

SECTION 2 PROPOSAL REQUIREMENTS AND CONDITIONS

2-1.01 Contents of Proposal Forms. Prospective bidders will be furnished with proposal forms which will refer to the plans and specifications for the work to be done and may include the approximate estimate of the various quantities and kind of work to be performed or materials to be furnished, with a schedule of items for which bid prices are asked.

2-1.02 Approximate Estimate. The quantities when given in the Proposal and the contract are approximate only, being given as a basis for the comparison of bids. The City does not, expressly or by implication, represent or agree that the actual amount of work will correspond therewith, and reserves the right to increase or decrease the amount of any class or portion of the work, or to omit portions of the work, as may be deemed necessary or advisable by the Engineer. The bidder shall verify the actual quantities necessary for the work.

2-1.03 Examination of Plans, Specifications, Contract, and Site of Work. The bidder shall examine carefully the site of the work contemplated, the plans and specifications, and the Proposal and contract forms therefore. The submission of a bid shall be conclusive evidence that the bidder has investigated and is satisfied as to the conditions to be encountered, as to the character, quality, and scope of work to be performed, the quantities of materials to be furnished, and as to the requirements of the Proposal, plans, specifications, and the contract. The failure or omission of any bidder to receive or examine any form, instrument, addendum or other document or to visit the site and acquaint themselves with conditions therein existing shall in no way relieve any bidder from obligation with respect to the bid or to the contract.

Where there has been prior construction by the City or other public agencies within the project limits, records of such prior construction that are currently in the possession of the City and which have been used by, or are known to, the designers and administrators of the project will be made available for inspection by bidders or contractors, upon written request, subject to the conditions hereinafter set forth. Inspection of project records may be made at the office of the Engineer. Project records are not a part of the contract and are available solely for the convenience of the bidder or Contractor. It is expressly understood and agreed that the City assumes no responsibility whatsoever in respect to the sufficiency or accuracy of the records. The availability or use of information described in this Section 2-1.03 is not to be construed in any way as a waiver of the provisions of the first paragraph in this Section 2-1.03 and a bidder or Contractor is cautioned to make such independent investigation and examination as they deem necessary to satisfy themselves as to conditions to be encountered in the performance of the work. No information derived from such inspection of records will in any way relieve the bidder or Contractor from any risk or from properly fulfilling the terms of the contract.

2-1.05 Proposal Forms. The City will furnish to each bidder proposal forms, which, when filled out and executed may be submitted as their bid. Bids not presented on forms so furnished, may, in the City's sole discretion, be deemed non-responsive and rejected on that basis. Copies or facsimiles of the Bidder's completed and executed proposal forms submitted as a bid will be rejected.

On all bid items for which bids are to be received on a unit price basis, the unit price for all items bid shall be shown, as well as the extended price (unit price multiplied by the number of

units shown on the proposal form) for each bid item bid. In the case of any discrepancy between the extended price for any item bid, the unit price multiplied by the number of units shall prevail. In the event of any discrepancy between the total contract amount and the sum of the extended prices of all items, the sum of the extended prices of all items shall prevail.

The proposal forms are bound in a book together with the Notice to Contractors, General Provisions, Special Provisions and Technical Provisions. The Proposal shall set forth the item prices and totals, in clearly legible figures, in the respective spaces provided, and shall be signed by the bidder, who shall fill out all blanks in the proposal form as therein required.

The proposal forms shall be removed from the bound documents and submitted as directed in the "Notice to Contractors" under sealed cover plainly marked as a proposal, and identifying the project to which the Proposal relates and the date of the bid opening therefor. Proposals which are not properly marked may be disregarded at the sole discretion of the City.

2-1.054 Required Listing of Proposed Subcontractors. Each Proposal shall have listed therein the name and address of each subcontractor to whom the bidder proposes to subcontract portions of the work in an amount in excess of 1/2 of one percent of the total bid or \$10,000.00, whichever is greater, in accordance with the Subletting and Subcontracting Fair Practices Act, commencing with Section 4100 of the Public Contract Code. The bidder's attention is invited to other provisions of the Act related to the imposition of penalties for a failure to observe its provisions by using unauthorized subcontractors or by making unauthorized substitutions.

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

2-1.057 Qualification of Bidders. Each bidder shall be skilled and regularly engaged in the general class or type of work called for under this contract. A sheet for listing the Contractor's experience and business standing shall be submitted by each bidder on the form provided in the Proposal.

It is the intention of the City to award a contract only to a bidder who furnishes satisfactory evidence that it has the requisite experience and ability and that the bidder has sufficient capital, facilities, and plant to enable the bidder to prosecute the work successfully and promptly, and to complete it within the time named in the contract.

