



# MONTEREY PENINSULA WATER MANAGEMENT DISTRICT

*CALL FOR BIDS*

*SLEEPY HOLLOW STEELHEAD REARING FACILITY*

*REARING CHANNEL REHABILITATION PROJECT*

September 2022

*David J. Stoldt* , *GENERAL MANAGER*

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## Table of Contents

NOTICE INVITING SEALED BIDS .....	2
INSTRUCTIONS TO BIDDERS .....	4
BID ACKNOWLEDGEMENT .....	9
BID FORM .....	11
CONTRACTOR’S EXPERIENCE QUALIFICATIONS .....	14
SUBCONTRACTOR’S DESIGNATION FORM .....	16
SUBCONTRACTOR’S EXPERIENCE QUALIFICATIONS .....	19
SECURITY FOR COMPENSATION CERTIFICATION .....	20
FAIR EMPLOYMENT PRACTICES CERTIFICATION .....	21
NONCOLLUSION CERTIFICATE .....	22
BID GUARANTEE .....	23

## NOTICE INVITING SEALED BIDS

### SLEEPY HOLLOW STEELHEAD REARING FACILITY

#### REARING CHANNEL REHABILITATION PROJECT

NOTICE IS HEREBY GIVEN, that bids will be received by the Board of Directors, Monterey Peninsula Water Management District, at the District office Conference Room, 5 Harris Court, Bldg. G, Monterey CA 93940 until **3 p.m. on October 28, 2022**, at which time they shall be publicly opened and read. Mail-in bids may also be sent to the P. O. Box 85, Monterey, California, 93942-0085. Electronic bids may be submitted through the District website (see instructions below).

Work is as follows:

- Pool slabs
  - Remove existing liner and drain in 16 pools
  - Excavation / Native Fill and compaction of approximately 60 cubic yards
  - Import and compact approximately 60 CY of granular structural fill
  - Form and pour approximately 110 CY of steel-reinforced concrete in 16 pools
  - Install new EPDM liner in 16 pools
- Riffles
  - Remove existing cobble, liner, and drain along 600 lineal feet of channel
  - Excavation / Native Fill and compaction of approximately 150 CY
  - Import and compact approximately 70 CY of granular structural fill
  - Form and pour approximately 70 CY of steel-reinforced concrete in 16 riffles
  - Install new liner and reinstall a mix of existing cobble and imported spawning gravel along 600 lineal feet of channel
- Site Civil & Piping
  - Remove existing air and water lines
  - Install gravel filter French drain (24 in. x 12 in.) along 800 feet of rearing channel
  - Install 10-inch drain and drain fittings along approximately 800 feet of channel
  - Install one 1.5-inch water line, one 2-inch water line, and one 4-inch air line along approximately 800 feet
- Site restoration including any repairs to damaged infrastructure and replacement of channel appurtenances

The Engineer's estimate for this work is \$600,000. All work is located at the MPWMD Sleepy Hollow Steelhead Rearing Facility (Facility), 45 San Clemente Drive in Carmel Valley CA 93924. **There is a mandatory site visit for any prospective bidder who is not familiar with the work site on October 7<sup>th</sup>.** Meet at 10 a.m. at the Carmel Valley Historical Society parking lot at 77 W. Carmel Valley Road, Carmel Valley, CA 93924. The group will proceed through gated private property to the Facility. Failure to make a site visit or prove familiarity with existing operations at the Facility may be grounds to disqualify a bid.

This work shall be done in accordance with the Specifications therefore adopted, to which special reference is hereby made. The Contractor shall furnish all labor, supplies, equipment, and services required to perform the work, except as expressly stated in the Construction Specifications. Payment of prevailing wages is required.

Each bid shall be accompanied by U.S. currency, certified check, cashiers check, or Contractor's bond in an amount not less than ten percent (10%) of the bid amount, and shall be made payable to the Monterey Peninsula Water Management District. The District reserves the right to reject any and all bids or to waive any irregularities or informalities in any bid or in the bidding. No bidder shall withdraw his or her bid for a period of 210 calendar days after the date set by the District for the opening thereof.

