



CONTRACT

Project: Sound Wall Repair
Bid No: 1156
Amount of Contract: \$ 22,000.00

THIS CONTRACT, made this the 5th day of August, 2009, by and between the City of Milpitas, hereinafter referred to as "the City of Milpitas" and Pleasanton Engineering Contractors Inc., hereinafter referred to as "Contractor",

WITNESSETH:

A. WHEREAS, the City of Milpitas has caused specifications, drawings and other contract documents, hereinafter referred to, as "Specifications", to be prepared for certain work on the referenced project; and

B. WHEREAS, said Specifications include:

- Part A – Invitation For Bids
- Part B – Instructions to Bidder
- Part C – Terms and Conditions
- Part D - Special Provisions for Materials & Equipment
- Part E- Workers Compensation Insurance Certificate.
- Part F – Bidder's Statement Regarding Insurance
- Part G- Non-Collusion Affidavit
- Part H – Experience Statement

C. WHEREAS, Contractor has offered to perform the proposed work in accordance with the terms of said Specifications as set forth by submission of the Contractor's Proposal;

NOW, THEREFORE, in consideration of the mutual covenants and agreements of the parties contained in said Specifications and Contractor's Proposal, which are made a part hereof as though fully set forth, Contractor hereby agrees to complete the work at the prices and on the terms and conditions therein contained, and the City of Milpitas hereby employs the Contractor and agrees to pay the Contractor the contract prices therein provided for the fulfillment of the work and the performance of the covenants therein set forth.

IN WITNESS WHEREOF, this contract has been executed on the day and year first above written.

City of Milpitas,
A Municipal Corporation

_____	_____
City Manager	Contractor's Signature
_____	_____
Title	Title

Business Tax Compliance: Certificate No. _____

Approved As
To Content: _____
City Project Manager

Prepared By: _____
City Purchasing Agent

Approved As
To Form: _____
City Attorney

Approved As
To Insurance: _____
City Risk Manager

ATTEST:
By _____
City Clerk



City of Milpitas
NOTICE TO CONTRACTORS
FOR
Sound Wall Repair
IFB 1156



NOTICE IS HEREBY given that sealed bids will be received by the City of Milpitas Purchasing Division until July 10, 2009 by 2:00 P.M. local time, at which time and place they will be publicly opened and read for furnishing all labor, materials and equipment, and performing all work necessary and incidental to:

Repair of a sound wall including footing and reinforcements per attached specifications in Exhibit A

according to City of Milpitas plans, specifications and contract documents.

SUBMITTING THE BID: (a) *The City of Milpitas prefers that bids be submitted electronically.* Electronic bids may be submitted through a secure mailbox at Public Purchase (www.publicpurchase.com) until the date and time as indicated in this document. It is the sole responsibility of the supplier to ensure their bid reaches Public Purchase before the closing date and time. There is no cost to the supplier to submit City of Milpitas bids electronically via Public Purchase. (b) Electronic bids may require the uploading of electronic attachments. The submission of attachments containing embedded documents is prohibited. All documents should be attached as separate files. (c) If the supplier chooses to submit the bid directly to the City in writing: The bid must be signed in ink, sealed, and delivered to the City of Milpitas Information Counter in the first floor lobby of City Hall at 455 E. Calaveras Blvd. Milpitas CA 95035 by the "Due Date and Time." The "Solicitation Number" and "Due Date" must appear on the outside of the envelope. It is the sole responsibility of the supplier to ensure their bid reaches The City of Milpitas Purchase Division before the closing date. Bids, modifications, or corrections received after the closing time on the "Due Date" will be considered late and will be returned unopened.

Specifications. Specifications may be examined and obtained at no charge on the Public Purchase website, or by calling 408-586-3162.

Pre-Bid Conference. A pre-bid conference is not planned at this time. Work site may be seen at 1379 S. Abel Street and S. Main Street.

Contractors License. All Bidders shall be licensed under the provisions of Chapter 9, Division 3 of the Business and Professions Code of the State of California to do the type of work contemplated in the project. The Successful Bidder shall possess a valid Contractor's License issued by the Contractor's State License Board at the time the contract is awarded. The class of license shall be a **Class B** or any other classification applicable to the work specified in the contract. Each bidder shall also have no less than **three (3) years of experience** in the magnitude and character of the work bid.

Prevailing Wages. Pursuant to provisions of Section 1770, et seq., of the Labor Code of the State of California, it shall be mandatory upon the Contractor to pay its employees the general prevailing rate of wages as determined by the Director of the Department of Industrial Relations. In addition, the Contractor shall be responsible for compliance with the requirements of Section 1777.5 of the California Labor Code relating to apprentices on public works contracts.

Bid Security Bond. Each Bid shall be accompanied by a certified check, cashier's check, or Bid bond duly completed on the form provided herewith by a guaranty company authorized to carry on business in the State of California, in an amount equal to at least ten percent (10%) of the sum of the total amount bid, including any options. Said bond is payable without condition to the City of Milpitas as a guaranty that the bidder, if awarded the contract, will promptly execute the contract in accordance with the Bid in manner and form required by these contract documents and will furnish. The Bid Security shall be forfeited to the City of Milpitas as liquidated damages in the case of failure or neglect of the bidder to furnish, execute and deliver to the City of Milpitas the required evidences of insurance, and to enter into, execute and deliver to the City of Milpitas the contract on the form provided herewith, within ten (10) days after being notified in writing by the City of Milpitas that the award has been made and the contract is ready for execution.

Payment Bond. Upon execution of the contract, the Successful Bidder will be required to furnish a Payment Bond in an amount equal to one hundred percent (100%) of the total amount of the contract.

