

SECTION A

NOTICE TO BIDDERS

(Revised 11/3/09)

NOTICE

MCALLEN PUBLIC UTILITY welcomes and invites qualified responsible bidders to provide sealed bids for the construction of the **North Wastewater Treatment Plant Upgrade**.

Sealed proposals addressed to Mr. Roy Rodriguez, P.E., General Manager/Assistant City Manager, McAllen Public Utility, McAllen, Texas will be received on **December 9, 2009** until **2:00 p.m.** at which time they will be taken to the City Commission Room on the third floor of McAllen City Hall, and publicly opened and read aloud. Bids must be filed in the City of McAllen's possession on or before the aforementioned date and time (no late bids will be accepted). The project title is:

SCOPE

Project involves upgrade of McAllen's North WWTP to 15 MGD total capacity including full replacement of existing 8 MGD process. Facilities to be constructed include:

- operations and maintenance buildings
- clarifiers
- aeration basins
- blower building
- on-site sodium hypochlorite generator
- septage receiving station
- outfall flume
- electrical buildings and distribution
- headworks screening and de-gritting structure
- RAS pump station
- rotary drum sludge thickeners
- belt filter press
- UV disinfection structure
- bio-filter odor control tower
- yard piping
- instrumentation/controls

Existing process tanks are to be converted and retrofitted to sludge holding tanks. Estimated construction cost of project in excess of \$30 million.

TWDB/ARRA REQUIREMENTS

This contract is to be funded through a loan obtained from the Texas Water Development Board (TWDB) as part of the American Recovery and Reinvestment Act (ARRA). There are a number of special provisions for this funding that bidders, by submitting a bid, acknowledge understanding of the following:

1. Projects must be under construction prior to February 17, 2010. This project will not be funded if this schedule is not achieved.
2. DOL Wage Rates will apply to this funding package.
3. The project will include special reporting provisions to a national database regarding the progress of construction.
4. The project includes certain Buy-American provisions included in ARRA.
5. A contract is contingent upon release of funds from the TWDB.
6. Any contract or contracts awarded under this Notice to Bidders are expected to be funded in part by a loan from the TWDB. Neither the State of Texas nor any of its departments, agencies, or employees are or will be a party to this Invitation for Bids or any resulting contract.
7. All qualified Applicants will receive consideration for employment without regard to race, color, religion, sex, age, handicap or national origin. Bidders on this work will be required to comply with the President's Executive Order No. 11246, as amended by Executive Order 11375, and as supplemented in Department of Labor regulations 41 CFR Part 60.
8. This contract is subject to EPA established Disadvantaged Business Enterprise "fair share" goals.

BOND

A Bidder's Bond from a reliable surety company licensed to operate in the State of Texas or certified Cashier's Check, payable without recourse to the City of McAllen, for the amount of not less than 5% of the total bid shall accompany the bid as a guaranty that, if awarded the contract, the bidder will enter into a contract with the City of McAllen. Payment and Performance Bonds shall be executed, except in the event that the total amount bid is \$50,000 or less, the successful contractor has the option to enter into a single payment contract with the City of McAllen, in lieu of a Performance Bond. In the event that the total amount bid is \$25,000 or less, the successful contractor has the option to enter into a single payment contract with the City of McAllen, in lieu of a Payment and Performance Bond.

WAGE RATES

The Davis-Bacon Act will apply. Minimum labor rates as established by the Secretary of Labor shall apply and a schedule of labor classification and wage rates to be paid as published in the Federal Register are included in the specifications and will be made a part of the contract.

DBE POLICY

This project is subject to EPA-established DBE "fair share" goals. TWDB document "TWDB Disadvantaged Business Enterprise Program Guidance" is included in the bidding documents. .