Upon authorization of a contract by the District Board of Directors, a notice of award will be sent to the successful bidder. The successful bidder will then have ten (10) calendar days to return a signed contract agreement, together with faithful performance bonds and any other required documentation. The successful bidder must furnish proof of general liability insurance in the amount of \$5,000,000.

Work may not begin until after the Sleepy Hollow Facility (Facility) is shut down for the winter of 2022-23. Shut-down is dependent on Carmel River flow reconnecting to the Carmel River lagoon. It is expected that the Facility would be shut down by early January 2023; however, changeable weather conditions could result in an earlier or later shutdown.

The work must be completed by May 15, 2023. If the bidder fails or refuses to enter into a contract to do the work, then the bid guaranty accompanying the bid shall be paid to the District as liquidated damages (General Provisions Sect. 2.03).

Bid documents, Plans and Specifications may be secured at no charge from the Monterey Peninsula Water Management District, 5 Harris Court, Bldg. G Street, P. O. Box 85, Monterey, California 93942-0085 or may be downloaded from the District's web page at

<http://www.mpwmd.net/who-we-are/project-bids-rfps/>

Electronic bids may be submitted by downloading the electronic bid form from the MPWMD site and following directions on that form.

**For further information**, please contact the Project Manager, Larry Hampson, [larry@mpwmd.net](mailto:larry@mpwmd.net) or at 831-238-2543.

## INSTRUCTIONS TO BIDDERS

### **BID PREPARATION**

Any Addenda will be posted on the website and shall be made part of the Contract Documents. It is the responsibility of each prospective bidder to check the project website <http://www.mpwmd.net/who-we-are/project-bids-rfps/>

through the close of bids for any applicable addenda or updates. Bidder shall either include all Addenda issued by MPWMD with their Bid or write the number and date of each Addendum on the Bid Acknowledgement Form.

MPWMD does not assume any liability or responsibility based on any defective or incomplete copying, excerpting, scanning, faxing, downloading or printing of the Bid Documents.

If alternate bid items are called for in the Contract Documents, the lowest bid will be determined on the basis of the base bid only unless otherwise specified in the Notice Inviting Bids. The time required for completion of the alternate bid items has been factored into the Contract Time and no additional time will be allowed for performing any of the alternate bid items.

Regardless of whether the alternate bid items will be considered in determining the low bid, MPWMD may elect to include one or more of the alternate bid items, or to otherwise remove certain work from the Project scope of work, accordingly each Bidder must ensure that each bid item contains a proportionate share of profit, overhead and other costs or expenses which will be incurred by the Bidder.

### **QUESTIONS AND CLARIFICATIONS**

Discrepancies in, and/or omissions from, the Bid or Contract Documents or questions as to their meaning shall be immediately brought to the attention of MPWMD by submission of a written request for an interpretation or clarification to MPWMD. Such submission, if any, must be sent in writing to the Project Manager at the address for MPWMD provided in the Notice Inviting Bids or at [larry@mpwmd.net](mailto:larry@mpwmd.net)

Any interpretation of the Contract Documents will be made only by written addenda duly issued by MPWMD and posted to the project bid website. MPWMD will not be responsible for any explanations or interpretations provided in any other manner. No person is authorized to make any oral interpretation of any provision in the Contract Documents to any bidder, and no bidder should rely on any such oral interpretation.

### **BID GUARANTY**

Each bid shall be accompanied by either U.S. currency, certified check, cashier's check, or proposed Contractor's bond of a surety company acceptable to the District in an amount not less

than ten percent (10%) of the bid amount and shall be made payable to the Monterey Peninsula Water Management District.

**BID PRICE**

The bid price shall include everything necessary for the performance of the complete job, including but not limited to furnishing all materials, equipment, tools, superintendence, labor and services except as expressly stated in the Construction Specifications.

Bid prices shall include allowance for all federal, state, and local taxes.

