CONTRA COSTA COMMUNITY COLLEGE DISTRICT
500 Court St, Martinez, CA 94553

SMALL PROJECT
INVITATION TO BID/QUOTE

Date Issued: June 22, 2015
College Site: Los Medanos College, 2700 East Leland Rd, Pittsburg, CA
Project Name: Prop 39 – LMC Parking Lot Pole Lighting
Building/Location: South End of Parking Lot B
Estimated Cost Range: $20,000 to $30,000 (Not-To-Exceed)
Required License: C – 10 Electrical Contractor

This project is a:
☒ Public Works or Maintenance Contract (see Labor Code Section 1720, 1771)

Public Works Projects, Including Contracts for Maintenance - Contractors and subcontractors performing work on District public works contracts shall pay prevailing wages as determined by the Department of Industrial Relations and adhere to all labor compliance provisions outlined in Division 2, Part 7, Chapter 1 of the California Labor Code §1720-1861 including, but not limited to, the reporting of certified payroll, payment of prevailing wages and the employment of apprentices. Prevailing wage determinations may be found at http://www.dir.ca.gov/OPRL/DPreWageDetermination.htm

Attention is directed to Labor Code Section 1725.5 and SB 854 regarding Department of Industrial Relations (DIR) contractor registration process including registration criteria and implementation of DIR registration requirements. Labor Code Section 1771.7 establishes contractor’s obligation to submit Certified Payroll (CR) to the Department of Labor and Standards Enforcement (DLSE) and public works monitoring and enforcement. Labor Code Section 1773.3 requires the District to submit a PWC-100 to DIR for all public works contract awarded effective January 1, 2015. SB 854 requires that all contractors must be registered with DIR and that all bid proposals include proof of proper registration with DIR.

IMPORTANT INFORMATION:
1) SITE VISIT at Bidder’s own time (LMC is an open campus, No need for a formal job-walk);
2) REQUEST FOR INFORMATION (RFI) deadline is June 24, 2015 at 4:00 PM in writing ONLY through EMAIL addressed to: Jovan Esprit (jesprit@4cd.edu)
3) BIDS / QUOTES DUE DATE: Tuesday, June 30, 2015 PRIOR TO 2:00 PM
4) E-mail Quotes will be accepted using the Quote Form, which must be provided as a scanned document containing a valid signature. E-mail this completed, signed form to: Jovan Esprit, Contracts Manager: jesprit@4cd.edu
   If Dropping-In: (The District is not responsible for late submission for whatever reason)
   Contra Costa Community College District – DO Lobby
   500 Court St, Martinez, CA 94553
   Attention: Jovan Esprit – Purchasing & Contract Services; Phone: (925) 229-6959

The District reserves the right to reject any and all Quotes and to accept the Quote which, in its sole judgment, best serves the needs and requirements of the District.

Those submitting Quotes to perform the work on this Project are agreeing to provide all labor, tools, supplies, equipment, supervision, transportation, applicable payment and performance bonds, and applicable taxes (including sales tax) necessary to accomplish the Scope of Work as detailed below.
Time to achieve Final Completion is 45 Calendar Days from the date included in the written Notice to Proceed issued by the District.

See attached:
☒ Scope of Work  ☑ Specification  ☐ Sketch  ☐ Quote Form  ☐ Sample Construction Agreement

SCOPE OF WORK

BASE BID:
Provide all work described in the below Scope of Work.

- Remove (21) existing pole-mounted 320 Watt Metal Halide exterior light fixtures located in the South End of Parking Lot B
- Dispose of all removed equipment.
- Replace (21) existing 320 Watt Pulse Start Metal Halide fixtures with lower wattage, high efficiency LED pole-mounted fixtures (e.g. Lithonia DSX2 LED 100C 530 30K 80CRI T4M, or equivalent). New fixtures are to be mounted on existing poles.
- The proposed LED fixture will have a rated wattage lower than 180 – 190 Watts watts but will have a comparable light output with no significant decrease in rated lumens per lamp between the two fixture types.
- All replacement LED fixtures must be eligible for PG&E incentives. See the list of approved fixtures on the California Statewide Lighting Program Qualified LED Products List at http://www.lightingfacts.com/ca. Any fixture not on this list shall be considered ineligible for this scope of work.
- Contractor will be responsible for complying with Proposition 39 requirements. Contractor is required to report all on-site full time employee and trainee/apprentice hours worked on this project on a Form J after project completion. Contractor must complete the sections at the top and bottom of the form and sign the form. See attached ‘Los Medanos College Exterior Lighting Form J’ for reference on what will be required from Contractor at the end of the project. Contractor will also provide detailed itemized invoices after project completion to meet PG&E and Proposition 39 requirements. If invoices are found to not be in enough detail, the Contractor will be required to revise the invoices and submit new ones.