Substitution of Securities. The Contractor shall be permitted to substitute securities for any monies withheld by the City of Milpitas to ensure performance under this contract, such substitution to be subject to the limitations and requirements of Public Contract Code Section 22300.

Chris Schroeder
Purchasing Agent

Published: Milpitas Post
June 18, 2009 and June 25, 2009

Qty	Unit	Description of Work	Total
1.	LS	Repair sound wall that shall include approximately twenty (20) lineal feet of six (6) feet tall concrete block fence. New wall shall include footing and reinforcement as per specifications in Exhibit A. New wall shall match color of existing wall.	

Since all work will take place with in a City Right of Way an Encroachment Permit will be required.

Total Base Bid (Written in Figures).....\$ _____

(Total Base Bid Written in Words) _____

Recycled Product Procurement. (If applicable) Be sure to add an attachment detailing the Recycled Product Procurement section of the Terms and Conditions.

Award of bid will be made to the lowest responsible and responsive bidder of the Total Amount of Base Bid.

Amount Written in Words. This bid will be awarded based upon the total amount bid **as written in words.** Where there is a discrepancy between words and figures, WORDS WILL GOVERN. Where there is a discrepancy between item unit price and extended total, UNIT PRICE WILL GOVERN.

Please check your calculations before submitting your bid; the City of Milpitas will not be responsible for Bidder miscalculations.

Maximum Completion or Delivery Time: _____ Days from receipt of order or notice to proceed.

Subcontractor Information. Does this proposal include the use of subcontractors?

Yes _____ No _____ Initials _____

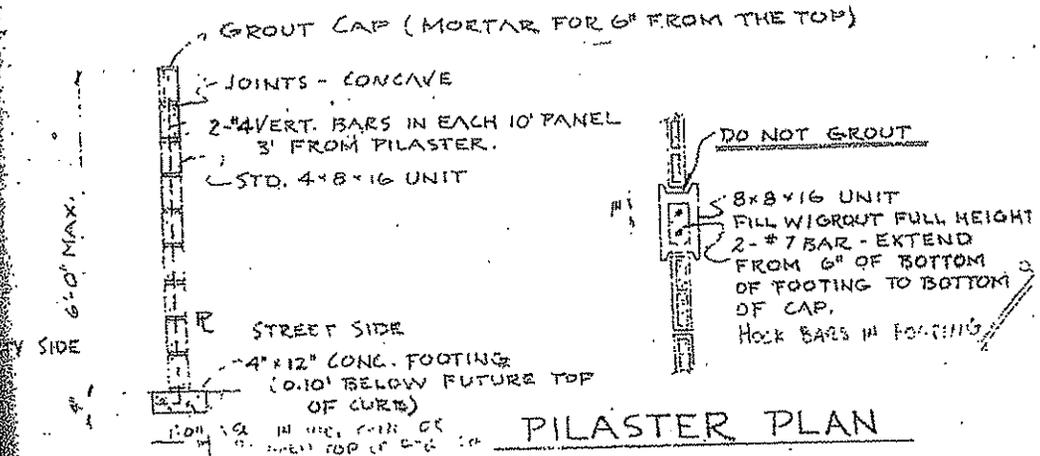
Company Name of Bidder

Mailing Address (PO Box or street)

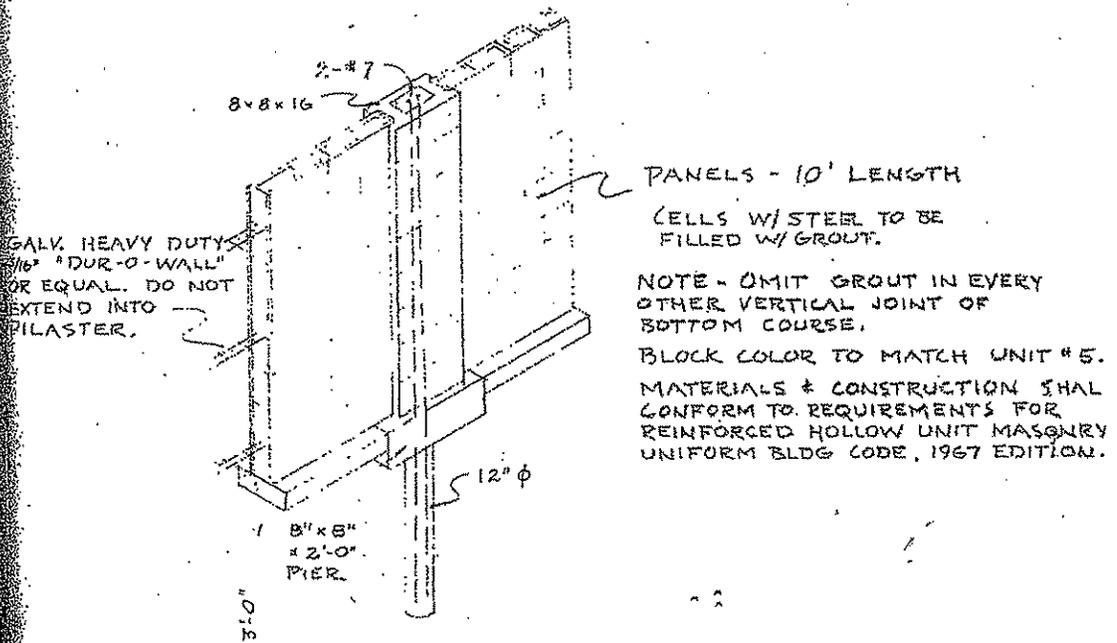
City, State, and Zip Code

Name of Authorized Representative

EXHIBIT A



PANEL SECTION



PILASTER

CONCRETE BLOCK FENCE

1/2" = 1'-0"

