

SECTION A - DESCRIPTION OF PROJECT

1. LOCATION

The work to be done and referred to herein is in Butte County, State of California, at Lookout Point on the Skyway, overlooking Butte Creek Canyon between the City of Chico and the Town of Paradise.

2. DESCRIPTION OF WORK

The proposed project involves, in general, clearing and grubbing, re-transitioning existing guard rail; installing deceleration and acceleration lanes; constructing a limited day-use parking and pedestrian viewing facility, including an ADA compliant parking lot, color-treated pathway and concrete lookout platform, cliff railing; and aesthetically placing boulders along the perimeter of the parking area.

Such items or details not mentioned above that are required by the Standard Specifications and these Special Provisions shall be performed, placed, constructed or installed as required or as directed by the Engineer.

3. CONTRACT DOCUMENTS

The work embraced herein shall conform to the requirements of the set of plans entitled: "**County of Butte, Department of Public Works, Plans for the Construction of Skyway Lookout Point Parking & Pedestrian Viewing Facility, Project No. RPSTPLE-5912(070), County Project No. 51261-2-2005-1;**" the Standard Specifications of the State of California, Department of Transportation, dated May 2006, and amendments; the Standard Plans of the State of California, Department of Transportation, dated May 2006, insofar as the same may apply; these Special Provisions; the Notice to Contractors, the Proposal; the Contract (or Agreement); the two Contract bonds required herein; any supplemental agreements amending or extending the work; working drawings or sketches clarifying or enlarging upon the work specified herein; and to pertinent portions of other documents included by reference thereto in these Special Provisions.

In case of conflict between the Standard Specifications and these Special Provisions, the Special Provisions shall take precedence over and be used in lieu of such conflicting portions.

4. GENERAL

The bidder's attention is directed to the provisions in Section 2, "Proposal Requirements and Conditions," of the Standard Specifications and these Special Provisions for the requirements and conditions which the bidder must observe in the preparation of the proposal form and the submission of the bid.

In addition to the Subcontractors listed in conformance with Section 2-1.054, "Required Listing of Proposed Subcontractors," of the Standard Specifications, each proposal shall have listed therein the portion of work that will be done by each subcontractor listed. A sheet for listing the Subcontractors is included in the proposal.

The Bidder's Bond form mentioned in the last paragraph in Section 2-1.07, "Proposal Guaranty," of the Standard Specifications will be found following the signature page of the proposal annexed hereto.

4. GENERAL (Continued)

In accordance with Public Contract Code Section 7106, a Noncollusion Affidavit is included in the proposal. Signing the proposal shall also constitute signature of the Noncollusion Affidavit.

The contractor, sub recipient or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of Title 49 CFR (Code of Federal Regulations) part 26 in the award and administration of US DOT assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy, as the recipient deems appropriate. **Each subcontract signed by the bidder must include this assurance.**

Failure of the bidder to fulfill the requirements of the Special Provisions for submittals required to be furnished after bid opening, including but not limited to escrowed bid items, where applicable, may subject the bidder to a determination of the bidder's responsibility in the event it is the apparent low bidder on future public works contracts.

5. FEDERAL LOBBYING RESTRICTIONS

Section 1352, Title 31, United States Code prohibits Federal funds from being expended by the recipient or any lower tier subrecipient of a Federal-aid Contract to pay for any person for influencing or attempting to influence a Federal agency or Congress in connection with the awarding of any Federal-aid Contract, the making of any Federal grant or loan, or the entering into of any cooperative agreement.

If any funds other than Federal funds have been paid for the same purposes in connection with this Federal-aid Contract, the recipient shall submit an executed certification and, if required, submit a completed disclosure form as part of the bid documents.

A certification for Federal-aid Contracts regarding payment of funds to lobby Congress or a Federal agency is included in the Proposal. Standard Form - LLL, "Disclosure of Lobbying Activities," with instructions for completion of the Standard Form is also included in the Proposal. Signing the Proposal shall constitute signature of the Certification.

The above-referenced certification and disclosure of lobbying activities shall be included in each subcontract and any lower-tier Contracts exceeding \$100,000. All disclosure forms, but not certifications, shall be forwarded from tier to tier until received by the Engineer.

The Contractor, subcontractors and any lower-tier Contractors shall file a disclosure form at the end of each calendar quarter in which there occurs any event that requires disclosure or that materially affects the accuracy of the information contained in any disclosure form previously filed by the Contractor, subcontractors and any lower-tier contractors. An event that materially affects the accuracy of the information reported includes:

- A. A cumulative increase of \$25,000 or more in the amount paid or expected to be paid for influencing or attempting to influence a covered Federal action; or
- B. A change in the person(s) or individual(s) influencing or attempting to influence a covered Federal action; or
- C. A change in the officer(s), employee(s), or Member(s) contacted to influence or attempt to influence a covered Federal action.

