

NOTICE TO CONTRACTORS

Notice is hereby given that sealed proposals for constructing **Wichita Transit Bus Passenger Bench and Shelter Installation, Phase III** will be received at the Office of the Purchasing Manager, City Hall, 455 North Main, Wichita, Kansas until **10:00 A. M. on May 15, 2009**, 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: **617002**.

FUNDING SOURCE: FEDERAL TRANSIT AND STATE FUNDS

FTA PROJECT # KS-03-0046/472-84485b

PRE-BID CONFERENCE: **Wednesday, May 6, 2009 at 10:00 a.m.**, 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. Required Contract Provision DBE Contract Goals
3. Ineligible Contractor's Certificate
4. Affidavit and Information Required of Bidders (Affidavit of Non-Collusion)
5. Bidder's Certification of Disadvantaged Business Enterprises (DBE)
6. Buy America Certifications
7. Certification Regarding Lobbying Pursuant to 49 CFR, Part 20
8. Certification of Primary Participant Regarding Debarment, Suspension, and Other Responsibility Matters
9. Proposed Subcontractors List
10. Bid Proposal
11. Bid Bond, if not bond on file

CITY OF WICHITA SPECIAL PROVISION LIST FOR
Wichita Transit Bus Passenger Bench and Shelter Installation, Phase III
472-84485b - 629574

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 Transit Administration (Construction) which includes sections pertaining to:**
 - a. Buy America Requirements
 - b. Cargo Preferences
 - c. Energy Conservation
 - d. Clean Water
 - e. Lobbying
 - f. Access to Records
 - g. Federal Changes
 - h. Clean Air
 - i. Recycled Products
 - j. Davis Bacon Act & Copeland Anti-Kickback Act
 - k. Contract Work Hours & Safety Standards Act
 - l. No Federal Obligations to Third-Parties
 - m. False or Fraudulent Statements or Claims
 - n. Termination Provisions
 - o. Government-Wide Debarment and Suspension
 - p. Civil Rights (EEO, Title IV & ADA)
 - q. Disadvantaged Business Enterprises
 - r. Incorporation of FTA Terms
 - s. Fly America
 - t. ADA Access
 - u. Notification of Federal Participation
 - v. Exhibits VII-4:7, 9, & 10 (Requiring Signature)
- 3. Minimum Federal Wage Rate Decision**
- 4. Important Bid Information**
- 5. Required Contract Provision DBE Contract Goals (7-19-80-R11)**
 - a. Identification of DBE Participation Letter**
 - b. Monthly DBE Payment Affidavit**
 - c. DBE Final Payment Affidavit**
- 6. Proposed Subcontractors List**
- 7. Bid Item Proposal pages (Formal Bid Form)**
- 8. 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**

Wichita Transit Bus Passenger Bench and Shelter Installation, Phase III
472-84485b 617002

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/engineering2.htm>. The following **Special Provisions** shall be applicable to this project:

1. ***Pre-Bid Conference.*** **Wednesday, May 6, 2009 at 10:00 a.m.**, Public Works 8th Floor Conference Room, City Hall, 455 North Main, Wichita Kansas. Attendees will have an opportunity to examine the benches and shelters, at their stored locations, immediately following the conference.
2. ***Start Date.*** The work order on this project shall be issued **20 (twenty)** calendar days after the date on which the contract for this project has been awarded to the successful bidder.
3. ***Working Days/Completion Date.*** The work on this project shall be completed within **60 (sixty)** 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 \$500.00 per day.

4. ***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.
5. ***Basis of Payment.*** Payment for the bid items will be as a **measured quantity/lump sum** amount based on the bid quantities and unit prices in the bid proposal.
6. ***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.
7. ***Davis-Bacon Wage Determination.*** Contractor is required to pay Davis-Bacon wages and meet the requirements of the Davis-Bacon and Copeland Anti-Kickback Acts as enumerated in Attachment 1, Required Contract Provisions: Federal Transit Administration.