**BID SUBMITTAL**

A sealed bid shall be made and submitted on the blank form provided herein, without substitution or omission, in accordance with Section 1.02 of the General Conditions. The bid shall be sealed in an envelope marked "REARING CHANNEL REHABILITATION PROJECT." All bids received by mail shall be sealed in a separate envelope clearly marked "REARING CHANNEL REHABILITATION" and placed inside a mailing envelope. Bids that do not meet these requirements shall not be eligible for consideration. Bidders may not submit bids by fax, email, telephone, or other means.

Bids shall remain valid for 210 calendar days after the bid opening date.

Attention is directed to the provisions of California Public Contract Code Sections 5100-5107 that set forth the criteria and procedures for relief of Bidders, and for authorizing Contract Award to another Bidder.

**Instructions for electronic bids**

An electronic bid may be submitted to the District by downloading the fillable form at the following link:

<https://www.mpwmd.net/who-we-are/project-bids-rfps/>

Please submit the bid with relevant attachments to the MPWMD Project Manager email address listed in the Notice Inviting Bids. The Project Manager will acknowledge receipt of bids when received, but will not evaluate bids until after the bid submittal deadline. Bids received after the bid submittal deadline will not be considered.

It is the Bidder's responsibility to complete the bid process. MPWMD recommends submitting electronic bids at least 24 hours in advance of the bid deadline. Should there be any problems with electronic submittal, MPWMD may not be able to respond in a timely fashion to resolve technical difficulties with bid submittal.

All electronic bid documents must be in PDF format and digitally signed.

If you do not receive a confirmation message that a bid has been received within 24 hours, please contact the Project Manager for assistance.

### **BONDS**

The positioning of a Faithful Performance Bond by Contractor in the amount of one hundred percent (100%) of the total contract price as specified in Section 4 of the General Provisions will be required as part of this project.

A Material-and-Labor Bond shall also be required to be posted by Contractor in the amount of one hundred percent (100%) of the total contract price, as specified in Section 4 of the General Provisions.

A Warranty Bond shall also be required to be posted by Contractor in the amount of one hundred percent (100%) of the total contract price for one year, as specified in the Completion section of the Special Conditions.

The Contractor has the option to substitute certain securities for a faithful performance bond, pursuant to an escrow agreement. The Contractor shall inform the District in writing upon submittal of the bid of the intention to substitute securities for a faithful performance bond.

### **PUBLIC WORKS CONTRACTOR REGISTRATION**

Pursuant to Labor Code sections 1725.5 and 1771.1, all contractors and subcontractors that wish to bid on, be listed in a bid proposal, or enter into a contract to perform public work must be registered with the Department of Industrial Relations. No contract will be entered into without proof of Contractor's and subcontractors' current registration with the Department of Industrial Relations to perform public work. If awarded a contract, the bidder and its subcontractors, of any tier, shall maintain active registration with the Department of Industrial Relations for the duration of the Project.

A California General Engineering license A is required for the work.

In addition, each Bidder shall provide the registration number for each listed subcontractor in the space provided in the Designation of Subcontractors form. Notwithstanding the foregoing, Contractor registration requirements mandated by Labor Code Sections 1725.5 and 1771.1 shall not apply to work performed on a public works project that is exempt pursuant to the small project exemption specified in Labor Code Sections 1725.5 and 1771.1.

### **DEBARMENT OF CONTRACTORS AND SUBCONTRACTORS**

In accordance with the provisions of the Labor Code, contractors or subcontractors may not perform work on a public works project with a subcontractor who is ineligible to perform work



on a public project pursuant to Labor Code Sections 1777.1 or 1777.7. Any contract on a public works project entered into between a contractor and a debarred subcontractor is void as a matter of law. A debarred subcontractor may not receive any public money for performing work as a subcontractor on a public works contract. Any public money that is paid to a debarred subcontractor by Contractor for the Project shall be returned to MPWMD. The Contractor shall be responsible for the payment of wages to workers of a debarred subcontractor who has been allowed to work on the Project.