OTHER CONDITIONS:

“All Work must comply with California Building Standards Code, Title 21 2013, California Code of Regulations (CCR), Part 6, California Energy Code. Requirements include, but not limited to Section 130.2 Outdoor Lighting Controls and Equipment. Contractor will be responsible for complying with Title 24 lighting controls requirements.”

By submitting a Quote, Contractor certifies that they have read and thoroughly understand the Scope of Work requested, visited the site to review and evaluate existing conditions, and agrees to the terms and conditions of the attached Short Form Construction Agreement.
QUOTE FORM

PROJECT: PROP 39 – LMC PARKING LIGHT POLE LIGHTING

CONTRACTOR NAME: ____________________________________________________________

The CONTRACTOR shall furnish the DISTRICT a total contract lump sum (including applicable taxes), to complete all Work described in the Scope of Work on Page 2, and related attachments.

TOTAL BID AMOUNT:

____________________________________________________________________________ $________________
(In Words)

The District reserves the right to reject any and all Quotes and to accept the Quote which, in its sole judgment, best serves the needs and requirements of the District.

Attention is directed to Labor Code Section 1725.5 regarding Department of Industrial Relations (DIR) contractor registration process; registration criteria and implementation of DIR registration requirements. Labor Code Section 1771.7 establishes contractor’s obligation to submit Certified Pay Roll (CPR) to the Department of Labor and Standards Enforcement (DLSE) and public works monitoring and enforcement. Labor Code Section 1773.3 requires the District to submit a PWC-100 to DIR for all public works contract awarded effective January 1, 2015.

Attention is directed to Section 4100 through 4113 of the Public Contract Code concerning Subcontractors, with emphasis on Section 4104, known as the “Subletting and Subcontracting Fair Practices Act”, effective July 1, 2014.

DESIGNATION OF SUBCONTRACTORS

A. The Bidder has set forth a complete list indicating the type of work, Subcontractor’s name, business address, and Subcontractor’s California Contractor’s license number of each Subcontractor who will perform work in excess of one-half of one percent of the Contract Sum.
   1) Bidder shall be solely responsible to correct any errors in the listing of the California Contractor’s license number.
   2) Bidder must, within 24 hours after bid opening, submit any corrected California Contractor's license number information.
   3) Bidder’s failure to submit a corrected California Contractor's license number will cause the bid to be nonresponsive.

B. Any portion of the work in excess of the specified amount having no designated Subcontractor shall be performed by the Bidder.

C. Substitution of listed Subcontractors will not be permitted unless approved in advance by the District.

D. Prior to signing the Contract, the District reserves the right to reject any listed Subcontractor.
QUOTE FORM (continued)

<table>
<thead>
<tr>
<th>Type of Work</th>
<th>Subcontractor's Name</th>
<th>Business Address</th>
<th>License # and DIR Registration #</th>
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The undersigned agrees, on behalf of the Company named below, to supply the goods and services listed at the prices quoted and within the terms and conditions as identified in this Invitation to Quote. This Quote is valid and enforceable for at least sixty (60) days following the date quotes are required.

Company Name: ____________________________________________

Address: __________________________________________________

City, State, Zip: ___________________________________________

Phone: __________________________ Fax: ______________________

E-Mail: ____________________________________________________

Contractor’s License No.: ____________________________ Classification: ______________________

DIR Registration No.: ___________________________________ (per Labor Code 1725.5)

Printed Name and Title of Contractor Authorizing Officer

_________________________________________________________  ______________________________________
Authorized Signature                                     Date

Note to Contractor: Notice to Proceed is not authorized until such time as: a Blanket Purchase Order or Short Form Construction Agreement is signed by District, and received by Contractor; a current W-9 is provided to District; and all insurance requirements have been met. District will issue a written Notice to Proceed when all conditions have been met by Contractor.
Contra Costa Community College District

Date: 5/21/2015

Specification for: Prop 39 LMC Exterior LED Lighting Retrofit

SCOPE OF WORK:
The Contractor shall furnish all labor, parts, tools, equipment, materials and transportation necessary to perform a retrofit of the existing (21) pole-mounted 320 watt Metal Halide exterior walkway fixtures in Parking Lot B with lower wattage, high efficiency pole-mounted LED lighting fixtures.

