



Kevin McDonnell  
Mayor

Brian Barnacle  
Janice Cader-Thompson,  
Dist. 1  
Mike Healy  
Karen Nau, Dist. 3  
Dennis Pocekay  
John Shribbs, Dist. 2  
Councilmembers

**Public Works & Utilities**

City Engineer  
11 English Street  
Petaluma, CA 94952  
Phone (707) 778-4303

Environmental Services  
Ellis Creek Water  
Recycling Facility  
3890 Cypress Drive  
Petaluma, CA 94954  
Phone (707) 776-3777  
Fax (707) 656-4067

Facilities, Parks &  
Streets Maintenance  
840 Hopper St.  
Petaluma, CA 94952  
Phone (707) 778-4303  
Fax (707) 206-6065

Transit Division  
555 N. McDowell Blvd.  
Petaluma, CA 94954  
Phone (707) 778-4421

Utilities & Field Operations  
202 N. McDowell Blvd.  
Petaluma, CA 94954  
Phone (707) 778-4546  
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publicworks@  
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# CITY OF PETALUMA

POST OFFICE BOX 61  
PETALUMA, CA 94953-0061

## ADDENDUM NO. 1

### PETALUMA TURNING BASIN FLOAT, PILE, AND GANGWAY REPLACEMENT City Project Number C14402010

July 10, 2023

This Addendum No. 1 modifies the Bidding Documents for the Petaluma Turning Basin Float, Pile, and Gangway Replacement City Project Number C14402010. This Addendum shall become part of the Contract and all provisions of the Contract shall apply thereto. Bidders shall acknowledge all Addendums in the Bid Schedule.

### NOTICE INVITING BIDDERS CHANGE

#### 1.0 RECEIPT OF BIDS

Sealed Bids will be received at the office of the City Clerk of the City of Petaluma located at 11 English Street, Room 4, Petaluma, California, 94952-2610, until 1:30 PM on Thursday, August 3<sup>rd</sup>, 2023, for the Petaluma River Turning Basin Float, Pile, and Gangway Replacement. Any Bids received after the specified time and date will not be considered. Fax and other electronically transmitted Bids will not be accepted.

#### 2.0 OPENING OF BIDS

The Bids will be publicly opened and read at 1:30 PM on Thursday, August 3<sup>rd</sup>, 2023, at the above-mentioned office of the CITY. The CITY reserves the right to postpone the date and time for opening of Bids at any time prior to the aforesaid date and time.

**Summary of Changes: Notice Inviting Bidders. All other items of the bid documents shall remain unchanged.**

City of Petaluma,

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**Erica Jacobs**  
Project Manager  
Public Works & Utilities Department

**A signed copy of this Addendum and the attached acknowledgment form shall be attached to the bid proposal. Failure to do so may cause rejection of your bid as being non-responsive.**

**ADDENDUM NO. 1**

**PETALUMA TURNING BASIN FLOAT, PILE, AND GANGWAY REPLACEMENT  
City Project Number C14402010**

**July 10, 2023**

**ACKNOWLEDGEMENT**

Receipt of Addendum No. 1 is hereby acknowledged by \_\_\_\_\_  
(Contractor's Name)

on the \_\_\_\_\_ day of \_\_\_\_\_, 2023.

By: \_\_\_\_\_

Signature

\_\_\_\_\_  
Title

\_\_\_\_\_  
Company

## **NOTICE INVITING BIDS**

1. **RECEIPT OF BIDS:** Sealed Bids will be received at the office of the City Clerk of the City of Petaluma located at 11 English Street, Room 4, Petaluma, California, 94952-2610, until 1:30 PM (enter time) on Thursday, August 3rd, 2023, for the Petaluma River Turning Basin Float, Pile, and Gangway Replacement. Any Bids received after the specified time and date will not be considered. Fax and other electronically transmitted Bids will not be accepted.
2. **OPENING OF BIDS:** The Bids will be publicly opened and read at 1:30 PM (enter time) on Thursday, August 3rd, 2023 at the above-mentioned office of the CITY. The CITY reserves the right to postpone the date and time for opening of Bids at any time prior to the aforesaid date and time.
3. **COMPLETION OF WORK:** The WORK must be completed within 90 working days after the commencement date stated in the Notice to Proceed.
4. **DESCRIPTION OF WORK:** The WORK includes The proposed project consists of the replacement of the floating docks, gangways and support piles within the Petaluma River Turning Basin. Existing, currently serviceable and deteriorating site structures include the timber pier access structure, metal gangways, floating docks, and piles, as specified within the Contract Plans. The scope of work includes the installation of 3,800 sf of non-ferrous concrete docks (fabricated by other), the removal of six (6) 16-inch diameter steel and nine (9) 12-inch timber piles, to be replaced with (14) 16-inch diameter steel piles, the removal and disposal of the existing gangways and adjacent access structures, to be replaced with ADA compliant steel gangways (fabricated by other) and gangway landing platforms as specified in the Contract Plans, and the bank restoration and planting in areas affected by gangway structures and landing platforms.
5. **SITE OF WORK:** The site of the WORK is located: at the Petaluma River Turning Basin near downtown Petaluma. There are two access gangways to the Turning Basin docks located on adjacent properties to the West and the East of the Turning Basin. On the East side of the Turning Basin the gangway is close to Weller Street Park located at 150 Weller Street and on the West side the gangway is located close to Taps Restaurant located at 54 E. Washington Street, Petaluma CA.
6. **OBTAINING CONTRACT DOCUMENTS:** The Contract Documents are entitled "Petaluma River Turning Basin Float, Pile, and Gangway Replacement."