To determine the degree of responsibility to be credited to a bidder, the City will weigh any evidence that the bidder or personnel guaranteed to be employed in responsible charge of the work has performed satisfactorily on other contracts of like nature and magnitude or comparable difficulty at similar rates of progress.

2-1.06 Rejection of Proposals. The City, in its sole discretion, may reject any or all bids or Proposals presented. Proposals may be rejected for reasons including but not limited to the transference of bid to another bidder, any alteration of form, additions not called for, conditional bids, incomplete bids, erasures, or irregularities of any kind, or a disproportionate amount of payment being made on any item of work during any phase of the project or, failure to provide a price on all bid items, including all alternates or Proposals submitted which are not in strict compliance with the directions in the Notice to Contractors. The City may, in its sole discretion, waive any informalities or minor irregularities in the bid or Proposal.

Proposals not submitted in strict compliance with the directions in the Notice to Contractors may, in the City's sole discretion, be deemed non-responsive and be rejected on that basis.

When Proposals are signed by an agent, other than the officer or officers of a corporation authorized to sign contracts on its behalf or a member of a co-partnership, a "Power of Attorney" must be on file with the City Clerk prior to opening bids or shall be submitted with the Proposal; otherwise, the Proposal may be rejected at the City's sole discretion as irregular and unauthorized. Proof of the authority of the person or persons signing on behalf of the bidder shall be provided to the City upon request after the bid opening.

2-1.07 Proposal Guaranty. All bids shall be presented under sealed cover and accompanied by one of the following forms of bidder's security: cash, a cashier's check or a certified check made payable to the City, or a bidder's bond executed by an admitted surety insurer naming the City as beneficiary.

The security shall be in an amount equal to at least 10 percent of the total amount bid including all alternates. A bid will not be considered unless one of the specified forms of bidder's security is enclosed with it.

2-1.08 Withdrawal of Proposals. Any Proposal may be withdrawn at any time prior to the time fixed in the Notice to Contractors for the opening of bids only by written request for the withdrawal of the bid filed with the City Clerk. The request shall be executed by the bidder or the bidder's duly authorized representative. The withdrawal of a bid does not prejudice the right of the bidder to file a new bid. Whether or not bids are opened exactly at the time fixed in the Notice to Contractors, a bid will not be received after that time, nor may any bid be withdrawn after the time fixed in the Notice to Contractors for the opening of bids.

2-1.09 Public Opening of Proposals. Proposals will be opened and read publicly at the time and place indicated in the "Notice to Contractors." Bidders or their authorized agents are invited to be present.

2-1.095 Relief of Bidders. Attention is directed to the provisions of Public Contract Code Sections 5100 to 5107, inclusive, concerning relief of bidders and in particular to the requirement therein, that if the bidder claims a mistake was made in the bid presented, the bidder shall give the City written notice within 5 days after the opening of the bids of the alleged mistake, specifying in the notice in detail how the mistake occurred.

2-1.10 Disqualification of Bidders. More than one Proposal from an individual, firm, partnership, corporation, or combination thereof under the same or different names will not be considered. Reasonable grounds for believing that any individual, firm, partnership, corporation or combination thereof is interested in more than one Proposal for the work contemplated may cause the rejection of all Proposals in which that individual, firm, partnership, corporation or combination thereof is interested. If there is reason for believing that collusion exists among the bidders any or all Proposals may be rejected. Proposals in which the prices obviously are unbalanced may be rejected.

2-1.13 Addenda and Interpretations. Written addenda by way of clarifications, amendments, changes or additions to the Contract Documents including a change to the proposed opening time, date or place may be issued by the City before the opening of Proposals. Addenda will be mailed by certified mail with return receipt requested to all prospective bidders prior to

the opening of bids. Failure of any bidder to receive any addenda shall not relieve the bidder from any obligations imposed by the addenda. All addenda issued shall become part of the contract and the price therefore, set forth in the Proposal. The Bidder shall indicate receipt of each Addendum by completing the Acknowledgement of Addenda included in the proposal forms.

Every request for interpretation should be in writing addressed to the City Engineer at 1 N. San Antonio Road, Los Altos, CA 94022, and to be given consideration, must be received at least 5 days prior to the date fixed for the opening of bids. Any and all interpretations will be in the form of writing which, if issued, will be mailed by certified mail with return receipt requested to all prospective bidders prior to the opening of bids. Failure of any bidder to receive any interpretation shall not relieve the bidder from any obligation under its bid as submitted and the bidder shall be required to perform the work as modified by the interpretation. All interpretations issued shall become part of the contract.

No oral interpretation of the meaning of the plans, specifications or other documents will be made. If any such oral interpretation is made, it shall not be considered by the bidder in preparing its Proposal.

END OF SECTION