No structural modifications, modifications to fire alarm systems, or changes to Americans with Disabilities Act accessibility are authorized under the contract and work associated with this specification. All work shall be in accordance with Title 24 California Code of Regulations. All installed LED fixtures shall be eligible for PG&E incentives and shall be listed on the California Statewide Lighting Program Qualified LED Products List.

The location of the facility is Parking Lot B Los Medanos College 2700 East Leland Road Pittsburg, CA. 94565. A map location is available upon request.

PART 1 - GENERAL REQUIREMENTS

1.1 REFERENCES:

A. The publications listed below form a part of this specification by reference.
   1. Current California Occupational Safety and Health Act Regulations
   2. Current California Occupational Safety and Health Construction Safety Orders

B. This work will be contracted by ☑ Blanket Purchase Order, ☑ Short Form Construction Agreement (attached if selected).

1.2 SUBMITTALS:

A. Submit the following for approval prior to beginning work:
   1. Fixture specification documents and material cut sheets for proposed LED fixtures and manufacturers’ installation procedures, etc. if any.
   2. Documentation of LED fixture listing on the California Statewide Lighting Program Qualified LED Products List.

PART 2 - PRODUCTS

2.1 MATERIALS:

A. Material shall be as specified. Material not definitely specified shall be of quality used for the purpose in commercial practice. Items not specified but required for the proper installation or repair of a specified item or work shall be provided. Items shall be of the proper type, size and material for the use intended.

B. Contractor Furnished Materials: The Contractor furnished materials shall include any associated equipment and appurtenances required performing the contract properly and in accordance with the equipment manufacturer’s literature.
C. All materials shall be new, unless otherwise authorized or specified in the scope of work of this specification.

PART 3 - EXECUTION

3.1 PREPARATION:

A. Scheduling and Coordination: Before commencing work on a specific area, the Contractor shall determine that all requirements pertaining to scheduling of the work, the time approved by the Project Inspector, the Project Manager, or the Buildings and Grounds Representative for commencement of work. The Contractor shall further determine that all required notices have been given.

B. Scheduling and Sequence of Work: The work shall be performed in such a manner as to cause the least interference with the normal functions of the college/campus activity. Certain areas will be vacated for a period of time as necessary for the Contractor to perform certain work; however, the area may be occupied during the course of the work. Prior to beginning any work, the Contractor shall meet with the Project Inspector, the Project Manager, or the Buildings and Grounds Representative in order that an approved schedule and sequence of work may be arranged.

C. Interruption of Utilities Services: Interruptions shall be kept to a minimum and shall be at such times and duration as approved ahead of time. No interruption shall occur unless scheduled with the Project Inspector, the Project Manager, or the Buildings and Grounds Representative and approved in advance as to time and duration of such interruption.

D. Material, equipment, tools and workmen shall be scheduled and delivered to the site in a timely manner to avoid delay in the work. Items of material shall be inspected to make certain they are in compliance with the specifications and are free from defects and damage.

E. Measurements: Before fabrication, obtain necessary field measurements and verify all measurements.

F. Protection required to prevent damage to adjacent areas, equipment, fixtures and finishes shall be provided. Damage to items while accomplishing the work shall be repaired or replaced with new items at no additional cost to the District.

G. Existing Work: Protect existing work which is to remain in place, be reused, or remain the property of the District. Repair items that are to remain and are damaged during performance of the work to their original condition, or replace with new.

H. Facilities: Protect electrical and mechanical services and utilities. Where removal of existing utilities and pavement is specified or indicated, provide approved barricades, temporary covering of exposed areas, and temporary services or connections for electrical and mechanical utilities.

I. Dust and Debris Control: Prevent the spread of dust and debris to occupied portions of the Building and avoid the creation of a nuisance or hazard in the surrounding area. Waste and debris resulting from the work being performed shall be cleaned up daily and promptly removed from the activity.

3.2 PERFORMANCE:

A. Workmanship: Skilled personnel shall execute in a careful, neat, and proficient manner and in compliance with accepted trade practices all work. All work shall be executed in accordance with Cal/OSHA standards and safety orders. And all work on this contract shall comply with all Local, State, and Federal Environmental Laws.
B. As used herein, "replace" means provide new materials to replace existing or missing materials.

C. The contractor shall field verify all measurements for existing conditions.

D. Minor Materials and Work: Minor materials and work not specifically mentioned herein but necessary for the proper completion of the specified work shall be furnished without additional cost to the District.

E. Unforeseen Major Repairs: Should deteriorated materials of a major nature be uncovered in the course of the work, or suspected hazardous materials discovered, it shall be brought to the attention of the Project Inspector, Project Manager, or Buildings and Grounds Representative immediately. Repairs, if any, shall be made as directed in writing, and an adjustment will be made in the contract price in accordance with the terms of the modifications.

