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ADDENDUM NO. 1

Project: SHARON HEIGHTS PUMP STATION REPLACEMENT
PROJECT NO. 77-008
Owner: City of Menlo Park
Bid Opening: Tuesday, May 28, 2013, at 2:00 P.M.

TO ALL PROSPECTIVE BIDDERS

DATE: May 10, 2013

Addendum No. 1 for the above project consists of the following revision:

Modifications to the Specifications

1. NOTICE TO PROSPECTIVE BIDDERS

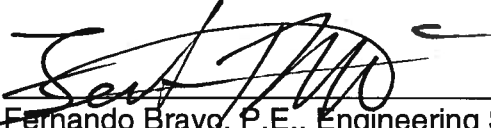
CHANGE: Notice to Prospective Bidders Language:

- A.** The Pre-bid meeting on Tuesday, May 7, 2013, is hereby clarified to a “Non-Mandatory” meeting.
- B.** Any contractors who did not attend this meeting, and wish to perform a site review of the project, should provide a 2 day notice to Jorge Bermudez at 408-204-6205, to coordinate with Public Works.

2. QUALIFICATION STATEMENT.

REPLACE: Replace Qualification Statement – pages 13 through 37, including Exhibits “A” thru “F”; with attached Qualification Statement, total 6 pages including Exhibit “A” and Exhibit “B”.

NOTICE: THIS FORM MUST BE SIGNED AND RETURNED WITH YOUR BID. FAILURE TO DO SO INCLUDE OR ACKNOWLEDGE A CLARIFICATION MAY RESULT IN THE BID BEING REJECTED AS NOT RESPONSIVE.



Fernando Bravo, P.E., Engineering Services Manager

CONTRACTOR: _____

SIGNATURE OF BIDDER: _____

DATE: _____

**SHARON HEIGHTS PUMP STATION REPLACEMENT
CITY OF MENLO PARK PROJECT No. 77-008**

ADDENDUM #1

QUALIFICATION STATEMENT

All Prospective Bidders **must** submit the Qualification Statement (QS) herewith Addendum No. 1, in a separately sealed envelope, along with the Bid Package.

Qualifications Statement Requirements: Prospective Bidders shall submit all information and forms specified in the Qualifications Statement, including the Response Sheets, Exhibits "A" and "B" and Contractor to add resumes for key personnel. Failure to provide the required responsibility information as indicated herewith shall constitute grounds for rejection of the QS.

Review of the Qualifications Statement: All information submitted for qualification evaluation will be considered official information acquired in confidence and the City will maintain its confidentiality to the extent permitted by law.

The City and/or its designee will review and evaluate the information contained in each Prospective Bidders' QS within 5 days and notify Prospective Bidders, whether their QS is found responsive and responsible for this project. The sole and discretionary judgment of the City and/or its' designee will determine if a Prospective Bidder is deemed responsible and responsive.

Protesting a Disqualification: Prospective Bidders, who are disqualified for this project, may submit a protest to the City. This protest must be submitted in writing and must provide a basis or grounds for the protest. This written protest must be received by the City within 5 days of the date the City issues a disqualification notification.

RESPONSE SHEETS

Please answer the following questions and sign the Qualifications Statement certification for Sharon Heights Pump Station Replacement Project:

Contractor will be immediately disqualified if the answer to any of questions 1 through 10 is "No."