8. **Additional DBE Requirements.** 1. For each DBE listed by the successful bidder, the City will send a letter to them requesting their concurrence that they intend to perform the work indicated in the Contractor's bid and the dollar amount. (Sample letter attached.) 2. For each month that the DBE works, they must submit to the City a copy of the completed DBE Payment Affidavit (copy attached). 3. In addition, the Contractor must comply with the attached "Payment to Subcontractors" Contract Provision.
9. **DBE Certification.** DBE's must be certified by KDOT. A list of KDOT certified DBE's may be found on the Internet at www.ink.org/public/kdot/offengsupp/direct1.htm
10. **Reasonable access.** Successful contractor must allow City Inspectors and vehicles reasonable access onto the project sites.
11. **Locations.** Bench and shelter installation locations are shown on Drawings 1 through 10, and listed with work quantities on Attachment A. The drawings include preliminary dimensional location data. Based on available information, locations so specified were found to be free from conflicts during Wichita Transit's preliminary review except as noted.

Before commencing construction at any given site, the Contractor must coordinate, schedule, and attend a final location review meeting with the Project Engineer and Wichita Transit Authority (WTA) staff. Prior to meeting, the Contractor must flag the limits of all proposed sidewalks and pads (based on the attached details and dimensional location data if there are changes after award), request utility locating services through Kansas One-Call (minimum advance notice of forty-eight hours), and confirm the performance of those locates. During the review meeting, the location of proposed facilities may be re-evaluated, based on existing conditions, and modified as necessary. No special payment will be made for work related to the conducting of location review meetings. Rather, such work will be considered subsidiary to other related items of work.

12. **Survey.** All survey work necessary or desired to accomplish the work will be the responsibility of the Contractor, including the setting of all construction stakes establishing lines and grades for the project. The Contractor will also be responsible for preserving all property irons and replacing any that are damaged or removed during construction. No special payment will be made to the contractor for work related to survey. Rather, such work will be considered subsidiary to other related items of work.
13. **Freestanding Bench Installation.** Wichita Transit has purchased freestanding benches for use on some phases of these bench and shelter installation projects. At this time Phase III does not include installation of freestanding benches, however, they may be added after the contract is awarded at the review meeting. The benches, as well as the anchor bolts required for installation, are currently stored in the City owned building located at 740 W. 2nd Street (Surplus benches and hardware must remain in the building). Required materials will thenceforth be stored at secure sites provided by the Contractor. The Contractor should contact James Wagner (268-4047) to schedule access to the building and acquire a key.

Freestanding Bench Installation will be paid for at the contract unit price bid per each. The price bid will be full compensation for all labor, equipment, materials and incidentals necessary to install the supplied bench and anchor bolts, per the Attachments. There are twelve (12) Attachments to these bid documents labeled A, C and D. There is no Attachment B. The price must also include all costs associated with the conducting of a location review meeting, the transport and storage of all related materials, and the establishment and maintenance of any and all related traffic control. Benches will be installed either on existing concrete pads (as designated in the location attachment), or on new concrete pads constructed with this project, as described below.

Freestanding Bench Pads will be paid for at the contract unit price bid for Concrete Sidewalk (4"). The price bid will be full compensation for all labor, equipment, materials and incidentals necessary to construct pads in accordance with the attached details and the City of Wichita's Standard Specifications. All related excavation, subgrade compaction, backfill, traffic control, irrigation repair, and site restoration (including sod) will be considered subsidiary to the price bid for Concrete Sidewalk (4").

Contractor shall utilize spray paint (supplied with the benches) to paint anchor bolts after installation of each bench.

14. **Shelter Installation.** Wichita Transit has purchased pre-engineered modular shelters for use on the project. The shelters, as well as all hardware required for installation, are currently stored at the City's Northeast Maintenance Substation, 2901 E. 33rd St. N. The Contractor must remove all required shelters and hardware from the site within fourteen (14) calendar days from the date of the Notice to Proceed. (Surplus shelters and hardware must either remain packaged at the site or be returned to the site, in full and as originally packaged, within twenty-one (21) calendar days from the date of Notice to Proceed.) Required materials will thenceforth be stored at secure sites provided by the Contractor. The Contractor should contact James Wagner (268-4047) to arrange access to the substation.

Shelter Installation (5'x10' and 7'x14') will be paid for at the contract unit price bid per each. The price bid will be full compensation for all labor, equipment, materials and incidentals necessary to install the supplied shelter and all related appurtenances, per the multiple Attachments C and D. The price must also include all costs associated with the conducting of a location review meeting, the transport and storage of all related materials, and the establishment and maintenance of any and all related traffic control. Shelters will be installed either on existing concrete pads (as designated in the location attachment), or on new concrete pads constructed with this project, as described below.