### **BID MODIFICATION**

Bidder may, without prejudice to itself, modify or withdraw its Bid prior to the stated bid closing time. Following withdrawal of its Bid, Bidder may submit a new Bid, provided that such new Bid is received prior to the stated closing time.

Any request to withdraw a bid after bid opening must be made in accordance with Public Contract Code section 5100 et seq. and must be submitted in writing within five (5) working days, excluding Saturdays, Sundays and State holidays, specifying in detail how the mistake was made.

### **BID OPENING AND AWARD**

Bids shall be publicly opened and read at the time and location stated in the Notice Inviting Sealed Bids. Bid award shall be made in accordance with General Conditions Section 2.

### **BID PROTEST**

Any Bid protest relating to the form or content of the Bid Documents must be submitted in writing to MPWMD's Project Manager identified in the Notice Inviting Sealed Bids at least ten (10) business days before the original date or extension thereto set for the Bid opening. Any Bidder who fails to submit a protest before the aforementioned deadline will be deemed to have waived any protest to the form or content of the Bid Documents.

Any Bid protest unrelated to the form or content of the Bid Documents must be submitted in writing to MPWMD's Project Manager. The protest must be received before 5:00 p.m. of the fifth (5<sup>th</sup>) business day following Bid opening. The protest document must contain a complete statement with legal grounds for the basis for the protest, and include all relevant, supporting documentation. The protest must include the name, address, and telephone number of the person representing the protesting party. If the protest does not comply with each of these requirements, MPWMD may reject the protest without further review.

If the protest is timely and complies with the above requirements, MPWMD's Project Manager or other designated staff member shall review the protest, any response from the challenged Bidder(s), and all other relevant information. MPWMD's designated staff member will provide a written decision to the protestor. Failure to comply with these procedures shall constitute a

failure to exhaust administrative remedies and a waiver of any right to further pursue the Bid protest, including filing a Government Code Claim or legal proceedings.

**TIMING**

Upon authorization of a contract by MPWMD Board of Directors, a notice of award will be sent to the successful bidder.

The successful bidder will then have 10 calendar days to return a signed contract agreement, together with faithful performance bonds and any other required documentation. If the bidder fails or refuses to enter into a contract to do the work, then the bid guaranty accompanying the bid shall be paid to the MPWMD as liquidated damages (General Provisions Sect. 2.03).

Work must begin within 10 calendar days from the date stated in the Notice to Proceed by MPWMD.

Work must be substantially complete as defined in the Contract Agreement by May 15, 2023.

## BID ACKNOWLEDGEMENT

Monterey Peninsula Water Management District  
5 Harris Court Bldg. G., Monterey, CA 93940 (Monterey County)  
or  
P.O. Box 85, Monterey, CA 93942-0085

Pursuant to the foregoing Notice Inviting Sealed Bids, the undersigned Bidder hereby proposes and binds itself by the Monterey Peninsula Water Management District (MPWMD), under this Bid, to execute in accordance with such award, a contract of which this Bid and the Plans and Specifications, which include Special Conditions and all Addenda, shall be a part, to furnish any and all labor, materials, equipment, and services necessary for satisfactory performance and completing the work set forth in said documents within the time hereinafter sent forth and at the prices named in this bid.

Upon award, the Bid Form shall become a part of the final contract.

The undersigned Bidder certifies the following:

- Bidder has examined the location of the proposed work and/or is familiar with the Specifications, which include Special Conditions and all Addenda, and the local conditions in the place where the work is to be done.
- Bidder has examined and carefully studied the Call for Bids, the other related data identified in the Call for Bids, and the following Addenda, receipt of which is hereby acknowledged:

Addenda (BIDDER MUST FILL IN or include addenda with bid)

No. _____	Dated _____
No. _____	Dated _____
No. _____	Dated _____
No. _____	Dated _____
No. _____	Dated _____

- Bidder has carefully checked all of the figures shown in its Bid Form and understands that MPWMD shall not be responsible for any errors or omissions on the part of the undersigned in making up this bid.
- Bidder has carefully reviewed the accuracy of all statements in this Bid and attachments hereto.
- Bidder understands that MPWMD reserves the right to reject any or all bids, and to waive any irregularities or informalities in bids received. Award shall be made which, in the

judgement of MPWMD, is to the best interest of MPWMD. It is agreed that this bid may not be withdrawn within a period of 210 days after the date set for the opening thereof subject to the provisions of California Public Contract Code Sections 5100-5107.