F. Existing Work: Where existing work is changed or removed, or where new work adjoins, connects to, or abuts existing work, the existing work shall be altered as necessary and connected in a substantial and workmanlike manner. All new work shall match, as nearly as practicable, existing, adjoining, and/or adjacent similar work. Operations affecting existing work shall be conducted with care not to damage work in place, and all existing work damaged by such operations shall be rectified or replaced without additional expense to the District.

3.3 DRAWINGS ACCOMPANYING SPECIFICATIONS

A. NONE

3.4 SITE VISITATION

A. Prior to submitting quotations, prospective quoters are invited to visit the site and satisfy themselves as to the character and amount of work to be accomplished. Site visitation, may be arranged by the Buildings and Grounds Manager or Project Manager.

3.5 TIME OF COMPLETION

A. All work shall be completed within 45 calendar days after date of Notice to Proceed.
**Proposition 39 Project Close-Out Forms**

**CCC Proposition 39 Job Creation Tracking Report (Form J)**

**Contract Completion Report**

<table>
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<tr>
<th>District</th>
<th>Contract Duration</th>
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**Instructions:**
California Community College Districts are required to report, at the completion of each project utilizing Proposition 39 funds, the "Total On-Site Work Hours" that have been created in performing the work. The contractor is required to complete this Job Creation Tracking Report as a condition of the contract with the district and submit it to the district as part of the closeout documents and as a condition for receiving final payment. Contractor to verify hours reported with payroll applications and submit copies of all supporting documents.

*Please fill in blue shaded areas below with the required information.*

**Los Medanos College**

<table>
<thead>
<tr>
<th>Project ID</th>
<th>Project Description</th>
<th>On-Site Work Hours*</th>
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<tbody>
<tr>
<td>CONTRA-1314-010-15</td>
<td>Exterior Parking Lot Lighting Retrofits</td>
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*Note: "On-Site Hours" is defined as the total number of hours of utilization of each employee/trainee-apprentice associated with that specific project ID

**I CERTIFY THAT THE INFORMATION REPORTED ABOVE IS TRUE AND ACCURATE.**

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CONTRA COSTA COMMUNITY COLLEGE DISTRICT  
500 Court St, Martinez, CA 94553

CONTRACT NO. ____________________  
(Construction / Maintenance Work Agreement)

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5. **LIQUIDATED DAMAGES**

If the Contractor fails to complete this contract and this work within the time fixed therefore, allowance being made for contingencies as provided herein, he becomes liable to the Public Agency for all its loss and damage there from; and because, from the nature of the case, it is and will be impracticable and extremely difficult to ascertain and fix the Public Agency's actual damage from any delay in performance hereof, it is agreed that Contractor will pay as liquidated damages to the Public Agency the reasonable sum specified in Section 1, the result of the parties' reasonable endeavor to estimate fair average compensation therefore, for each calendar day's delay in finishing said work; and if the same be not paid, Public Agency may, in addition to its other remedies, deduct the same from any money due or to become due Contractor under this contract. If the Public Agency for any cause authorizes or contributes to a delay, suspension of work or extension of time, its duration shall be added to the time allowed for completion, but it shall not be deemed a waiver nor be used to defeat any right of the Agency to damages for non-completion or delay hereunder. Pursuant to Government Code Section 4215, the Contractor shall not be assessed liquidated damages for delay in completion of the work, when such delay was caused by the failure of the Public Agency or the owner of a utility to provide for removal or relocation of existing utility facilities.

6. **INTEGRATED DOCUMENTS**

The plans, drawings and specifications or special provisions of the Public Agency's call for bids, and Contractor's accepted bid for this work are hereby incorporated into this contract; and they are intended to cooperate, so that anything in the plans or drawings and not mentioned in the specifications or special provisions, or vice versa, is to be executed as if exhibited, mentioned and set forth in both, to the true intent and meaning thereof when taken all together; and differences of opinion concerning these shall be finally determined by the Public Agency.

7. **PAYMENT**

(a) For strict and literal fulfillment of these promises and conditions, and full compensation for all this work, the Public Agency shall pay the Contractor the sum specified in Section 1, except that in unit price contracts the payment shall be for finished quantities at unit bid prices.

(b) On or about the first day of each calendar month, the Contractor shall submit to the Public Agency a verified application for payment, supported by a statement showing all materials actually installed during the preceding month, the labor expended thereon, and the cost thereof; whereupon, after checking, the Public Agency shall issue to Contractor a certificate for the amount determined to be due, minus five (5%) percent thereof, but not until defective work and materials have been removed, replaced and made good. Payment of the approved amount will be made to the Contractor within 30 calendar days from the date the Public Agency approves in writing the Contractor's application for payment.