Shelter Pads will be paid for at the contract unit price bid for Concrete Slab (5") (Reinforced). The price bid will be full compensation for all labor, equipment, materials and incidentals necessary to construct 5" reinforced concrete pads in accordance with the attached details and the City of Wichita's Standard Specifications. All related excavation, subgrade compaction, backfill, traffic control, irrigation repair, and site restoration (including sod) will be considered subsidiary to the price bid for Concrete Slab (5") (Reinforced).

15. **Concrete Thickened Edge (8").** At all locations where new concrete sidewalk or slab is constructed adjacent to existing curb and gutter, the sidewalk or slab must be thickened an additional 8", as shown in the attached details. The price bid for "Concrete Thickened Edge (8")" will be full compensation for all labor, equipment, materials and incidentals necessary to construct the thickened edge in accordance with the attached details and the City of Wichita's Standard Specifications.
16. **Shelter Relocation.** Shelter relocation will be paid for at the contract unit price bid per each. The price bid will be full compensation for all labor, equipment, materials and incidentals necessary to disassemble, store (as necessary), transport, and reassemble and install the existing shelter at the proposed site, per the attached details and instructions. The price must also include all costs associated with the conducting of a location review meeting, and the establishment and maintenance of any and all related traffic control. Relocated shelters will be installed either on existing concrete pads (as designated in the location attachment), or on new concrete pads constructed with this project, as described above.
17. **Concrete &/or Asph. Slab/Sidewalk/Curb Removed.** Freestanding bench and shelter installation may require the removal of existing concrete or asphalt sidewalk and/or slab and/or curb. The Contractor will perform such removal only upon approval by the Engineer. Removal will be paid for at the contract unit price bid for "Concrete &/or Asph. Slab/Sidewalk/Curb Removed". The price bid will be full compensation for all labor, equipment, materials, and incidentals necessary to remove the existing asphalt/concrete pad/sidewalk, dispose of waste material, and restore the site. The price must also include all costs associated with the establishment and maintenance of any and all related traffic control. Waste material must be disposed of at approved locations obtained by the contractor. At a minimum, restoration must include the placement of topsoil to completely fill and level any voids, and the sodding of all disturbed areas to match the existing turf type, per the Site Restoration item in these provisions.
18. **Notification.** The Contractor must supply written notification to adjacent property owners a minimum of ten (10) days prior to any construction activity. A copy of each notification shall be supplied to the Engineer.

19. **Existing Pavement.** Successful contractor shall be responsible for the care and maintenance of existing pavement, sidewalk, and other facilities within the immediate limits of any project related activity.
20. **Excess Excavation Disposal.** Unless otherwise directed by the plans, project special provisions or addenda, all excess excavation will become the property of the contractor, to be disposed of at a location determined also by the contractor. The contractor shall be aware of and take responsibility for obtaining required permits to place any fill in a designated floodplain, floodway or special management areas. Special management areas would include wetlands, US Corp of Engineer's holding areas, detention ponds, etc. Contact Michele Isbell at 268-4498 for flood determinations within the City limits. For flood determinations outside of the City, contact Bob George with Sedgwick County Code Enforcement at 383-7951.
21. **Project Erosion Control Requirements.** The Contractor will be required to implement Erosion Control measures on this project using Best Management Practices (BMP's). BMP's used may be Silt Fences, hay bales, sand bag inlet protection or others as approved by the City Engineer's Office. Gravel Packs at inlets are no longer accepted.