6. DISADVANTAGED BUSINESS ENTERPRISE (DBE)

This contract is subject to Title 49, Code of Federal Regulations Part 26 (49CFR 26) entitled, "Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs." The Regulations in their entirety are incorporated herein by this reference. In order to ensure Caltrans achieves its federally mandated statewide overall DBE goal, the County encourages the participation of Disadvantaged Business Enterprises (DBEs), as defined in 49 CFR 26 in the performance of contracts financed in whole or in part with Federal funds. The contractor shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of subcontracts.

Bidders shall be fully informed respecting the requirements of the Regulations and the Department's Disadvantaged Business (DBE) program developed pursuant to the Regulations; particular attention is directed to the following matters:

- A. A DBE must be a small business concern as defined pursuant to Section 3 of U.S. Small Business Act and relevant regulations promulgated pursuant thereto;
- B. DBE may participate as a prime Contractor, subcontractor, joint venture partner with a prime or subcontractor, or vendor of material or supplies or as a trucking company;
- C. A DBE joint venture partner must be responsible for specific Contract items of work, or portions thereof. Responsibility means actually performing, managing and supervising the work with it's own forces. The DBE joint venture partner must share in the capital contribution, control, management, risks and profits of the joint venture. **The DBE joint venture must submit the joint venture agreement with the proposal or the DBE information form required in the Section entitled "Submission of DBE Information" of these Special Provisions;**
- D. A DBE must perform a commercially useful function, i.e., must be responsible for the execution of a distinct element of the work and must carry out its responsibility by actually performing, managing and supervising the work;
- E. DBEs must be certified by the California United Certification Program (CUCP). Listings of DBEs certified by the CUCP are available from the following sources:
 1. The Caltrans' "Civil Rights" website at:
<http://www.dot.ca.gov/hq/bep>.
 2. The Caltrans' DBE Directory. This Directory may be obtained from the Department of Transportation, Material Operations Branch, Publications Distribution Unit, 1900 Royal Oaks Drive, Sacramento, California 95815, Telephone: (916) 445-3520;
- F. When reporting DBE participation, bidders may count the cost of materials or supplies purchased from DBEs as Follows:
 1. If the materials or supplies are obtained from a DBE manufacturer, 100 percent of the cost of the materials or supplies will count toward DBE participation. A DBE manufacturer is a firm that operates or maintains a

6. DISADVANTAGED BUSINESS ENTERPRISE (DBE) (Continued)

factory or establishment that produces, on the premises, the materials, supplies, articles, or equipment required under the contract and of the general character described by the specifications

2. If the materials or supplies are purchased from a DBE regular dealer, count 60 percent of the cost of the materials or supplies. A DBE regular dealer is a firm that owns, operates, or maintains a store, warehouse, or other establishment in which the materials, supplies, articles or equipment of the general character described by the specifications and required under the contract are bought, kept in stock, and regularly sold or leased to the public in the usual course of business. To be a DBE regular dealer, the firm must be an established, regular business that engages, as its principal business and under its own name, in the purchase and sale or lease of the products in question. A person may be a DBE regular dealer in such bulk items as petroleum products, steel, cement, gravel, stone, or asphalt without owning, operating, or maintaining a place of business as provided in this paragraph F.2, if the person both owns and operates distribution equipment for the products. Any supplementing of regular dealers' own distribution equipment shall be by a long-term lease agreement and not on an ad hoc or contract-by-contract basis. Packagers, brokers, manufacturers' representatives, or other persons who arrange or expedite transactions are not DBE regular dealers within the meaning of this paragraph F.2.
3. If the DBE is neither a manufacturer nor a regular dealer, count only the entire amount of fees or commissions charged for assistance in the procurement of the materials and supplies, or fees or transportation charges for the delivery of materials or supplies required on a job site, provided the fees are reasonable and not excessive as compared with fees charged for similar services.