8. **PAYMENTS WITHHELD**

(a) The Public Agency or its agent may withhold any payment, or because of later discovered evidence nullify all or any certificate for payment, to such extent and period of time only as may be necessary to protect the Public Agency from loss because of:

1. Defective work not remedied, or work not completed, or
2. Claims filed or reasonable evidence indicating probable filing, or
3. Failure to properly pay subcontractors or for material or labor, or
4. Reasonable doubt that the work can be completed for the balance then unpaid, or
5. Damage to another contractor, or
6. Damage to the Public Agency, other than damage due to delays.
(b) The Public Agency shall use reasonable diligence to discover and report to the Contractor, as the work progresses, the materials and labor which are not satisfactory to it, so as to avoid unnecessary trouble or cost to the Contractor in making good any defective work or parts.

(c) Thirty-five (35) calendar days after Public Agency files its notice of completion of the entire work, it shall issue a certificate to the Contractor and pay the balance of the contract price after deducting all amounts withheld under this contract, provided the Contractor shows that all claims for labor and materials have been paid, no claims have been presented to the Public Agency based on acts or omissions of the Contractor, and no liens or withhold notices have been filed against the work or site, and provided there are not reasonable indications of defective or missing work or of late-recorded notices of liens or claims against Contractor.

9. **INSURANCE**

Before the commencement of the Work, the Contractor shall purchase from and maintain in a company or companies lawfully authorized to do business in California as admitted carriers, or a District approved equal, with a financial rating of at least A status as rated in the most recent edition of Best’s Insurance Reports or as amended by the Supplementary General Conditions, such insurance as will protect the Public Agency from claims set forth below, which may arise out of or result from the Contractor’s operations under the Contract and for which the Contractor may be legally liable, whether such operations are by the Contractor, by a Subcontractor, by anyone directly or indirectly employed by any of them, or by anyone for whose acts any of them may be liable.

(a) Claims for damages because of bodily injury, sickness, disease, or death of any person District would require indemnification and coverage for employee claim;

(b) Claims for damages insured by usual personal injury liability coverage, which are sustained by a person as a result of an offense directly or indirectly related to employment of such person by the Contractor or by another person;

(c) Claims for damages because of injury or destruction of tangible property, including loss of use resulting therefrom, arising from operations under the Contract Documents;

(d) Claims for damages because of bodily injury, death of a person, or property damage arising out of the ownership, maintenance, or use of a motor vehicle, all mobile equipment, and vehicles moving under their own power and engaged in the Work;

(e) Claims involving contractual liability applicable to the Contractor’s obligations under the Contract Documents, including liability assumed by and the indemnity and defense obligations of the Contractor and the Subcontractors; and

(f) Claims involving Completed Operations, Independent Contractors’ coverage, and Broad Form property damage, without any exclusions for collapse, explosion, demolition, underground coverage, and excavating. (XCU)

(g) Claims involving sudden or accidental discharge of contaminants or pollutants.

**Additional Insured Endorsement Requirement:** The Contractor shall name, on any policy of insurance, the District, Architect, Inspector, the State of California, their officers, employees, agents and independent contractors as Additional Insured. Subcontractors shall name the Contractor, the District, Architect, Inspector, the State of California, their officers, employees, agents and independent contractors as Additional Insured. The Additional Insured Endorsement included on all such insurance policies shall state that coverage is afforded the additional insured with respect to claims arising out of operations performed by or on behalf of the insured. If the Additional Insured, have other insurance which is applicable to the loss, such other insurance shall be on an excess or contingent basis. The insurance provided by the Contractor must be designated in the policy as primary to any insurance obtained by the Public Agency. The amount of the insurer’s liability shall not be reduced by the existence of such other insurance.
Specific Insurance Requirement: Contractor shall take out and maintain and shall require all subcontractors, if any, whether primary or secondary, to take out and maintain:

(a) Comprehensive General Liability Insurance with an aggregate of not less than $2,000,000.00; Per occurrence, $1,000,000.00

(b) Automotive (any auto) where operated in amounts $1,000,000.00

(c) Workers’ Compensation Insurance: $1,000,000.00; Contractor is aware of and complies with Labor Code Section 3700 and the Worker’s Compensation Law.

10. BONDS

(Not Required for Public Projects below $25,000; Civil Code 9550; Public Contract Code 7103.)