The Contract Documents may be obtained by 4:00 P.M., Monday through Thursday at the office of Public Work & Utilities, 202 North McDowell Boulevard, Petaluma, California 94954.

If you would like to receive the bid document via the CITY's website, at no cost, please go to:

- <https://cityofpetaluma.org/bid-opportunities-2/>
- Fill out the Plan Holder's form by clicking on the Plan Holder's form link
- Fill in all fields
- Click on the submit button at the end of the form

Submitting the Plan Holder's form on-line automatically puts you on the CITY's Bidders

List and you will be notified of any Addendums or information pertaining to the bid by email.

If you would like to purchase bid documents, please call Phone No. (707) 778-4585, Attention: Tiffany Avila, upon payment of \$50.00 (non-refundable) for each set of Contract Documents (including technical specification and accompanying reduced scale drawings). The scale of the reduced drawings is about one-half of the original scale. At the Bidder's request and expense, the Contract Documents may be sent by overnight mail.

- Full-scale drawings are not available.
- If full-scale drawings are available and desired, they may be purchased at reproduction cost from \_\_\_\_\_ .

7. **BID SECURITY:** Each Bid shall be accompanied by a certified or cashier's check or Bid Bond executed by an admitted surety in the amount of 10% percent of the Total Bid Price payable to the City of Petaluma as a guarantee that the Bidder, if its Bid is accepted, will promptly execute the Agreement. A Bid shall not be considered unless one of the forms of Bidder's security is enclosed with it. Upon acceptance of the Bid, if the Bidder refuses to or fails to promptly execute the Agreement the Bidder's security shall be forfeited to the CITY.
8. **CONTRACTOR'S LICENSE CLASSIFICATION:** In accordance with the provisions of California Public Contract Code Section 3300, the CITY has determined that the CONTRACTOR shall possess a valid Class C license at the time that the Contract is awarded. Failure to possess the specified license shall render the Bid as non-responsive and shall act as a bar to award of the Contract to any bidder not possessing said license at the time of award pursuant to Labor Code Section 1725.5, subject to limited legal exceptions.
9. **PREFERENCE FOR MATERIAL:** Any specification designating a material, product, thing, or service by specific brand or trade name, followed by the words "or equal" or "or equivalent" is intended only to indicate quality and type of item desired. Substitute products will be considered prior to award of the Contract in accordance with Section 3400 of the California Public Contract Code. The Bidder will submit data substantiating its request for a substitution of "an equal" item within 14 days following submission of its Bid. Substantiation date will conform to the requirements of the instructions for Proposed Substitutions of "or equal" items contained in the bid Forms. The ENGINEER will make a determination of approval or rejection of the proposed substitution prior to the award of the Contract. No request for substitution of "an equal" items will be considered by the ENGINEER after award of the Contract. This provision does not apply to materials, products, things, or services that may lawfully be designated by a specific brand or trade name under Public Contract Code Section 3400(c).
10. **REJECTION OF PROPOSALS:** The CITY reserves the right to reject all or any part of all bids submitted, waive informalities and irregularities, and will not, to the extent allowed by law, be bound to accept the lowest bid.
11. **BIDS TO REMAIN OPEN:** The Bidder shall guarantee the total bid price for a period of 90 calendar days from the date of bid opening.