1. Contractor possesses or will possess a valid and current State of California Contractor's Class "A" license.
 Yes No
2. Contractor has a liability insurance policy with a policy limit of at least \$1,000,000 per occurrence and \$2,000,000 aggregate.
 Yes No
3. Contractor has current workers' compensation insurance policy as required by the Labor Code or is legally self-insured pursuant to Labor Code section 3700 et. seq.
 Yes No
4. Contractor has completed at least 2 (two) potable water supply pump station projects for a Public Agency in the State of California, with a construction value of \$1.5 million or more in the last 5 years.
 Yes No
5. Contractor's Project Manager has a minimum of 10 years of construction experience managing similar building & water system projects, and has managed the construction of at least two potable water pump stations, each with a minimum construction value of \$1.5 million. Please attach a copy of a resume of the proposed Project Manager, detailing the water pump station project descriptions, project responsibilities & relevant experience and project owner references including current contact information.
 Yes No
6. Contractor's Field Superintendent/Foreman has a minimum of 10 years of construction experience constructing similar building & water pipeline system projects, and has construction experience of at least two potable water pump stations, each with a minimum construction value of \$1.5 million. Please attach a copy of a resume of the proposed Field Supervisor/Foreman, detailing the water pump station project descriptions, project responsibilities & relevant experience and project owner references including current contact information.
 Yes No
7. Is the Contractor committing the proposed Project Manager and Field Superintendent/Foreman, to be assigned to this project for the entire construction, start-up and close-out of the project?
 Yes No
8. Has your organization been in business in California as a contractor under your present business name and license number for a minimum of ten years?
 Yes No

9. **Safety.** Has the Contractor maintained an Experience Modification Rate (EMR) of 1.25 or less, on each of the last 3 (three) years?

Yes No

10. **Compliance with Ethical Standards.** Has the Contractor Read Exhibit "A" and executed and attached Exhibit "B."

Yes No

Contractor will be immediately disqualified if the answer to any of questions 11, thru 25 is "Yes."

11. Has your contractor's license been revoked at any time in the last five years?

Yes No

12. Has a surety firm completed a contract on your behalf, or paid for completion because your firm was default terminated by the project owner within the last five (5) years?

Yes No

13. At the time of submitting this qualification form, is your firm ineligible to bid on or be awarded a public works contract, or perform as a subcontractor on a public works contract, pursuant to either Labor Code section 1777.1 or Labor Code section 1777.7?

Yes No

14. At any time during the last five years, has your firm, or any of its officers been convicted of a crime involving the awarding of a contract of a government construction project, or the bidding or performance of a government contract?

Yes No

15. Has any California State Licensing Board license held by your firm or its Responsible Managing Employee (RME) or Responsible Managing Officer (RMO) been suspended within the last five years?

Yes No

16. Was your firm in bankruptcy at any time during the last five years?

Yes No

17. Has your firm or any of its owners, officers or partners ever been found liable in a civil suit or found guilty in a criminal action for making any false claim or material misrepresentation to any public agency or entity?

Yes No

18. Has your firm or any of its owners, officers or partners ever been convicted of a crime involving any federal, state, or local law related to construction?

Yes No

19. Has your firm or any of its owners, officers or partners ever been convicted of a federal or state crime of fraud, theft, or any other act of dishonesty?

Yes No

20. Been unable to obtain a bond or been denied a bond for a contract?

Yes No

21. Defaulted on a contract forcing a surety to suffer a loss?

Yes No

22. Failed to complete a project within the authorized contract time?

Yes No

23. Had any mediation or arbitration on a contract initiated by the owner/public agency?

Yes No

24. Has the Contractor been fined, penalized or otherwise found to have violated any State or Federal fair employment provision or law.

Yes No

25. Has the Contractor been fined, penalized or otherwise found to have violated any prevailing wage provisions.

Yes No

Qualifications Statement Certification. The Undersigned declares under penalty of perjury that all of the responsibility information submitted with this form is true and correct and that this Declaration was executed by a duly authorized officer of the Company.