Bond Requirements: Prior to commencing any portion of the Work, the Contractor shall furnish separate payment and performance bonds for its portion of the Work which shall cover 100% faithful performance of and payment of all obligations arising under the Contract Documents and/or guaranteeing the payment in full of all claims for labor performed and materials supplied for the Work. All bonds shall be provided by a corporate surety authorized and admitted to transact business in California as sureties.

To the extent, if any, that the Contract Price is increased in accordance with the Contract Documents, the Contractor shall, upon request of the Public Agency, cause the amount of the bonds to be increased accordingly and shall promptly deliver satisfactory evidence of such increase to the Public Agency. To the extent available, the bonds shall further provide that no change or alteration of the Contract Documents (including, without limitation, an increase in the Contract Price, as referred to above), extensions of time, or modifications of the time, terms, or conditions of payment to the Contractor will release the surety. If the Contractor fails to furnish the required bonds, the Public Agency may terminate the Contract for cause.

On signing this contract, Contractor shall deliver to Public Agency for approval good and sufficient bonds with sureties, in amount(s), specified in the specifications or special provisions, guaranteeing faithful performance of this contract and payment for all labor and materials hereunder.

11. FAILURE TO PERFORM

If the Contractor at any time refuses or neglects, without fault of the Public Agency or its agent(s), to supply sufficient materials or workers to complete this agreement and work as provided herein, for a period of ten days or more after written notice thereof by the Public Agency, the Public Agency may furnish same and deduct the reasonable expenses thereof from the contract price.

12. LAWS APPLY: General

Both parties recognize the applicability of various federal, state and local laws and regulations, especially Chapter 1 of Part 7 of the California Labor Code (beginning with Section 1720, and including Sections 1735, 1777.5, 1777.6, forbidding discrimination) and intend that this agreement complies therewith. The parties specifically stipulate that the relevant penalties and forfeitures provided in the Labor Code, especially in Sections 1775, 1776, and 1813, concerning prevailing wages and hours, shall apply to this agreement as though fully stipulated herein.

13. REGISTRATION WITH DEPARTMENT OF INDUSTRIAL RELATIONS

Contractor shall be registered pursuant to Section 1725.5 of the California Labor Code to be qualified to bid on, be listed in a bid proposal, subject to the requirements of Section 4104 of the Public Contract Code, or engage in the performance of any public work contract that is subject to the requirements of Section 1725.5. For the purposes of this requirement, "contractor" includes a subcontractor as defined by Labor Code Section 1722.1.
The requirement to list only registered contractors and subcontractors on bids becomes effective on March 1, 2015. The requirement to only use registered contractors and subcontractors on public works projects applies to all projects awarded on or after April 1, 2015.

14. **SUBCONTRACTORS**

Public Contract Code Sections 4100-4113 are incorporated herein.

15. **WAGE RATES**

(a) Pursuant to Labor Code Section 1773, the Director of the Department of Industrial Relations has ascertained the general prevailing rates of wages per diem, and for holiday and overtime work, in the locality in which this work is to be performed, for each craft, specified in the call for bids for this work and are on file with the Public Agency, and are hereby incorporated herein.

(b) This schedule of wages is based on a working day of eight (8) hours unless otherwise specified; and the daily rate is the hourly rate multiplied by the number of hours constituting the working day. When less than that number of hours are worked, the daily wage rate is proportionately reduced, but the hourly rate remains as stated.

(c) The Contractor, and all subcontractors, must pay at least these rates to all persons on this work, including all travel, subsistence, and fringe benefit payments provided for by applicable collective bargaining agreements. All skilled labor not listed above must be paid at least the wage scale established by collective bargaining agreement for such labor in the locality where such work is being performed. If it becomes necessary for the Contractor or any subcontractor to employ any person in a craft, classification or type of work (except executive, supervisory, administrative, clerical or other non-manual workers as such) for which no minimum wage rate is specified, the contractor shall immediately notify the Public Agency which shall promptly determine the prevailing wage rate therefore and furnish the Contractor with the minimum rate based thereon, which shall apply from the time of the initial employment of the person affected and during the continuance of such employment.

16. **HOURS OF LABOR**

Eight hours of labor in one calendar day constitutes a legal day’s work, and no worker employed at any time on this work by the Contractor or by any subcontractor shall be required or permitted to work longer thereon except as provided in Labor Code Sections 1810-1815.

17. **APPRENTICES**

Properly indentured apprentices may be employed on this work in accordance with Labor Code Sections 1777.5 and 1777.6, forbidding discrimination.