- 12. CALIFORNIA PREVAILING WAGE RATE REQUIREMENTS:** In accordance with the provisions of California Labor Code Sections 1770, 1773, 1773.1, and 1773.7 as amended, the Director of the Department of Industrial Relations has determined the general prevailing rate of per diem wages in accordance with the standards set forth in Section 1773 for the locality in which the WORK is to be performed. A copy of said wage rates is on file at the office of the City Clerk and is available to any interested party upon request. A copy of the prevailing rate of per diem wages are also online at <http://www.dir.ca.gov/DLSR>. Each Contractor and Subcontractor must pay no less than the specified rates to all workers employed to work on the Project. The schedule of per diem wages is based upon a working day of eight hours. The rate for holiday and overtime work must be at least time and one-half. It shall be mandatory upon the CONTRACTOR to whom the WORK is awarded and upon any subcontractor under the CONTRACTOR to pay not less than said specified rates to all workers employed by them in the execution of the WORK. The Contract will be subject to compliance monitoring and enforcement by the Department of Industrial Relations under Labor Code Section 1771.4. Additionally, CONTRACTOR shall post job site notices as required by Labor Code section 1771.4.
- 13. LABOR COMPLIANCE PURSUANT TO CALIFORNIA LABOR CODE § 1771.1:** A contractor or subcontractor shall not be qualified to bid on, be listed in a bid proposal, subject to the requirement of Section 4104 of the Public Contract Code or engage in the performance of any contract for public work, as defined in Division 2, Part 7, Chapter 1 of the Labor Code, unless currently registered and qualified to perform public work pursuant to Section 1725.5. It is not a violation of this section for an unregistered contractor to submit a bid that is authorized by Section 7029.1 of the Business and Professions Code or by Section 10164 or 20103.5 of the Public Contract Code, provided the contractor is registered to perform public work pursuant to Section 1725.5 at the time contract is awarded.
- 14. RETAINAGE FROM PAYMENTS:** The CONTRACTOR may elect to receive 100 percent of payments due under the Contract Documents from time to time, without retention of any portion of the payment by the CITY, by depositing securities of equivalent value with the CITY in accordance with the provisions of Section 22300 of the Public Contract Code. Alternatively, the CONTRACTOR may request, and the CITY shall make payment of retentions earned directly to the escrow agent at the expense of CONTRACTOR. At the expense of the CONTRACTOR, the CONTRACTOR may direct the investments of the payments into securities and the CONTRACTOR shall receive the interest earned on the investments upon the same terms as provided in Section 22300 of the Public Contract Code for securities deposited by the CONTRACTOR. The CONTRACTOR shall be responsible for paying all fees for the expenses incurred by the escrow agent in administering the escrow account and all expenses of the CITY. These expenses and payment terms shall be determined by the CITY's Finance Director or their designee and the escrow agent. Upon satisfactory completion of the WORK, the CONTRACTOR shall receive from the escrow agent all securities, interest, and payments received by the escrow agent from the CITY, pursuant to the terms of Section 22300 of the Public Contract Code. Such securities, if deposited by the CONTRACTOR, shall be valued by the CITY, whose decision on valuation of the securities

shall be final. Securities eligible for investment under this provision shall be limited to those listed in Section 16430 of the Government Code, bank or savings and loan certificates of deposit, interest-bearing demand deposit accounts, standby letters of credit, or any other security mutually agreed to by the CONTRACTOR and the CITY.

15. **PAYMENT BOND:** Pursuant to and in accordance with California Civil Code Section 9550, a payment bond must be filed if the expenditure for the WORK is in excess of Twenty-Five Thousand Dollars (\$25,000).

16. **PRE-BID CONFERENCE VISITS:** [At least one box below MUST be checked]

**Check if no pre-bid conference/site is to be held:**

**Mandatory pre-bid conference/site visit to be held:** Prospective bidders are required to attend a mandatory pre-bid conference/site visit at 1:00 PM (enter time) on Wednesday, June 28, 2023, at the Petaluma Turning Basin, offices at River Plaza near TAPS 54 E. Washington Street, Petaluma, CA, 94952. Prospective bidders that fail to attend the mandatory pre-bid conference/site visit will be ineligible to bid on the project. Following the conference at City offices, City staff and prospective bidders will meet at the project Site. Transportation to the project site will be the responsibility of prospective bidders. The purposes of the conference/site visit are to discuss the scope of the project and bidding requirements and to acquaint bidders with Site conditions.

No information communicated at the pre-bid conference/site visit may amend the project bidding requirements. Project bidding requirements may only be amended by addenda issued by authorized City officials. Following the pre-bid conference/site visit, prospective bidders may submit detailed technical questions in writing. If warranted, the City may respond to such questions by addenda.

