



REBID

November 6, 2024

IRWIN CREEK STREAM REHABILITATION

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BID DATE: November 14, 2024, 1:00 PM

NEW BID DATES

This project is being readvertised (REBID) to meet minimum requirements, per G.S. 143-132, minimum number of bids for public contracts.

Bids Due: November 14, 2024, 1:00 PM

Location: 2145 Suttle Ave, 4th Floor, Hoffman Conference Room

Mecklenburg County Storm Water Services will receive sealed bids for Irwin Creek Stream Rehabilitation from Interstate N Drive to Statesville Avenue until 1:00 PM, November 14, 2024. At 1:00 PM bids will be opened on the Fourth Floor, in the Hoffman Conference Room at the Mecklenburg County Storm Water Services office building located at 2145 Suttle Avenue, Charlotte, NC 28208. Bid, performance, and payment & material bonds are required. NC law and applicable regulations of various licensing boards will be observed. This project will rehabilitate approximately 4,800 linear feet of Irwin Creek and its riparian corridor. Work includes stream grading, installing rock and wood habitat and stabilization structures, erosion control measures, riparian vegetation, and removal of landfill/waste soil.

This is rebid of the previous bid project Irwin Creek Stream Rehabilitation from Interstate N Drive to Statesville Avenue.

Electronic plans and specifications can be obtained from Jake Maschoff at Jake.Maschoff@kimley-horn.com. Mecklenburg County reserves the right to waive technicalities and to reject any or all proposals. This information will be made available in an alternative format for persons with disabilities by calling 704-319-5695.

MODIFICATIONS TO THE CONSTRUCTION CONTRACT MANUAL

SECTION II INSTRUCTIONS TO BIDDERS No. 3

Delete paragraph: "The Contractor is to provide compliance with the Davis-Bacon Act (40 U.S.C. 3141-3144, and 3146-3148) as supplemented by Department of Labor regulations (29 CFR Part 5, "Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction"). The non-Federal entity must place a copy of the current prevailing wage determination issued by the Department of Labor in each solicitation. The decision to award a contract or subcontract must be conditioned upon the acceptance of the wage determination. The non-Federal entity must report all suspected or reported violations to the Federal awarding agency." Davis-Bacon Act does not apply to this project. ARPA funded projects are exempt from Davis-Bacon Act if no other federal funds are used.

SECTION III GENERAL CONDITIONS OF THE CONTRACT No. 4

4.1.8

Delete paragraph: “Davis-Bacon Act, as amended (40 U.S.C. 3141-3148). When required by Federal program legislation, all prime construction contracts in excess of \$2,000 awarded by non-Federal entities must include a provision for compliance with the Davis-Bacon Act (40 U.S.C. 3141-3144, and 3146-3148) as supplemented by Department of Labor regulations (29 CFR Part 5, “Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction”). In accordance with the statute, contractors must be required to pay wages to laborers and mechanics at a rate not less than the prevailing wages specified in a wage determination made by the Secretary of Labor. In addition, contractors must be required to pay wages not less than once a week. The non-Federal entity must place a copy of the current prevailing wage determination issued by the Department of Labor in each solicitation. The decision to award a contract or subcontract must be conditioned upon the acceptance of the wage determination. The non-Federal entity must report all suspected or reported violations to the Federal awarding agency.”

4.1.9

Delete paragraph: “Pursuant to Federal Rule above, when federal funds are expended by County, during the term of an award for all contracts and subgrants for construction or repair, the vendor will be in compliance with all applicable Davis-Bacon Act provisions.”

Attachments:

Updated pages from Construction Contract Manual

This document **must** be acknowledged as REBID on the Execution of Bid/Proposal Signature Page.



Jacob D. Maschoff, P.E.
Kimley-Horn and Associates, Inc.

II. Instructions to Bidders

1) SCOPE OF WORK

This work shall consist of furnishing all labor, materials, and equipment, as well as performing all work necessary to support streambank stabilization and habitat enhancement in Irwin Creek in Charlotte, North Carolina. Work shall be conducted in accordance with the enclosed documents and on-site instructions provided by the Engineer (also referred to as Consultant), Owner and/or their representative and will include, but may not be limited to: channel and floodplain grading, in-stream structure construction, furnishing and planting live plant material, furnishing and installing erosion control measures, seeding and mulching, and furnishing and installing matting in and along Irwin Creek. For the purposes of these documents, the “Owner” is assumed to be a representative of Mecklenburg County and the “Engineer” or “Consultant” is assumed to be a representative of Kimley-Horn and Associates, Inc.

2) FAMILIARITY WITH WORK AND CONDITIONS

Before preparing Bids, Bidders are urged to visit the site to inform and familiarize themselves with all site conditions under which the project will be constructed and apparatus erected and installed. The Owner will not be responsible for payments to the Contractor other than as detailed in the Construction Contract. Should construction conditions be different from those assumed or contemplated by the Contractor. The Contractor is required to satisfy themselves, prior to bidding, as to the correctness of the site as indicated by the Contract Documents.

3) FAMILIARITY WITH LAWS, ETC.

The Bidder shall be familiar with all Federal, State and Local Laws, and ordinances and regulations, which may in any manner affect those engaged or employed in Work, or the materials or equipment in or upon the Work, or in any way affect the conduct of the Work. No pleas of misunderstanding will be considered because of the ignorance thereof. If the Bidder or Contractor shall discover any provisions in the plans, specifications or Construction Contract (hereinafter sometimes referred to as “Contract”) which are contrary to, or inconsistent with, any such law, ordinance, or regulation, they shall immediately report it to the Consultant in writing before the bid opening.