Contractor will be required to 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. Contractor may be liable for fines as indicated in Ordinance #44-123. Contractor will be required to comply with all sections of Ord. #44-123. Copies of the Ordinance are available in the Storm Water Management Office

22. **Underground Irrigation Systems.** Properties within the project limits may have underground irrigation systems (lawn sprinklers) in conflict with and/or within the limits of new construction. The Contractor shall remove conflicting components as needed during construction. Removal shall be accomplished by cutting and capping, such that the balance of any system or zone will remain in place, functional, and protected from damage. Any area detrimentally affected by irrigation service interruptions, whether within or beyond the project limits, will be considered disturbed by construction and shall be restored to its original condition, utilizing the same sod and/or vegetation as existing. Prior to project completion, existing irrigation systems shall be repaired, replaced, and/or upgraded, whether disturbed by construction or not, to provide as follows. Full coverage of all sodded areas shall be provided, with the system being modified as necessary to accommodate newly constructed sidewalk, curb, structures, and other project improvements, in a manner consistent with industry standards and best practices. The Contractor shall coordinate all modifications with the system owner and supply as-built documentation upon request. All work and costs associated with restoration and improvements to underground irrigations systems will be considered subsidiary to other items of work (as noted in these provisions) and will not be paid for directly. **Note: the requirement for irrigation repair/modification applies to each proposed site listed in the attachments, as well as to any alternative locations selected during final location review meetings.**

23. **Site Restoration**

- a. General.

Unless otherwise noted, all areas disturbed by construction must be restored with sod to match the existing turf type. Restoration of disturbed areas shall include, but not be limited to, top soil preparation, fertilizer, and sod installation. All sodding work shall be in accordance with the *City of Wichita Standard Specifications* and *City of Wichita Administrative Regulation No. AR78*, which governs cleanup and restoration or replacement following construction. When the weather/season prevents the installation of sod the Contractor will be responsible for installing Erosion Control Blanket (Curlex 1 or approved equal) at the back of curb (8' minimum wide). All costs for this work will be considered subsidiary to other items of work (as noted in these provisions) and will not be paid for directly.

Areas disturbed only by the removal of an existing bench (ie. no existing pad or sidewalk removed) will be restored by seeding with annual ryegrass. 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. AR78*, which governs cleanup and restoration or replacement following construction. The seed must be watered in at the time of planting, but extended maintenance is not required. All costs for this work will be considered subsidiary to other items of work (as noted in these provisions) and will not be paid for directly.

- b. Section 903.2 Materials. Replace the first and second paragraph with the following:

Fertilizer:

Fertilizer is to be a 10-20-10 blend with the first number representing the percentage of nitrogen, the second number representing the percentage of phosphorous, and the third number representing the percentage of potassium. Custom blenders licensed by the Kansas State Board of Agriculture shall blend bulk fertilizers and firms registered by the Kansas State Board of Agriculture shall manufacture packaged fertilizers. Application rates are shown in Table 902-1.

- c. Section 903.2 Materials: Replace the first paragraph with the following:

Fertilizer:

Fertilizer shall be of commercial grade delivered in fully labeled bags or with a certified blender ticket conforming to the applicable State Fertilizer laws. Fertilizer is to be a 10-20-10 blend with the first number representing the percentage of nitrogen, the second number representing the percentage of phosphorous, and the third number representing the percentage of potassium. Custom blenders licensed by the Kansas State Board of Agriculture shall blend bulk fertilizers and firms registered by the Kansas State Board of Agriculture shall manufacture packaged fertilizers. Application rates are shown in Table 903-1.

- d. Section 903.2 Materials. Replace Table 903-1 with the following:

Table 903-1

<u>Sod</u>	<u>Fertilizer Rate</u> (per 1000 sf)	<u>Sodding Season</u>
Fescue	10 lb	Apr 1 – Jun 1 & Sep 1 – Nov 1
Bermuda	5 lb	May 1 – Aug 15
Zoysia	5 lb	May 1 – Aug 15
Buffalo	1.5 lb	May 1 – Aug 15

- e. Section 903.5 Sodding Operations. Add the following after the last paragraph:

Whenever sod is specified, but cannot be installed because of weather or seasonal limitations, Erosion Control Blanket (Curlex 1 or approved equal) shall be installed at the back of curb (minimum 8’ wide). All costs for the Erosion Control Blanket shall be subsidiary to the bid item “Site Restoration”.

- f. Section 903.6 Maintenance/Acceptance: Replace the first sentence with the following:

As directed by the Engineer, the Contractor shall be required to keep sodded areas mowed and thoroughly watered for 30 days after all sod has been placed, and as often as required thereafter until completion of other items of work in the contract. The sod shall be watered with deep soaking every two weeks during dry periods.

24. ***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