18. **SUBMISSION OF CERTIFIED PAYROLL RECORDS**

Contractors and subcontractors on all public works projects will be required to submit certified payroll records (CPRs) to the Labor Commissioner unless excused from this requirement. This requirement will be phased in as follows:

(a) Applies immediately to public works projects that have already been under CMU monitoring, i.e. contractors on ongoing projects that have been submitting CPRs to the CMU will continue doing so.

(b) Will apply to any new projects awarded on or after April 1, 2015.

(c) May apply to other projects as determined by Labor Commissioner.

(d) Will apply to all public works projects, new or ongoing, on and after January 1, 2016.
19. **PREFERENCE FOR MATERIALS**

The Public Agency desires to promote the industries and economy of Contra Costa County, and the Contractor therefore promises to use the products, workers, laborers and mechanics of this County in every case where the price, fitness and quality are equal.

20. **ASSIGNMENT**

This agreement binds the heirs, successors, assigns, and representatives of the Contractor; but Contractor cannot assign it in whole or in part, nor any monies due or to become due under it, without the prior written consent of the Public Agency and the Contractor's surety or sureties, unless they have waived notice of assignment.

21. **NO WAIVER BY PUBLIC AGENCY**

Inspection of the work and/or materials, or approval of work and/or materials inspected, or statement by any officer, agent or employee of the Public Agency indicating the work or any part thereof complies with the requirements of this contract, or acceptance of the whole or any part of said work and/or materials, or payments therefore, or any combination of these acts, shall not relieve the Contractor of Contractor's obligation to fulfill this contract as prescribed; nor shall the Public Agency be thereby stopped from bringing any action for damages or enforcement arising from the failure to comply with any of the terms and conditions hereof.

22. **HOLD HARMLESS AND INDEMNITY**

(a) Contractor promises to and shall hold harmless and indemnify from the liabilities as defined in this section.

(b) The indemnities benefited and protected by this promise are the Public Agency and its elective and appointive boards, commissions, officers, agents and employees.

(c) The liabilities protected against are any liability or claim for damage of any kind allegedly suffered, incurred or threatened because of actions defined below, including personal injury, death, property damage, inverse condemnation, or any combination of these, regardless of whether or not such liability, claim or damage was foreseeable at any time before the Public Agency approved the improvement plan or accepted the improvements as completed, and including the defense of any suit(s) or action(s) at law or equity concerning these.

(d) The actions causing liability are any act or omission (negligent or non-negligent) in connection with the matters covered by this contract and attributable to the contractor, subcontractor(s), or any officer(s), agent(s), or employee(s) of one or more of them.

(e) Non-conditions: The promise and agreement in this section is not conditioned or dependent on whether or not any Indemnities has prepared, supplied, or approved any plan(s), drawing(s), specifications(s) or special provision(s) in connection with this work, has insurance or other indemnification covering any of these matters, or that the alleged damage resulted partly from any negligent or willful misconduct of any Indemnities.

23. **EXCAVATION**

Contractor shall comply with the provisions of Labor Code Section 6705, if applicable, by submitting to Public Agency a detailed plan showing the design of shoring, bracing, sloping, or other provisions to be made for worker protection from the hazard of caving ground during trench excavation.

24. **GOVERNMENT CODE SECTION 10532**

Contractor shall be subject to the examination and audit of the Auditor General for a period of three years after final payment under the contract.
25. **WARRANTY**

The Contractor warrants to the Public Agency that materials and equipment furnished under the Contract will be of good quality and new unless otherwise required or permitted by the Contractor Documents, that the Work will be free from defects not inherent in the quality required or permitted, and that the Work shall conform to the requirements of the Contract Documents. Work not conforming to these requirements, including substitutions not properly approved and authorized, may be considered defective. The Contractor’s warranty excludes remedy for damage or defect caused by abuse, modifications not executed by the Contractor improper or insufficient maintenance, improper operation, or normal wear and tear and normal usage.

26. **CONSEQUENTIAL DAMAGES**

The Contractor and Public Agency waive Claims against each other for consequential damages arising out of or relating to this Contract. This mutual waiver includes:

(a) Damages incurred by the Public Agency for rental expenses, for losses of use, income, profit, financing, business and reputation, and for loss of management or employee productivity or of the services of such persons; and

(b) Damages incurred by the Contractor for principal office expenses including the compensation of personnel stationed there, for losses of financing, business and reputation, and for loss of profit except anticipated profit arising directly from the Work.

(c) This mutual waiver is applicable, without limitation, to all consequential damages due to either party’s termination. Nothing contained in this subparagraph shall be deemed to preclude an award of liquidated direct damages, when applicable, in accordance with the requirements of the Contract Documents.

