



Appendix 5-6 Sample IFB Notice Inviting Bids

The document on the following page provides a sample Invitation for Bid (IFB) Notice that grantees can use as part of their procurement process. Grantees should amend and adjust the language to reflect their jurisdiction's noticing process and the specifics of the project.

For more guidance on procurement, grantees should review Chapter 5 of the Grants Management Manual. For more detailed information on incorporating equity in procurement, see Appendix B: Equity and Belonging Toolkit.



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NOTICE INVITING BIDS
TOWN OF SAMPLE, CALIFORNIA
IFB NO. ##-####

(Modify to accommodate any virtual meetings)

NOTICE IS HEREBY GIVEN that sealed bids with bid price submittal will be received by the **Town of Sample Purchasing Department of the Town of Sample**, for furnishing all labor services, materials, tools, equipment, supplies, transportation, utilities, and all other items and facilities necessary therefore, as provided in the contract documents for *insert project name* in strict accordance with the specifications on file at the **Town of Sample Purchasing Department, 123 Main Street, Sample, California 12345**. The **Town of Sample** is committed to offering accessible and equitable procurement, should a bidder need assistance in accessing available information about this opportunity please contact the town at the information provided below.

DATE OF OPENING BIDS: Bid prices for each line item of the Schedule of Work must be entered and all other required documents for the bid proposal **pages ## to ##**, must be submitted in at least one of the following formats: 1) unbound paper copy, 2) electronic file via email, or 3) USB drive in accordance with the instructions beginning on page **##** no later than **10:00 AM on June 1, 2022**. No late bids will be accepted. Only methods of bid submission outlined above will be accepted.

(Insert the following language if you are having a bid opening available via website link)

Meeting link: <https://sampletownbid.gov>

Meeting number: 987 654 321

Password: abc123

Join by phone: (123) 456-7890

Access code: 987 654 321

LOCATION OF THE WORK: The work to be performed hereunder is located in **Town of Sample, County of Sacramento, at 123 Washington Avenue**.

Revise language based on the attendance requirements of pre-bid meeting. HCD encourages Grantees evaluate the pros and cons of mandatory pre-bid meetings. More detailed information can be found in Appendix B: Equity and Belonging Toolkit.

PRE-BID MEETING: There will be a pre-bid meeting on **May 1, 2022, at 10:00 AM**. A



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recording of the bid meeting will be available on the Town's website 24 hours after the meeting adjourns for those who cannot attend.

Meeting link: <https://sampletownbid.gov>

Meeting number: 987 654 321

Password: abc123

DESCRIPTION OF WORK: The work to be performed shall include, but not be limited to:

Insert project description including internal costs estimate

LICENSE REQUIREMENT: Prime Contractor must possess a valid Class "A" license. At the time of submitting the bid, the Bidder shall be licensed as a contractor in accordance with the provisions of California Business and Professions Code Chapter 9, Division 3. However, in accordance with California Public Contract Code Section 20103.5, when federal funds are involved in local agency contracts, no bid shall be invalidated by the failure of the bidder to be licensed in California at the time of bid opening. At the time of contract award, the selected contractor shall be properly licensed in accordance with the laws of the state.

FEDERALLY ASSISTED PROJECT: This project is a federally assisted construction project funded in whole or in part with Community Development Block Grant (CDBG) funds from the U.S. Department of Housing and Urban Development, Catalog of Federal Domestic Assistance Number 14.218). The Federal Labor Standards Provisions, including prevailing wage requirements of the Davis-Bacon and Related Acts will be enforced. A copy of the Federal Wage Decision applicable to this project is included in the Bid Document.

This project is a public work in the State of California, funded in whole or in part with public funds. Therefore, the higher of the two applicable prevailing wage rates, federal or state, will be enforced. The Contractor's duty to pay State prevailing wages can be found under Labor Code Section 1770 et seq. Labor Code Sections 1775 and 1777.7 outline the penalties for failure to pay prevailing wages and to employ apprentices, including forfeitures and debarment. The State Wage Decision is on file at the *Town of Sample Implementing Department, 123 Main Street, Sample, California 12345*, and is also available online at <http://www.dir.ca.gov/dlsr/>.

All federal CDBG forms within the bid proposal packet, *pages ##-##*, shall be filled out and submitted with the bid. If a particular form is not applicable to your business, indicate "Not Applicable" and return the form with the bid.



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SECTION 3 STATEMENT: This is a Section 3 covered project. Section 3 projects mean housing rehabilitation, housing construction, and other public construction projects assisted under HUD programs that provide housing and community development financial assistance when the total amount of assistance to the project exceeds a threshold of \$200,000. The project is the site or sites together with any building(s) and improvements located on the site(s) that are under common ownership, management, and financing. The parties to this contract will comply with HUD's regulations as set forth in 24 CFR Part 75, which implement Section 3. As evidenced by their execution of this contract, the parties to this contract certify that they are under no contractual or other impediment that would prevent them from complying with the Part 75 regulations.

DEBARRED CONTRACTORS: The regulations at 2 CFR Part 180 restrict awards, subawards and contracts with certain parties that are debarred, suspended or otherwise excluded from or ineligible for participation in federal assisted program, project, or activities. Contractors that have been debarred and are listed on the federal Systems for Awards Management found at SAM.gov, will not be eligible to participate.

