprise (DBE) goal for minority participation in each trade of 28.3%, and a goal for female participation in each trade of 6.9%.** Good faith efforts to meet these goals shall be documented and retained with records for this project. Achieving the DBE percentages established for this contract is encouraged and is neither a condition of award nor an issue of responsiveness. However, it is the policy of the City of West Hollywood, to provide the maximum opportunity for DBE firms to compete on its federally assisted contracts.

The AGENCY will deduct a 5-percent retention from all progress payments as specified in Section 9-3.2 of these specifications.

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 in any consideration leading to the award of contract.

In entering into a public works contract, or a subcontract, to supply goods, services, or materials 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 acknowledgement 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 certified or cashier's check, or bidder's bond, made payable to the AGENCY for an amount no less than five (5) percent of the total bid price.

The successful bidder shall be licensed in accordance with provisions of the Business and Professions Code and shall possess a **State Contractor's License Class A** at the time this contract is awarded.

The City of West Hollywood reserves the right to reject any and all proposals or bids or to waive any irregularities or informalities in any bids or in the bidding should it deem this necessary for the public good, and also the bid of any Bidder who has been delinquent or unfaithful in any former contract with the City of West Hollywood and to take all bids under advisement for a period of ninety (90) days. No bidder may withdraw its bid for a period of ninety (90) days after the date from the opening thereof. The award of contract, if made, will be to the lowest responsible Bidder as determined solely by the City of West Hollywood.

BY ORDER OF the City of West Hollywood.  
Corey Schaffer, City Clerk