- Bidder has examined and is fully familiar with all of the provisions of the Contract Documents and any addenda thereto.

In accordance with the Construction Specifications, Bidder further agrees to so plan the work and prosecute it with such diligence that said work shall be commenced within 10 days after the date stated in the Notice to Proceed. The work must be substantially completed by May 15, 2023 so that the works and facility are operational.

Bidder agrees, if awarded the contract, Bidder and all subcontractors shall pay to all laborers, workpersons, and mechanics employed in the execution of such contract or any subcontract thereunder, not less than the general prevailing rate of per diem wages, and rates for overtime and legal holidays in the locality in which the work is to be performed, as established by the State Director of the Department of Industrial Relations.

Bidder and subcontractors currently possess and agree to maintain valid **Contractor's Licenses** issued by the State of California necessary to prosecute the work.

Bidder:		Tax I.D. Number:	
Business Address:			
List all Contractor's License No.:			
Telephone:	( )	e-mail:	
By (signature):			
Name (printed):			
Title:		Dated:	

This form must be completed submitted with the bid for the bid to be responsive.

## BID FORM

All labor, materials, services, tools, equipment, services and whatever else is required to perform all work in accordance with the requirements in the Call for Bids, and all documents incorporated by reference in the Call for Bids, for construction of the following:

BIDDER: \_\_\_\_\_

Item		Quantity	Unit	Unit Cost	Total
1	Mobilization and General Conditions	1	LS		
<b>Pool Slabs</b>					
2	Remove and dispose existing liner	1	LS		
3	Excavation, recompaction and testing of native fill in pools	1	LS		
4	Importation, compaction, and testing of granular structural fill	1	LS		
5	Form and pour reinforced concrete slabs	1	LS		
6	Install new EPDM liner	1	LS		
<b>Riffles</b>					
7	Remove existing liner and cobble	1	LS		
8	Excavation, recompaction, and testing of native fill in riffles	1	LS		
9	Importation, compaction, and testing of granular structural fill	1	LS		
10	Form and pour reinforced concrete slabs	1	LS		
11	Install new EPDM liner	1	LS		
12	Install cobble and spawning gravel	1	LS		
<b>Site piping</b>					
13	Install gravel filter along approximately 800 feet of rearing channel	1	LS		
14	Install 10-inch drain and fittings along approximately 800 feet of channel	1	LS		
15	Install 1.5-inch freshwater line along approximately 800 feet of channel				
16	Install 2-inch saltwater line along approximately 800 feet of channel				
17	Install 4-inch air line along approximately 800 feet of channel				
<b>Site restoration</b>		1	LS		

	<b>Total Construction Bid Amount</b>	
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1. Total price to include sales tax (if applicable) in Carmel Valley, California (currently 7.75%)

Upon award, this Bid Form shall become a part of the final contract.

## BIDDER UNDERSTANDING

The undersigned has examined the location of the proposed work and/or is familiar with the Specifications and the local conditions in the place where the work is to be done.

The undersigned has checked carefully all the above figures and understands that the District shall not be responsible for any errors or omissions on the part of the undersigned in making up this bid.

The undersigned understands that the District reserves the right to reject any or all bids, and to waive any irregularities or informalities in bids received. Award shall be made which, in the judgement of the District, is to the best interest of the District. It is agreed that this bid may not be withdrawn within a period of 210 days after the date set for the opening thereof subject to the provisions of California Public Contract Code Sections 5100-5107.

