

NOTICE TO CONTRACTORS

Notice is hereby given that sealed proposals for constructing Redbud Multi-use Path, I-135 to Hillside will be received at the Office of the Purchasing Manager, City Hall, 455 North Main, Wichita, Kansas until **10:00 A. M. on September 17, 2010**, at which time the bids will be opened publicly and read aloud and tabulated by the Board of Bids and Contracts for consideration by the City Council. Bids received after said time will be returned unopened.

RECORD THE FOLLOWING INDEX NUMBER ON THE BID ENVELOPE **210483**

FUNDING SOURCE: ENVIRONMENTAL PROTECTION AGENCY (EPA) GRANT

PRE-BID CONFERENCE: **September 14, 2010, 10:00 am**, 8th Floor Public Works Conference Room, City Hall, 455 North Main, Wichita Kansas.

ATTENTION ALL BIDDERS: A BID BOND IN THE AMOUNT OF FIVE PERCENT (5%) OF THE TOTAL BID OR AN ANNUAL BID BOND IS REQUIRED PRIOR TO BID OPENING. SEE SECTION 102.3 OF THE CITY OF WICHITA STANDARD SPECIFICATIONS FOR FURTHER INFORMATION. Bidders are advised to contact the Office of the City Engineer (316-268-4501) should they have any questions or concerns about the plans, special or supplemental provisions, minority status, or the proper preparation of the bid document. Contractor compliance with all applicable federal and state regulations, rules and conditions is required. (See attached Index)

Contractors may bid this project electronically. However, since this project has state or federal funding, the Contractor will be **required** to also submit a bid on paper. The paper bid will be considered the Contractor's "Official Bid" and will be used in determining the low bidder. If a Contractor bids the project electronically only, his bid will be considered incomplete.

All paperwork requiring signatures must be returned with the paper bid.

BID SUBMITTAL REQUIREMENTS: The following items are required to be signed and submitted with the bid submittal.

1. **Important Bid Information**
2. **Certification regarding Non-collusion and History of Debarment (08-10-66-R5)**
3. **Certification regarding Contractual Services with a Current Legislator or Legislator's Firm (08-04-92-R3)**
4. **Certification regarding the use of Federal funds for lobbying (04-26-90-R4)**
5. **Subcontractors List**
6. **Bid Proposal**
7. **Bid Bond, if not bond on file**

CITY OF WICHITA SPECIAL PROVISION LIST FOR

Redbud Multi-use Path, I-135 to Hillside
472-84934 707018

Contractor compliance with all applicable federal and state regulations, rules and conditions is required. Attention is particularly called to the enclosed "Required Contract Provisions":

- 1. Required Contract Provisions (City of Wichita Project Special Provisions)**
- 2. Required Contract Provisions Federal-Aid Construction Projects (FHWA-1273) which includes sections pertaining to:**
 - a. Nondiscrimination
 - b. Nonsegregated Facilities
 - c. Payment of Predetermined Minimum Wage
 - d. Statement and Payrolls
 - e. Record of Materials, Supplies, and Labor
 - f. Subletting or Assigning the Contract
 - g. Safety: Accident Prevention
 - h. False Statements Concerning Highway Projects
 - i. Implementation of Clean Air Act and Federal Water Pollution Control Act
 - j. Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion
 - k. Certification Regarding Use of Contract Funds for Lobbying
- 3. Required Contract Provision Standard Federal Equal Employment Opportunity Construction Contract Specifications (Executive Order 11246)**
- 4. Minimum Federal Wage Rate Decision**
- 5. Required Contract Provision Notice of Requirement for Affirmative Action to Ensure Equal Employment Opportunity (11-03-80-R8)**
- 6. Required Contract Provision Federal-Aid Contracts Utilization of Disadvantaged Businesses (07-18-80-R-25)**
- 7. Required Contract Provision Federal-Aid Contracts Utilization of Disadvantaged Businesses Suppliers/Regular Dealers (03-10-06)**
- 8. Specific Equal Employment Opportunity Contractual Requirement (11-15-96-R4)**
- 9. Important Bid Information**
- 10. Prompt Pay Provision**
- 11. Certificate of Subcontractor Work and Payment**
- 12. Certification Regarding Noncollusion and History of Debarment (08-10-66-R5)**
- 13. Required Contract Provision Legislator Certification (08-04-92-R3)**

- 14. Certification Regarding Lobbying (04-26-90-R4)**
- 15. Buy America Materials (07-19-07)**
- 16. US DOT Hotline (09-06-94-R1)**
- 17. City of Wichita Construction Pollution Prevention Plan Form**
- 18. Bid Item Proposal pages (Formal Bid Form)**
- 19. Bid Bond, if not bond on file**

NOTICE TO CONTRACTORS: To report bid rigging activities call **1-800-424-9071**. The U.S. Department of Transportation (DOT) operates the above toll-free “hotline” Monday through Friday, 8:00 a.m. to 5:00 eastern time. Anyone with knowledge of possible bid rigging, bidder collusion, or other fraudulent activities should use the “hotline” to report such activities. The “hotline” is part of DOT’s continuing effort to identify and investigate highway construction contract fraud and abuse and is operated under the direction of the DOT Inspector General., All information will be treated confidentially and caller anonymity will be respected.