**Non-Mandatory pre-bid conference/site visit to be held:** Prospective bidders are invited to attend a non-mandatory pre-bid conference/site visit at (enter time) on \_\_\_\_\_, at the \_\_\_\_\_. Following the conference at City offices, City staff and prospective bidders will meet at the project Site. Transportation to the project site will be the responsibility of prospective bidders. The purposes of the conference/site visit are to discuss the scope of the project and bidding requirements, and to acquaint bidders with Site conditions.

No information communicated at the pre-bid conference/site visit may amend the project bidding requirements. Project bidding requirements may only be amended by addenda issued by authorized City officials. Following the pre-bid conference/site visit, prospective bidders may submit detailed technical questions in writing. If warranted, the CITY may respond to such questions by addenda.

17. **PROJECT ADMINISTRATION:** All communications relative to the WORK shall be directed to the ENGINEER prior to opening of the Bids.

18. **FINDING OF SUBSTANTIAL COMPLEXITY:** Pursuant to Public Contract Code section 7201(b)(3) the CITY's Public Work's Director has found that the WORK is substantially complex due to: the amount of technical and scientific knowledge needed to complete the project; The amount of resources needed to complete the project including

amount of days, workers, and labor; The urgency for project completion; The amount of tasks needed to complete the project; The number of organizational stakeholders needed to satisfy; The environmental complexity of the conditions; And in particular the external permitting agencies the project needs to satisfy; the size and impact of the project (which will require the operation of the D Street bridge affecting traffic, and fire station response times); over water work (dredging and demolition of existing docks); the specialty contractor work and therefore this is a unique project that is not regularly performed and requires a higher retention amount than 5 percent.

Notwithstanding Public Contract Code Section 7201 or any other law or regulation that purports to provide otherwise, public contracting is a quintessential municipal affair, subject to charter cities' home rule power, and the California Constitution grants charter cities supreme authority over municipal affairs, which include public works, procurement, and the mode of municipal contracting (see, Public Contract Code Section 1100.7 and e.g., *Bishop v. City of San Jose* (1969) 1 C3d 56).; and it is the courts, not the legislature, that determines which matters are municipal affairs (see, e.g., *California Federal Savings and Loan v. City of Los Angeles* (1991) 54 C3d 1); and

Article X, Section 67 of the Petaluma Charter provides in pertinent part:

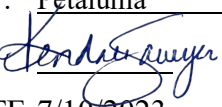
. . . no progressive payments can be provided for or made at any time which, with prior payments, if there have been such, shall exceed in amount at that time ninety percent of the value of the labor done and the materials used up to that time, and no contract shall provide for or authorize or permit the payment of more than ninety percent of the contract price before the completion of the work done under said contract and the acceptance thereof . . . ; and

City charters are documents of limitation and a restriction on the City Council's powers imposed by the voters (see, e.g., *City of Glendale v. Trondsen* (1957) 48 C2d 93) and, as a result, the City Council's contracting power is limited by the retention requirement in Article X, Section 67, and the City Council and City staff lack the power to provide for public works contract retention other than as specified in the City Charter.

19. **GOVERNMENT CODE SECTION 1090:** The successful Bidder may be precluded from competing for, or participating in, subsequent contracts that result from or relate to the Work performed pursuant to this Bid. The ethics laws that apply to the City and all its consultants, contractors, and vendors include California Government Code Section 1090 and following, which prohibits government officials, employees, and contractors from participating in making government contracts in which the official, employee or contractor has a financial interest. Because City contractors always have a financial interest in their City contracts, the Section 1090 prohibition regarding City contractors focuses on whether a contractor is or would be "making a government contract" in a quasi-governmental capacity for purposes of Section 1090. Section 1090 prohibits City contractors from using their role as a contractor to influence how the City spends the public's funds in a way that benefits the contractor. Penalties for violating Section 1090 are severe, and may include felony criminal penalties, permanent disqualification from holding public office in California, disgorgement of any benefit received by the financially interested contractor, civil and administrative penalties, and voiding of the prohibited contract.

NAME: Erica Jacobs  
ADDRESS: 202 N. McDowell Blvd  
Petaluma, CA 94954  
PHONE: 707-370-0605 x3159

20. **CITY’S RIGHTS RESERVED:** The CITY reserves the right to reject any or all bids, to waive any minor irregularity in a bid, and to make awards to the lowest responsive, responsible bidder as it may best serve the interest of the CITY.

CITY: Petaluma  
BY:   
DATE: 7/10/2023

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END OF NOTICE INVITING  
BIDS