Signature _____

Typed or Printed Name and Title _____

Firm Name _____

Address _____

Telephone Number _____ Fax Number _____

QS Contact Email Address: _____

Attachments:

- Exhibit A: Ethical Standards for Contractors
- Exhibit B: Affidavit of Compliance with Ethical Standards for Contractors
- Resumes of Project Manager, On-Site General Field Superintendent (if different), and other key personnel

EXHIBIT "A"
ETHICAL STANDARDS FOR CONTRACTORS

1. Owner may, at its sole discretion, terminate any contract with Contractor if any of the following occurs:
 - A. If Contractor¹ does any of the following:
 - i. Is convicted² of operating a business in violation of any Federal, State or local law or regulation;
 - ii. Is convicted of a crime punishable as a felony involving dishonesty³;
 - iii. Is convicted of an offense involving dishonesty or is convicted of fraud or a criminal offense in connection with: (1) obtaining; (2) attempting to obtain; or (3) performing a public contract or subcontract;
 - iv. Is convicted of any offense which indicates a lack of business integrity or business honesty which seriously and directly affects the present responsibility of an Owner contractor or subcontractor; or
 - v. Made (or makes) any false statement(s) or representation(s) with respect to the contract; or
 - B. If fraudulent, criminal, or other seriously improper conduct of any officer, director, shareholder, partner, employee, or other individual associated with Contractor can be imputed to Contractor when the conduct occurred in connection with the individual's performance of duties for or on behalf of Contractor, with Contractor's knowledge, approval or acquiescence, Contractor's acceptance of the benefits derived from the conduct shall be evidence of such knowledge, approval, or acquiescence.
2. Owner may also terminate any contract with Contractor if any one or more of the following occurs:
 - A. If Contractor becomes "insolvent"⁴ ;
 - B. If Owner determines that Contractor no longer has the financial capability or business experience including, without limitation, loss of personnel deemed essential by Owner to perform successfully the terms of, or operate under, any contract with Owner; or
 - C. If Owner determines that Contractor fails to submit information, or submits false information.

¹For purposes of this document, the term "Contractor" (whether a person or a legal entity) means any of the following: an owner or co-owner of a sole proprietorship; a person who controls or who has the power to control a business entity; a general partner of a partnership; a principal in a joint venture; or a person who owns more than ten percent (10%) of the outstanding stock of a corporation and who is active in the day to day operations of that corporation.

²For purposes of this document, the terms "convicted" or "conviction" mean a judgment or conviction of a criminal offense by any court of competent jurisdiction, whether entered upon a verdict or a plea, and includes a conviction entered upon a plea of nolo contendere within the past five (5) years.

³For purposes of this document, the term "dishonesty" includes, without limitation, embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, failure to pay tax obligations, receiving stolen property, collusion or conspiracy.

⁴For purposes of this document, Contractor is "insolvent" if it is unable to pay its debts as they become due, transfers assets in fraud of creditors, makes an assignment for the benefit of creditors, files a petition under any section or chapter of the federal Bankruptcy Code (11U.S.C.), as amended, or under any similar law or statute of the United States or any state thereof, is adjudged bankrupt or insolvent in proceedings under such laws, or a receiver or trustee is appointed for all or substantially all of Contractor's assets.

END OF EXHIBIT A

EXHIBIT "B"

AFFIDAVIT OF COMPLIANCE WITH ETHICAL STANDARDS

I, _____, being first duly sworn, depose and say to City of Menlo Park ("Owner") that:

1. I am _____ *[insert title or capacity]* of _____ *[insert entity name]* ("Bidder").
2. I hereby state that I have read and understood the attached Exhibit E, "Ethical Standards for Contractors." I have examined appropriate business records, and I have made inquiry of those individuals potentially included within the definition of "Contractor" contained in Exhibit E. I have authority to make these representations on my own behalf and on behalf of the legal entity herein identified.
3. Neither (a) Bidder nor (b) any individual(s) belonging to a category identified in footnote no. 1 of Exhibit E has been convicted of any one or more of the crimes identified in Exhibit E within the past five (5) years.
4. Notwithstanding award of any contract by Owner or performance thereunder, the Owner shall have all rights and remedies described in Exhibit E.

The above assertions are true and correct and are made under penalty of perjury under the laws of the State of California.

Name of Firm

Signature

Title

END OF EXHIBIT B