**SPECIAL PROVISION TO CITY OF WICHITA, KANSAS
STANDARD SPECIFICATIONS**

Redbud Multi-use Path, I-135 to Hillside
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The City of Wichita's Standard Specifications are required provisions for the furnishing of all materials and doing all work to complete the above referenced project, and are hereby made a part of these provisions as if fully set forth herein. Said Standard Specifications shall control except as modified by the following Special Provisions. The Standard Specifications are on file in the City Engineer's Office, available for purchase from City Blue Print for the construction of City projects, or can be found online at <http://www.wichita.gov/CityOffices/PublicWorks/Engineering/StandardSpecifications.htm>. The following **Special Provisions** shall be applicable to this project:

1. **Pre-Bid Conference.** **September 14, 2010, 10:00 a.m.** Public Works 8th Floor Conference Room, City Hall, 455 North Main, Wichita Kansas.
2. **Start Date.** The work order on this project shall be issued on **October 4, 2010.**
3. **Working Days/Completion Date.** All work on the project shall be completed within **30 (thirty)** working days from date of beginning work and in accordance with the plans and Standard Specifications. Working days will be charged as provided for in the Standard Specifications, once the work order is issued. **The non-availability of material shall not prevent working days from being assessed.**

Working days will be assessed per the City of Wichita Standard specifications. It is expected that the Contractor shall plan and diligently prosecute the work according to this Special Provision to ensure that the project is completed within the time allowed and to minimize inconvenience to the public. The City of Wichita does not waive any of the City of Wichita's rights under the Contract in permitting the Contractor to continue and finish the work or any part of it after the expiration of the working days. The City of Wichita does not forfeit the right to recover liquidated damages from the Contractor or the Contractor's surety for failure to timely comply with this Special Provision of the Contract even though the City of Wichita takes over the work, annuls the Contract, or requires the surety to complete the Contract.

Liquidated Damages apply to the project and will be assessed at \$500 per day for each separate completion date.

4. **Scope of Work.** The contractor shall construct a 5" reinforced concrete path on the old railroad bank beginning near I-135 and ending near Hillside. The path will stop short of existing at-grade street crossings. See attachments A & B for additional information.
5. **Basis of Award.** The contract shall be awarded on the basis of the **lowest responsible Base Bid**, provided the bid is within the Engineer's Estimate. If applicable, Add Alternate(s) may be accepted as determined by the City after the bids are opened, as available funding may allow. The City reserves the right to reject any and all bids. If the low bidder is above the Engineer's estimate, the contract may be awarded to lowest bidder over the Engineer's estimate for the engineer's estimate. If the low bidder is under the Engineer's estimate, the contract may be awarded for any amount above the bid, up to the Engineer's estimate. Limits of the project may be extended to utilize funding up to the Engineer's Estimate. This may include extending construction of the path east of Hillside.
6. **Basis of Payment.** Payment for the bid items will be as a **lump sum/measured quantity** amount based on the bid quantities and unit prices in the bid proposal.