Disadvantaged Business Enterprise (DBE) "fair share" goals for the project are as follows:

<u>CATEGORY</u>	<u>MBE</u>	<u>WBE</u>
CONSTRUCTION	34.8%	6.7%
SUPPLIES	9.7%	5.2%
EQUIPMENT	7.2%	4.1%
SERVICES	16.1%	21.3%

Notice of Requirement for Affirmative Action to Ensure Equal Employment Opportunity President's Executive Order 11246, as amended by Executive Order 11375, and as supplemented in Department of Labor regulations 41 CFR Part 60

EMPLOYMENT GOALS

1. The Offeror's or Bidder's attention is called to the "Equal Opportunity Clause" and the "Standard Federal Equal Employment Opportunity Construction Contract Specifications" set forth herein.

2. The goals and timetables for minority and female participation, expressed in percentage terms for the contractor's aggregate work force in each trade on all construction work in the covered area, are as follows:

- Goals for female participation in each trade **6.9%**
- Goals for minority participation in each trade **72.8%**

These goals are applicable to all the contractor's construction work (whether or not it is Federal or Federally assisted) performed in the covered area.

The Contractor's compliance with the executive order and the regulations in 41 CFR Part 60-4 shall be based on its implementation of the Equal Opportunity Clause, specific affirmative action obligations required by the specifications set forth in 41 CFR 60-4.3 (A), and its efforts to meet the goals established for the geographical area where the contract resulting from this solicitation is to be performed. The hours of minority and female employment and training must be substantially uniform throughout the length of

the contract, and in each trade, and the Contractor shall make a good faith effort to employ minorities and women evenly on each of its projects. The transfer of minority or female employees or trainees from Contractor to Contractor or from project to project, for the sole purpose of meeting the Contractor's goals, shall be a violation of the contract, the executive order, and the regulations in 41 CFR Part 60-4. Compliance with the goals will be measured against the total work hours performed.

3. The Contractor shall provide written notification to the Director, OFCCP, within 10 working days of award of any construction subcontract in excess of \$10,000.00 at any tier for construction work under the contract resulting from this solicitation. The notification shall list the name, address, and telephone number of the Subcontractor; employee identification number; estimated dollar amount of the subcontractor; and the geographical area in which the contract is to be performed.

4. As used in this notice and in the contract resulting from this solicitation, the "covered area" is State of Texas, County of Hidalgo, City of McAllen

BUY AMERICAN REQUIREMENTS

The contractor agrees to comply with 23 CFR 635.410, which provides that Federal funds may not be obligated unless steel, iron, and manufactured products used in TWDB/ARRA-funded projects are produced in the United States, or unless a waiver has been granted by TWDB/ARRA..

PLANS AND SPECIFICATIONS

Plans and Specifications may be obtained from the office of Sandra Zamora, Director of Purchasing & Contracting, 1300 Houston Avenue, McAllen, Texas 78501, for a NON-REFUNDABLE payment of **\$550.00** for a complete set of full size Bidding Documents or **\$100.00** for a complete set of reduced drawing size Bidding Documents.

Plans and specifications may be reviewed at Valley branches of the AGC, McGraw-Hill Construction Dodge and at the office of Dannenbaum Engineering Company, 1109 Nolana Suite 208, McAllen, TX 78504. ((956) 682-3677))

The City reserves the right to reject any or all bids and to waive any or all technicalities or informalities in bidding. In case of ambiguity or lack of clearness in stating the prices in any bid, the City reserves the right to consider the most advantageous construction thereof, or to reject the bid. The award will be made to the responsible bidder submitting the lowest total bid price calculated as the Base Bid price minus the sum of prices of Deductive Alternates selected by the City. The City may hold the bids for a period of **60** days without taking action thereon.

Hand-deliver Bids: 1300 Houston Avenue, Purchasing & Contracting Department (3rd Floor)

Mail Bids: P.O. Box 220, McAllen, TX 78505-0220

If using Land Courier (i.e., FedEx, UPS): 1300 Houston Avenue, Purchasing & Contracting Department (3rdFloor), McAllen, Texas 78501

A mandatory Pre-Bid Conference will be held **November 11, 2009** at **2:30 p.m.** in the City Commission Room on the third floor of City Hall, McAllen, Texas. Bids received by bidders not in attendance at the Pre-Bid Conference will not be opened.

Bid proposals must be clearly marked on the envelope **BID: Project No. 12-09-C07-319**
North WWTP Upgrade