27. **HAZARDOUS MATERIALS**

(a) If reasonable precautions will be inadequate to prevent foreseeable bodily injury or death to persons resulting from a material or substance, including but not limited to asbestos, lead or polychlorinated biphenyl (PCB), encountered on the site by the Contractor, the Contractor shall, upon recognizing the condition, immediately stop Work in the affected area and report the condition to the Public Agency in writing.

(b) The Public Agency shall obtain the services of a licensed laboratory to verify the presence or absence of the material or substance reported by the Contractor and, in the event such material or substance is found to be present, to verify that it has been rendered harmless. The Public Agency shall furnish in writing to the Contractor the names and qualifications of persons or entities who are to perform tests verifying the presence or absence of such material or substance or who are to perform the task of removal or safe containment of such material or substance. When the material or substance has been rendered harmless, Work in the affected area shall resume upon written notification from the Public Agency and Contractor. The Contract Time shall be extended appropriately.

28. **SAFETY:**

(a) **Safety Programs.** The Contractor shall be solely responsible for initiating, maintaining and supervising all safety programs required by applicable law, ordinance, regulation or governmental orders in connection with the performance of the Contract, or otherwise required by the type or nature of the Work. The Contractor’s safety program shall include all actions and programs necessary for compliance with
California or federally statutorily mandated workplace safety programs, including without limitation, compliance with the California Drug Free Workplace Act of 1990 (California Government Code §§8350 et seq.). Without limiting or relieving the Contractor of its obligations hereunder, the Contractor shall require that its Subcontractors similarly initiate and maintain all appropriate or required safety programs. Prior to commencement of Work, the Contractor shall meet with the campus Buildings and Grounds Manager, Project Manager, and Construction Manager to review Contractor’s safety precautions and implementation of safety programs during the Work.

(b) **Safety Precautions.** The Contractor shall be solely responsible for initiating and maintaining reasonable precautions for safety of, and shall provide reasonable protection to prevent damage, injury or loss to: (i) employees on the Work and other persons who may be affected thereby; (ii) the Work and materials and equipment to be incorporated therein, whether in storage on or off the site, under care, custody or control of the Contractor or the Contractor’s Subcontractors or Sub-subcontractors; and (iii) other property or items at the site of the Work, or adjacent thereto, such as trees, shrubs, lawns, walks, pavements, roadways, structures and utilities not designated for removal, relocation or replacement in the course of construction. The Contractor shall take adequate precautions and measures to protect existing roads, sidewalks, curbs, pavement, utilities, adjoining property and improvements thereon (including without limitation, protection from settlement or loss of lateral support) and to avoid damage thereto. Without adjustment of the Contract Price or the Contract Time, the Contractor shall repair, replace or restore any damage or destruction of the foregoing items as a result of performance or installation of the Work.

(c) **Safety Signs, Barricades.** The Contractor shall erect and maintain, as required by existing conditions and conditions resulting from performance of the Contract, reasonable safeguards for safety and protection of property and persons, including, without limitation, posting danger signs and other warnings against hazards, promulgating safety regulations and notifying Districts and users of adjacent sites and utilities.

(d) **Safety Notices.** The Contractor shall give or post all notices required by applicable law and comply with applicable laws, ordinances, rules, regulations and lawful orders of public authorities bearing on safety of persons or property or their protection from damage, injury or loss.

(e) **Safety Coordinator.** The Contractor shall designate a responsible member of the Contractor’s organization at the Site whose duty shall be the prevention of accidents and the implementation and maintenance safety precautions and programs. This person shall be the Contractor’s superintendent unless otherwise designated by the Contractor in writing to the Project Inspector and the Architect.
29. **SIGNATURES AND ACKNOWLEDGEMENT**

**Public Agency:**

By: 

Assistant Secretary, Governing Board  
DAVID S. WETMORE, Director of Purchasing & Contracts

**Note to Contractor:** (1) Execute acknowledgement form below, and (2) if a corporation, affix Corporate Seal.

Contractor hereby also acknowledging awareness of and compliance with Labor Code §1861 concerning Worker’s Compensation Law.

**Contractor:**

By: ________________________________ (CORPORATE SEAL)  

[Designate Official Capacity – NAME]

Print NAME and TITLE

______________________________  ________________________________
License Number  Federal ID Number

**NOTARY PUBLIC**

STATE OF CALIFORNIA  
) ss.  
COUNTY OF CONTRA COSTA

On ______________, before me, ________________________, Notary Public,

personally appeared ______________________________, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing is true and correct.

Witness my hand and official seal.

______________________________  Notary Public

[SEAL]