

CITY AND COUNTY OF DENVER
DEPARTMENT OF PUBLIC WORKS

CONTRACT NO: 201952040
PROJECT NAME: 2019 Citywide Concrete Spot Repairs, Phase 2


ADDENDUM NO. 1 TO CONTRACT DOCUMENTS

Bidders are hereby instructed that the drawings, specifications, and other contract documents are modified, corrected, supplemented and/or superseded for the above-mentioned project as hereinafter described in the following attachments:

QUESTIONS AND ANSWERS:

- Q1. Is it just a 30% self-performance goal?
A1. Yes, this is just a 30% self-performance SBE goal and there is no additional goal on this project. Please replace BDP-3, BDP-10 through 14 with the new attached BDP-3, BDP-10 through 12.

This **ADDENDUM** shall be attached to, become a part of, and be returned with the Bid Proposal.


Lesley B. Thomas
City Engineer

10.11.19

Date

The undersigned bidder acknowledges receipt of this Addendum. The Proposal submitted herewith is in accordance with the stipulations set forth herein.

Contractor

ADDENDUM NO. 1

Date

DEFINED POOL SELECTION REQUIREMENTS:

This construction contract solicitation is subject to the defined pool selection requirements of Article VII, Chapter 28 of the Denver Revised Municipal Code (D.R.M.C.) (the “SBE Ordinance”) and, as such, this contract is excluded from the coverage of Article III, Chapter 28 of the D.R.M.C.

Section 28-207, D.R.M.C. of Article VII authorizes the Director of the Division of Small Business Opportunity (DSBO) to designate selected design and construction services contracts as restricted for award only to Small Business Enterprises (SBEs) participating in the defined pool selection program. The Director has designated this project solicitation as a defined pool project and in accordance with the SBE Ordinance requirements, the award will be strictly limited to currently certified SBE bidders/joint venturers who comply with the requirements of Article VII. Proper SBE certification in accordance Section 28-206, D.R.M.C. shall be a condition of responsiveness and award will only be made to the lowest, total, responsive, qualified **SBE bidder**. Under Section 28-208, D.R.M.C., compliance with this defined pool selection requirement shall be mandatory for all bidders and shall require a demonstration that each bidder is either: (1) a certified SBE contractor or (2) a qualified joint venture that includes a certified SBE contractor. In addition, each bidder must establish that such SBE will perform a commercially useful function. The Prime Contractor’s Defined Pool mandatory self-performance requirement is 30%. There is no additional mandatory subconsultant participation for this contract.

Each bidder shall submit, at the time of bid opening, the completed forms and other information required by DSBO to demonstrate compliance with the requirements of this Article VII under Section 28-212, D.R.M.C. A determination by DSBO that a bidder has failed to comply with this defined pool selection requirement, as specified herein and set forth in Chapter VII, and, as such, is non-responsive; shall result in no further consideration of the bid by the Manager of Public Works

The Director of the Division of Small Business Opportunity urges all participants in City construction, reconstruction and remodeling projects to assist in achieving these goals.

MISCELLANEOUS:

Contracts for construction, reconstruction, and remodeling are subject to the City prevailing wage rate requirements established pursuant to Section 20-76, D.R.M.C.

City contracts are subject to payment of City Minimum Wage established pursuant to Section 20-82 through 20-84 D.R.M.C.

As its best interest may appear, the Manager of Public Works, the City and County of Denver, reserves the right to reject any or all bids and to waive informalities in bids.

A modified version of this Notice of Invitation for Bids and the Project’s Statement of Quantities is available on the City and County of Denver’s website at: www.work4denver.gov

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practices. Contractors are not expected to conduct intrusive examinations of its employees, managers, or business partners in order to describe diversity and inclusiveness measures. Rather, the City simply seeks a description of the contractor's current practices, if any.

Diversity and Inclusiveness information provided by City contractors in response to City solicitations for services or goods will be collated, analyzed, and made available in reports consistent with City Executive Order No. 101. However, no personally identifiable provided by or obtained from contractor's will be in such reports.

IB- 26 DISCLOSURE OF INFORMATION

All submissions and other materials provided or produced pursuant to this Invitation for Bids may be subject to the Colorado Open Records Law, C.R.S. 24-72-201, et seq. As such, bidders are urged to review these disclosure requirements and any exceptions to disclosure of information furnished by another party and, prior to submission of a bid to the City, appropriately identify materials that are not subject to disclosure. In the event of a request to the City for disclosure of such information, the City shall advise the bidder of such request to give the bidder an opportunity to object to the disclosure of designated confidential materials furnished to the City. In the event of the filing of a lawsuit to compel such disclosure, the City will tender all such material to the court for judicial determination of the issue of disclosure and each bidder agrees to intervene in such lawsuit to protect and assert its claims of privilege against disclosure of such material. Each bidder further agrees to defend, indemnify and save and hold harmless the City, its officers, agents and employees, from any claim, damages, expense, loss or costs arising out of the bidder's intervention to protect and assert its claims of privilege against disclosure under the Open Records Law including, but not limited to, prompt reimbursement to the City of all reasonable attorney fees, costs and damages that the City may incur directly or may be ordered to pay by such court.

IB-27 GENERAL BIDDING INFORMATION

Bidders are instructed to contact the Contract Administrator designated below for this Project for pre-bid, post-bid and general City bidding information. Bidders can also visit www.work4denver.com for information, both general and project specific. The Contract Administrator assigned to this project is Regina Diaz who can be reached via email at pw.procurement@denvergov.org.