The Contractor, and his subcontractors performing work at the worksite, will be required to comply with the Occupational Safety and Health Standards and the Safety and Health Regulations for Construction.

~~The Contractor is to provide compliance with the Davis Bacon Act (40 U.S.C. 3141-3144, and 3146-3148) as supplemented by Department of Labor regulations (29 CFR Part 5, "Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction"). The non-Federal entity must place a copy of the current prevailing wage determination issued by the Department of Labor in each solicitation. The decision to award a contract or subcontract must be conditioned upon the acceptance of the wage determination. The non-Federal entity must report all suspected or reported violations to the Federal awarding agency.~~

4) ADDENDA

Addenda will be filed at the locations listed above for document review. The Bidder shall be responsible for inquiring if Addenda have been issued. All such Addenda shall become part of the contract and all Bidders shall be bound by such Addenda whether received or acknowledged by the Bidder.

5) INTERPRETATIONS OF PLANS AND SPECIFICATIONS

If any prospective Bidder is in doubt as to the true meaning of any part of the Contract Documents, they shall submit to the Consultant no later than seven (7) calendar days prior to the bid opening, a written request for an interpretation thereof.

Any interpretation of the proposed documents will be made only by Addenda to the Contract Documents, which will be sent to all persons to whom Contract Documents have been issued. Interpretations, corrections and changes in Contract Documents made in any other manner will not be binding.

All such addenda shall become part of the Contract Documents and filed at the locations listed above. The Consultant and the Owner will not be responsible for any other explanations or interpretations.

The Bid Proposal shall be based upon the materials and work described in the Contract Documents or on substitutions that have been approved for use on this project. The proposal shall include any fees associated with the Mecklenburg County permits & plan review and City of Charlotte permits and plan review.

The current edition of the Standard Specifications for Roads and Structures of the North Carolina Department of Transportation is hereinafter referred to as the "NCDOT Specifications" shall apply on all portions of the project unless otherwise specified herein.

- 4.1.7 Conflict of Interest Provisions. Interest of Members, Officers, or Employees of the Recipient Members of Local Governing Body or Other Public Officials. No member officer or employee of the recipient or its agent no member of the governing body of the locality in which the program is situated and no other public official of such locality or localities who exercises any functions or responsibilities with respect to the program during his tenure or for one year thereafter shall have any financial interest direct or indirect in any contract or subcontract or the proceeds under this agreement. Immediate family members of said member's officers, employees and officials similarly barred from having any financial interest in the program. The recipient shall incorporate or cause to be incorporated in all such contracts or subcontracts a provision prohibiting such interest pursuant to the purpose of this section.
- ~~4.1.8 Davis-Bacon Act, as amended (40 U.S.C. 3141-3148). When required by Federal program legislation, all prime construction contracts in excess of \$2,000 awarded by non-Federal entities must include a provision for compliance with the Davis-Bacon Act (40 U.S.C. 3141-3144, and 3146-3148) as supplemented by Department of Labor regulations (29 CFR Part 5, "Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction"). In accordance with the statute, contractors must be required to pay wages to laborers and mechanics at a rate not less than the prevailing wages specified in a wage determination made by the Secretary of Labor. In addition, contractors must be required to pay wages not less than once a week. The non-Federal entity must place a copy of the current prevailing wage determination issued by the Department of Labor in each solicitation. The decision to award a contract or subcontract must be conditioned upon the acceptance of the wage determination. The non-Federal entity must report all suspected or reported violations to the Federal awarding agency.~~

- 4.1.9 Compliance with the Copeland “Anti-Kickback” Act (40 U.S.C. 3145), as supplemented by Department of Labor regulations (29 CFR Part 3, “Contractors and Subcontractors on Public Building or Public Work Financed in Whole or in Part by Loans or Grants from the United States”). The Act provides that each contractor or subrecipient must be prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public work, to give up any part of the compensation to which he or she is otherwise entitled. The non-Federal entity must report all suspected or reported violations to the Federal awarding agency.

~~Pursuant to Federal Rule above, when federal funds are expended by County, during the term of an award for all contracts and subgrants for construction or repair, the vendor will be in compliance with all applicable Davis-Bacon Act provisions.~~

- 4.1.10 Contract Work Hours and Safety Standards Act (40 U.S.C. 3701-3708). Where applicable, all contracts awarded by the non-Federal entity in excess of \$100,000 that involve the employment of mechanics or laborers must include a provision for compliance with 40 U.S.C. 3702 and 3704, as supplemented by Department of Labor regulations (29 CFR Part 5). Under 40 U.S.C. 3702 of the Act, each contractor must be required to compute the wages of every mechanic and laborer on the basis of a standard work week of 40 hours. Work in excess of the standard work week is permissible provided that the worker is compensated at a rate of not less than one and a half times the basic rate of pay for all hours worked in excess of 40 hours in the work week. The requirements of 40 U.S.C. 3704 are applicable to construction work and provide that no laborer or mechanic must be required to work in surroundings or under working conditions which are unsanitary, hazardous or dangerous. These requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence.

Pursuant to Federal Rule above, when federal funds are expended by County, the vendor certifies that during the term of an award for all contracts by County resulting from this procurement process, the vendor will be in compliance with all applicable provisions of the Contract Work Hours and Safety Standards Act.