G. When reporting DBE participation, bidders may count the participation of DBE trucking companies as follows:

1. The DBE must be responsible for the management and supervision of the entire trucking operation for which it is responsible on a particular contract;
2. The DBE must itself own and operate at least one fully licensed, insured, and operational truck used on the contract;
3. The DBE receives credit for the total value of the transportation services it provides on the contract using trucks it owns, insures, and operates using drivers it employs;

6. DISADVANTAGED BUSINESS ENTERPRISE (DBE) (Continued)

4. The DBE may lease trucks from another DBE firm, including an owner-operator who is certified as a DBE. The DBE who leases trucks from another DBE receives credit for the total value of the transportation services the lessee DBE provides on the contract;
5. The DBE may also lease trucks from a non-DBE firm, including an owner-operator. The DBE who leases trucks from a non-DBE is entitled to credit only for the fee or commission it receives as a result of the lease arrangement. The DBE does not receive credit for the total value of the transportation services provided by the lessee, since these services are not provided by a DBE;
6. For the purposes of this paragraph G, a lease must indicate that the DBE has exclusive use of and control over the truck. This does not preclude the leased truck from working for others during the term of the lease with the consent of the DBE, so long as the lease gives the DBE absolute priority for use of the leased truck. Leased trucks must display the name and identification number of the DBE.

H. Bidders are encouraged to utilize services offered by financial institutions owned and controlled by DBE's.

7. REQUIRED LISTING OF PROPOSED SUBCONTRACTORS

A sheet for listing Subcontractors, as required herein is included in the Proposal.

Bidders are cautioned that this listing requirement is in addition to the requirement to provide a list of DBE Subcontractors as required elsewhere in these Special Provisions.

8. AWARD AND EXECUTION OF CONTRACT

The bidder's attention is directed to the provisions in Section 3, "Award and Execution of Contract," of the Standard Specifications and these Special Provisions for the requirements and conditions concerning award and execution of contract.

Bid protests are to be delivered to the following address:

Office of the Director of Public Works, 7 County Center Drive, Oroville, California 95965.

The award of the contract, if it be awarded, will be to the lowest responsible bidder whose proposal complies with the requirements prescribed.

8. AWARD AND EXECUTION OF CONTRACT (Continued)

The contract shall be executed by the successful bidder and shall be returned, together with the contract bonds and insurance, to the office of the Director of Public Works, 7 County Center Drive, Oroville, California 95965 in accordance with the provisions of Section 3-1.03 Execution of Contract," of the Standard Specifications and these Special Provisions.

A "LOCAL AGENCY BIDDER - DBE INFORMATION" form will be provided by the Department in the contract documents to be executed by the successful bidder. The

purpose of the form is to collect data required under 49 CFR Part 26. Even if no DBE participation will be reported, the successful bidder must execute and return the form.

The successful bidder's "LOCAL AGENCY BIDDER - DBE INFORMATION" form should include the names, addresses and phone numbers of DBE firms that will participate, with a complete description of work or supplies to be provided by each, and the dollar value of each DBE transaction. When 100 percent of a contract item of work is not to be performed or furnished by a DBE, a description of the exact portion of that work to be performed or furnished by that DBE should be included in the DBE information, including the planned location of that work. A successful bidder certified as a DBE should describe the work it has committed to performing with its own forces as well as any other work that it has committed to be performed by DBE subcontractors, suppliers and trucking companies.

The successful bidder is encouraged to provide written confirmation from each DBE that the DBE is participating in the contract. A copy of a DBE's quote will serve as written confirmation that the DBE is participating in the contract. If a DBE is participating as a joint venture partner, the successful bidder is encouraged to submit a copy of the joint venture agreement.

The "LOCAL AGENCY BIDDER - DBE INFORMATION" form should be completed and returned to the Department by the successful bidder with the executed contract and contract bonds.

9. BEGINNING OF WORK, TIME OF COMPLETION AND LIQUIDATED DAMAGES

Attention is directed to the provisions in Section 8-1.03, "Beginning of Work," Section 8-1.06, "Time of Completion," and Section 8-1.07, "Liquidated Damages," of the Standard Specifications and these Special Provisions.

The Contractor shall begin work within 15 calendar days after receiving written notice that the contract has been signed by the Director of Public Works or the person authorized by the Board of Supervisors to sign the contract, and shall diligently prosecute the same to completion before the expiration of

45 WORKING DAYS

from the date of said signing.

9. BEGINNING OF WORK, TIME OF COMPLETION AND LIQUIDATED DAMAGES (Continued)

The Contractor shall pay to the County of Butte the sum of **\$2,400** per day, for each and every calendar day's delay in finishing the work in excess of the number of working days prescribed above.

PRE-CONSTRUCTION CONFERENCE

Prior to beginning Contract work, a pre-construction conference will be held at the office of the Director of the Butte County Department of Public Works for the purpose of discussing with the Contractor the scope of work, Contract drawings, specifications, existing conditions, materials to be ordered, equipment to be used, traffic control and all essential matters pertaining to the prosecution of and the satisfactory completion of the project as required. At this meeting, the Contractor shall submit to the Engineer for approval his/her proposed Traffic Control Plan and the Storm Water Pollution Prevention Plan. The Contractor's representative at this conference shall include all major superintendents for the work and may include sub-Contractors.