7. **Partial Payment Estimates.** The awarded contractor shall waive all rights on all partial estimate calculations, and estimates shall be processed without the contractor's review and authorization. However, contractor shall review and approve the final payment at the completion of the project. The contractor may request partial estimate review and approval by written request submitted with the signed contract.
8. **Subcontractor Requirements.** The awarded contractor shall ensure that all FHWA-1273 documentation included herein is also included in subcontractor agreement(s) or contract(s) for this project. Contractor will provide the City Engineer with a copy of said subcontractor contract(s) for compliance purposes.
9. **David-Bacon Wage Determination.** Contractor is required to pay Davis-Bacon wages and meet the requirements of the Davis-Bacon Wage Act. Compliance with the Davis-Bacon Act (40 U.S.C. 276a to a-7) as supplemented by Department of Labor regulations (29 CFR Part 5) (Construction contracts in excess of \$2,000 awarded by grantees and sub grantees).
10. **Buy America Materials.** The contractor shall be reminded that Special Provision 07-19-07, included in this Bid Proposal, applies to all items of work on the project, including "non-participating" bid items.
11. **Reasonable access.** Successful contractor must allow City Inspectors and vehicles reasonable access onto the project site.
12. **Contractor Requirements.** The contractor shall adhere to the Contract Work Hours and Safety Standards Act, as amended (40 U.S.C. Sec. 327 et. seq.); the Anti-Kickback Act (40 U.S.C. Sec. 276c); the American Disabilities Act (42 U.S.C. 12101 et. seq.); and the National Oil and Hazardous Substances Pollution Contingency Plan (40 CFR 300).
13. **Excavation in RR Bed.** Contractor shall take precaution to only grade loose material off of surface in abandoned RR right-of-way. Disturbance of Rock ballast could release contaminants into the environment and expose workers to contaminated soil (namely lead and arsenic). It is recommended that any necessary digging be done while wearing gloves. The intent of the project is grade smooth the existing surface prior to concrete placement, with no soil leaving the site.
14. **Soil Monitoring/Special Waste Disposal.** Environmental Health will periodically sample soil moved on this project and test it for contaminants. Any disturbed soil that is contaminated needs to be disposed of properly. Offsite disposal options for 'Special Waste Removal' include trucking of excavated soil to either a solid waste landfill (Subtitle D), such as Plumb Thicket Landfill in Harper, Kansas, or transportation and disposal at a RCRA-permitted hazardous waste landfill (Subtitle C), such as Lone Mountain Landfill in Oklahoma. Contact Shawn Maloney with Environmental Services at 268-8351.
15. **Controlling Dust.** Control dust by using engineering controls that reduce the exposure of the workers to permissible exposure limits (PEL) of 0 micrograms of lead per cubic meter of air as specified by OSHA (see attached fact sheet). It is recommended that someone within the Contractor's company have HAZWOPER training to advise workers of situation that they may uncover.
16. **Subcontractors.** The Contractor shall submit a list of subcontractors with the bid. If no subcontractors are to be utilized, the Contractor shall so indicate in the space provided on the bid form. Contractors are encouraged to utilize women and minority contractors and suppliers whenever possible. If at any time during the project subcontractors are added or removed, an updated list must be submitted to the Project Engineer for approval. Prior to payment of the final estimate, the Contractor shall be required to submit a clearly designated final list of subcontractors actually used on the project along with the dollar amount paid to each subcontractor. Failure to submit the list of subcontractors with the bid will result in the bid being considered non-responsive and thus rejected. Failure to submit the final list of subcontractors used will result in a delay of the final payment until such list is provided.

17. **Project Erosion Control Requirements.** The Contractor must implement erosion control measures on this project using Best Management Practices (BMPs). BMPs used may include silt fence and hay bale barriers, perforated (gravel filled) pipe inlet protection, or other as specifically approved by the City Engineer’s Office. Gravel Packs and sand bags at inlets will no longer be accepted. The Contractor will comply with all sections of Ordinance #44-123 and practice ‘good housekeeping’ at all times. Any dirt or mud tracked off the Contractor’s construction site onto paved public or private streets, or ditches, or discharges of same into lakes, ponds, ditches or storm sewers must be cleaned up within 24 hours. Failure to abide by these requirements may result in the assessment of fines, as provided in Ordinance #44-123. Ordinance #44-123 is referenced in Chapter 16.32 of the City Code, which may be viewed on the City’s website.

The Redbud Multi-Use Path project is anticipated to disturb less than one acre of ground, thus a Notice Of Intent was not submitted. However, the contractor will still be required to prepare and submit a Storm Water Pollution Prevention Plan for approval.

18. **Coarse Aggregate for Portland Cement Concrete Pavement.** City of Wichita Standard Specifications, Section 406.2, “Coarse Aggregate”, delete the following sentence:

“The soundness requirement will be waived if the aggregate meets all the requirements for durability of Class I aggregate as specified in the KDOT Standard Specifications.”

19. **Landscaping.** All areas disturbed by construction shall be restored by seeding with a mixture of Ryegrass (applied at a rate of 50 lbs. per acre) and Buffalo grass (applied at a rate of 200 lbs. per acre). Restoration of disturbed areas shall include, but not be limited to, topsoil preparation, seeding, fertilizer and mulching. All seeding work shall be in accordance with the *City of Wichita Standard Specifications* and *City of Wichita administrative Regulation No. AR6.5*, which governs cleanup and restoration or replacement following construction. The seed shall be watered with deep soaking for a period of 30 days, starting with the last placement of seed on the project. The contractor shall be responsible for installing erosion control blanket (Excelsior – Curlex I, or approved equal) over all seeded areas.

20. **Bid Form, Preparation and Final Payment.** Bids should be prepared showing unit prices, extension amounts and a total of the extended amounts, which shall be the total bid. Below is a brief example of a properly prepared bid:

(PRICES SHALL INCLUDE ALL MATERIAL AND LABOR) [Quantity x Unit Price = Amount]

ITEMS	QUANTITY	UNIT PRICE	AMOUNT
5" AC Pvmt (3" Bit Base)	1234 sy	6.00	7,404.00
Excavation	234 cy	2.00	468.00
Site Clrg & Restoration	1 LS	2,000.00	2,000.00
Bid Total			\$9,872.00

LEGEND: LS = Lump Sum, lf = lineal ft, ea = each, gl = gallons, sy = square yds, sf = square ft, tn = tons, cy = cubic yds, cf = cubic ft, **Unit Price** = price per unit of measure as specified