In accordance with the Construction Specifications, the undersigned further agrees to so plan the work and prosecute it with such diligence that said work shall be commenced within 10 days after issuance of the notice to proceed, and the work shall be completed by November 30, 2018.

The undersigned agrees, if awarded the contract, that there shall be paid by the undersigned and all subcontractors under him, to all laborers, workmen, and mechanics employed in the execution of such contract or any subcontract thereunder, not less than the general prevailing rate of per diem wages, and rates for overtime and legal holidays in the locality in which the work is to be performed, as established by the State Director of the Department of Industrial Relations.

The undersigned or their subcontractors currently possess and agree to maintain valid **Contractor's Licenses** issued by the State of California necessary to prosecute the work.

Bidder:			
By:		Dated:	
Title:			

This form must be submitted with the bid for the bid to be responsive.

## CONTRACTOR'S EXPERIENCE QUALIFICATIONS

The Bidder as Prime Contractor must have completed at least \$100,000 in construction volume within the last 5 years, with at least one project having a contract value of \$50,000. Examples of types of projects include:

- Commercial installation/upgrades involving excavation, importation and compaction of materials, installation of reinforced concrete flat work, installation of piped drains, waterline pipes and air line pipes
- Contractor should be experienced with installation of EPDM liner or similar material
- Contractor should be experienced with work in the outdoors during winter conditions including rain, wind, and cold
- Contractor should be experienced with working at a remote site



The Bidder has been engaged in the contracting business, under the present business name for \_\_\_\_\_ years. Experience in work of a nature similar to that covered in the bid extends over a period of \_\_\_\_\_ years.

The bidder, as a contractor, has never failed to satisfactorily complete a contract awarded to him, except as follows:

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The Bidder as Prime Contractor shall list projects meeting Contractor’s Experience Qualifications in the following table for the bid to be considered responsive:

Year	Project Location and Contracting Firm/ Agency	Contract amount (\$)	Provide Name and Telephone Number of Person(s) That Can Be Contacted Regarding Work

Please attach additional sheet(s) as needed.

Bidder

Signed \_\_\_\_\_

Title \_\_\_\_\_

Date \_\_\_\_\_

Public Works Contractor Registration Number \_\_\_\_\_

This form must be submitted with the bid for the bid to be responsive.

## SUBCONTRACTOR'S DESIGNATION FORM

In accordance with the State of California Public Contract Code Sections 4100-4114, the Subletting and Subcontracting Fair Practices Act, each bid shall set forth for each subcontractor who will perform work or labor or render service to Contractor in or about the construction of the work in an amount in excess of one-half of one percent (1/2%) of Contractor's Total Bid Price:

- a) the name and the location of the place of business,
- b) the California contractor license number,
- c) the public works contractor registration number, and
- d) the portion of the work which will be done as a percentage of Contractor's Total Bid Price.

Notwithstanding the foregoing, if the work involves streets and highways, then Contractor shall list each subcontractor who will perform work or labor or render service to Contractor in or about the work in an amount in excess of one-half of one percent (1/2%) of Contractor's Total Bid Price or \$10,000, whichever is greater. No additional time shall be granted to provide the below requested information.

If a Contractor fails to specify a Subcontractor for any portion of the work to be performed under the Contract, on or about the construction of the project, in excess of one-half of one percent (1/2%) of Contractor's total Bid, Contractor shall be deemed to have agreed to perform such portion, using Contractor's own resources and employed personnel and Contractor shall not be permitted to sub-contract that portion of the work, except under the conditions set forth in Section 4107 of the Government Code of the State of California.

The prime contractor shall list only one subcontractor for each portion as is defined by the prime contractor in Contractor's bid.