IB-28 DEFINED POOL SELECTION REQUIREMENTS:

This construction contract solicitation is subject to the defined pool selection requirements of Article VII, Chapter 28 of the Denver Revised Municipal Code (D.R.M.C.) (the "SBE Ordinance") and, as such, this contract is excluded from the coverage of Article III, Chapter 28 of the D.R.M.C.

Section 28-207, D.R.M.C. of Article VII authorizes the Director of the Division of Small Business Opportunity (DSBO) to designate selected design and construction services contracts as restricted for award only to Small Business Enterprises (SBEs) participating in the defined pool selection program. The Director has designated this project solicitation as a defined pool project and in accordance with the SBE ordinance requirements, award will be strictly limited to currently certified SBE bidders/joint venturers who comply with the requirements of Article VII. Proper SBE certification in accordance Section 28-206, D.R.M.C. shall be a condition of responsiveness and award will only be made to the lowest, total, responsive, qualified **SBE bidder**. Under Section 28-208, D.R.M.C., compliance with this defined pool selection requirement shall be mandatory for all bidders and shall require a demonstration that each bidder is either: (1) a certified SBE contractor or (2) a qualified joint venture that includes a certified SBE contractor. In addition, each bidder must establish that such SBE will perform a commercially useful function.

Each bidder shall submit, at the time of bid opening, the completed forms and other information required by DSBO to demonstrate compliance with the requirements of this Article VII. A determination by DSBO that a bidder has failed to comply with this defined pool selection requirement, as specified herein and set forth in Chapter VII, and, as such, is non-responsive; shall result in no further consideration of the bid by the Manager of Public Works.

Specifically, Section 28-212, D.R.M.C. requires each bidder to list, at the time of bid opening, the SBE prime contractor all subcontractors that meet the mandatory defined pool requirements for the bid. The bidder shall fully complete and execute the following forms to address the defined pool program requirements for this solicitation:

- a. SBE Participation List
- b. SBE Commitment Page
- c. SBE Letters of Intent (to be submitted 3 days after bid)

If a bidder/proposer is participating in a joint venture with a certified SBE firm, complete the Joint Venture Eligibility form and Joint Venture Affidavit contained in this bid document/RFP. Submit the aforementioned forms with the firm's Joint Venture Agreement, to the DSBO Director, **at least 10 working days prior to the proposal submittal**. The Joint Venture must be approved prior to the bid opening or proposal submittal by the DSBO Director. Approval by the DSBO Director includes determining the amount the Joint Venture will count towards meeting the project goal.

DSBO will evaluate only the completed and fully executed forms provided with the bid or as otherwise specified and determine whether or not the bid is responsive under Section 28-213, D.R.M.C. If a bidder has failed to comply with the defined pool selection requirement process outlined in this section and the referenced forms, a bid may be found non-responsive and shall result in no further consideration of the bid by the Manager of Public Works.

All bidders are charged with knowledge of and are solely responsible for complying with each and every provision of the Ordinance in making a bid and, if awarded, in performing the work described in the Contract Documents. Failure to comply with these provisions could constitute cause for rejection of a bid or subject the selected contractor to sanctions set forth in the Ordinance. These instructions are intended only to generally assist the bidder in preparing and submitting a compliant bid. Should any questions arise regarding specific circumstances, bidders must consult the Ordinance or contact the Project's designated DSBO representative at (720) 913-1999.

IB-29 PAYMENT PROCEDURE REQUIREMENTS

Bidder recognizes and agrees that it shall be required to use the Textura® Construction Payment Management System (“Textura”) for this Project to request payment from the City and to pay subcontractors. All certified subcontractors or suppliers who are listed for participation towards any assigned program goal must be paid via Textura. All fees associated with Textura are to be paid by the bidder for billings for work performed. Bidders are required, when preparing a bid, to enter the price of Textura on the line provided for the service. The fee is all inclusive of all subcontractor, project and subscription fees associated with Textura. The bidder will calculate the fee based on their total bid (not including any alternates, if applicable) and the table below, and then include it on the line item provided in the bid form labeled “Textura® Construction Payment Management System Fee”. This expense becomes part of the contract and billable to the City. All costs including, but not limited to, costs associated with training, entering data, and/or utilizing Textura other than the Textura Construction Payment Management System Fee are overhead and shall not be reimbursed by the City. Bidder will be responsible for any tax on the Textura fee. As with other taxes, the City will not reimburse bidder for this cost and therefore this cost should be included in bidder’s bid. Textura will invoice the awarded bidder directly.

Project Value	Project Fee (GC + Sub Usage)
\$100,000 – 249,999.99	\$780
\$250,000 - \$499,999.99	\$1,625
\$500,000 - \$999,999.99	\$3,250
\$1,000,000 - \$2,999,999.99	\$5,850
\$3,000,000 - \$4,999,999.99	\$9,100
\$5,000,000 - \$9,999,999.99	\$12,220
\$10,000,000 - \$19,999,999.99	\$20,345
\$20,000,000 - \$49,999,999.99	\$32,500
\$50,000,000 - \$99,999,999.99	\$48,750
\$100,000,000 - \$199,999,999.99	\$69,095
\$200,000,000 - \$299,999,999.99	\$85,345
\$300,000,000 - \$399,999,999.99	\$109,720
\$400,000,000 - \$499,999,999.99	\$142,220
\$500,000,000 - \$999,999,999.99	\$162,500
\$1,000,000,000 - \$1,999,999,999.99	\$345,345
\$2,000,000,000 - \$4,999,999,999.99	\$650,000
\$5,000,000,000 - \$9,999,999,999.99	\$1,015,625
\$10,000,000,000 or greater	\$1,503,125