Subcontractor Name	Subcontractor Address
California Contractor License Number	Public Works Contractor Registration Number
Description of Work to be done by Subcontractor	% of Work to be done by Subcontractor

Subcontractor Name	Subcontractor Address
California Contractor License Number	Public Works Contractor Registration Number
Description of Work to be done by Subcontractor	% of Work to be done by Subcontractor

Subcontractor Name	Subcontractor Address
California Contractor License Number	Public Works Contractor Registration Number
Description of Work to be done by Subcontractor	% of Work to be done by Subcontractor

Name of Bidder \_\_\_\_\_

Signature \_\_\_\_\_

Name & Title \_\_\_\_\_

Dated \_\_\_\_\_

This form must be submitted with the bid for the bid to be responsive.

## SUBCONTRACTOR'S EXPERIENCE QUALIFICATIONS

The subcontractor has been engaged in the contracting business, under the present business name for \_\_\_\_\_ years. Experience in work of a nature similar to that covered in the bid extends over a period of \_\_\_\_\_ years.

The subcontractor has never failed to satisfactorily complete a contract awarded to him, except as follows:

\_\_\_\_\_

The subcontractor shall list projects meeting the pertinent Contractor's Experience Qualifications in the following table for the bid to be considered responsive:

Year	Project Location and Contracting Firm/ Agency	Contract amount (\$)	Provide Name and Telephone Number of Person(s) That Can Be Contacted Regarding Work

Please attach additional sheet(s) as needed.

Bidder

Signed \_\_\_\_\_

Title \_\_\_\_\_

Date \_\_\_\_\_

This form must be submitted with the bid for the bid to be responsive.

## SECURITY FOR COMPENSATION CERTIFICATION

TO: MONTEREY PENINSULA WATER MANAGEMENT DISTRICT

I am aware of the provisions of Section 3700 of the Labor Code of the State of California which require every employer to be insured against liability for worker's compensation or to undertake self-insurance in accordance with the provisions of that Code, and I will comply with such provisions before commencing the performance of the work of this Contract:

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Date

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(Signature of Bidder)

Business Address:

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Place of Residence:

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This form must be submitted with the bid for the bid to be responsive.

## FAIR EMPLOYMENT PRACTICES CERTIFICATION

TO: MONTEREY PENINSULA WATER MANAGEMENT DISTRICT

The undersigned, in submitting a bid for performing the following work by Contract, hereby certifies that the undersigned shall meet the standards of affirmative compliance with Fair Employment Practices requirements of the special provisions contained herein:

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Date

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(Signature of Bidder)

Business Address:

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Place of Residence:

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This form must be submitted with the bid for the bid to be responsive.

**NONCOLLUSION CERTIFICATE**

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The undersigned declares:

I am the \_\_\_\_\_ of \_\_\_\_\_, the party making the foregoing bid.

The bid is not made in the interest of, or on behalf of, any undisclosed person, partnership, company, association, organization, or corporation. The bid is genuine and not collusive or sham. The bidder has not directly or indirectly induced or solicited any other bidder to put in a false or sham bid. The bidder has not directly or indirectly colluded, conspired, connived, or agreed with any bidder or anyone else to put in a sham bid, or to refrain from bidding. 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. All statements contained in the bid are true. 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, to any corporation, partnership, company, association, organization, bid depository, or to any member or agent thereof, to effectuate a collusive or sham bid, and has not paid, and will not pay, any person or entity for such purpose.

Any person executing this declaration on behalf of a bidder that is a corporation, partnership, joint venture, limited liability company, limited liability partnership, or any other entity, hereby represents that he or she has full power to execute, and does execute, this declaration on behalf of the bidder.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration is executed on \_\_\_\_\_[date], at \_\_\_\_\_[city], \_\_\_\_\_[state].

Bidder \_\_\_\_\_

Signed \_\_\_\_\_

Title \_\_\_\_\_

This form must be submitted with the bid for the bid to be responsive.



## BID GUARANTEE

Each bid shall be accompanied by either a U.S. currency certified check, cashier's check, or bidding Contractor's bond of a surety company acceptable to the District in an amount not less than ten percent (10%) of the bid amount, and shall be made payable to the District.

This form together with a copy of the bid guarantee must be submitted with the bid.