COMPLETION OF WORK AND LIQUIDATED DAMAGES: All work shall be completed in a total of **[number of days in text] (###)** Working Days from the date specified in the Notice to Proceed. Liquidated damages shall be **[dollar amount in text] (\$#,###)** per Calendar Day, for each and every Calendar Day delay in finishing the work,

AWARD OF CONTRACT: The award of the Contract, if it is awarded, will be to the lowest responsive and responsible Bidder whose bid complies with all the requirements prescribed. **The Town of Sample** reserves the right, after opening bids, to reject any or all bids, to waive any informality in a bid, to make awards in the interest of the **Town of Sample**, and to reject all other bids.

PROPOSAL GUARANTEE AND BONDS: Each bid shall be accompanied by a certified, a cashier's check, or corporate surety bond issued by a surety company that is admitted to do business in the State of California., Said check or bidder's bond shall be in an amount of not less than ten percent (10%) of the amount of the bid. This requirement acts as a guarantee that bidder will, if an award is made to them in accordance with the terms of their bid, 1) promptly secure Workers' Compensation insurance and liability insurance, 2) execute a contract in the required form, and 3) furnish satisfactory bonds for the faithful performance of the contract ("Performance Bond") and for the payment of claims of materialmen and laborers thereunder ("Payment Bond").

The Performance and Payment Bonds shall be not less than one hundred percent (100%)



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of the total amount of the bid price named in the contract. Only bonds issued by companies admitted to do business in the State of California will be accepted in accordance with the Code of Civil Procedure Section 995.311. Failure to submit acceptable Payment and Performance Bonds as required shall result in a rejection of the bid and a forfeiture of the proposal guarantee.

PREVAILING RATES OF WAGES: Prevailing wage requirements apply to public works projects with a value exceeding \$1,000.00. The definition of “public works” is found at California Labor Code Section 1720, et seq.

The Town of Sample is subject to the provisions of law relating to public contracts in the State of California. It is agreed that all provisions of law applicable to public contracts are a part of this Agreement to the same extent as though set forth herein and will be complied with by all parties.

CONTRACTOR: CONTRACTOR shall abide by all applicable Sections of the California Labor Codes including Sections 1770 -1781, et seq. In accordance with the provisions of Section 1773 of the California Labor Code, the general prevailing rates of per diem wages and holiday and overtime work in the locality in which the Work is to be performed shall be in accordance with the rates posted on the Department of Industrial Relations website, found at <http://www.dir.ca.gov/dirdatabases.html>. The CONTRACTOR, and any subcontractor under him, shall pay not less than the specified prevailing rates of wages to all workers employed in the execution of this Agreement.

The Town of Sample reminds all contractors and subcontractors of the adoption of Senate Bill 96 – Amendments to California Prevailing Wage Law Requires Additional Measures by Public Agencies, Contractors and Subcontractors, and encourages them to understand and comply with the requirements as set forth on the Department of Industrial Relations (DIR) website at <http://www.dir.ca.gov/Public-Works/PublicWorks.html>. All contractors and subcontractors who plan to bid on a public works project when the project is for construction, alteration, demolition, installation, or repair work with a value exceeding \$25,000.00 must first be registered and pay an annual fee with the DIR.

Additionally, all contractors and subcontractors who plan to bid on public works projects involving maintenance work with a value exceeding \$15,000.00 must first be registered and pay an annual fee with the DIR. The Town of Sample requires all contractors and subcontractors to be registered with the DIR prior to submitting a bid meeting these parameters. Subject to the exceptions set forth in Labor Code Section 1725.5, bids from contractors that are not currently registered will be deemed nonresponsive. Further, the Town of Sample will not award a contract to and no contractor or subcontractor will be



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allowed to work on a **Town of Sample** public works project meeting these parameters unless they are registered with the DIR pursuant to California Labor Code Section 1725.5. Please visit the DIR website for further information.

A contractor or subcontractor shall not 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 contract for public work, as defined in this chapter, unless currently registered and qualified to perform public work pursuant to California Labor Code Section 1725.5. However, it is not a violation of this section for an unregistered contractor to submit a bid that is authorized by Section 7029.1 of the Business and Professions Code or by Section 10164 or 20103.5 of the Public Contract Code, provided the contractor is registered to perform public work pursuant to Section 1725.5 at the time the contract is awarded.

Federal prevailing wage rates apply for federally funded projects. Travel and subsistence pay shall be paid in accordance with Labor Code §1773.1.

Attention is directed to the Federal prevailing wage rate requirements in the Special Provisions. If there is a difference between the prevailing wage rates predetermined by the Secretary of Labor and the general prevailing wage rates determined by the Director of the California Department of Industrial Relations for similar classifications of labor, the Contractor and subcontractors shall pay not less than the higher wage rate. The **Town of Sample** will not accept lower State wage rates not specifically included in the Federal prevailing wage determinations. This includes “helper” (or other classifications based on hours of experience) or any other classification not appearing in the Federal wage determinations. Where Federal wage determinations do not contain the State wage rate determination otherwise available for use by the Contractor and subcontractors, the Contractor and subcontractors shall pay not less than the Federal prevailing wage rate which most closely approximates the duties of the employees in question.

APPRENTICESHIP PROGRAM: Attention is directed to Sections 1777.5, 1777.6 and 1777.7 of the California Labor Code and Title 8, California Administrative code, Section 200 et seq. to ensure compliance and complete understanding of the law regarding apprentices.

MINORITY AND WOMEN OWNED BUSINESS: Bidders will be required to document their status as a Minority Business Enterprise (MBE), a Women-owned Business Enterprise (WBE) or a non-MBE/WBE firm. The CDBG Program encourages the participation of MBE and WBE businesses to the greatest extent feasible on CDBG-funded projects in accordance with Executive Order 11625 and Executive Order 12138.



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Bidders that are not MBE/WBE firms will be required to make a good faith effort, and to document their efforts to include firms as part of the contract bid.

CONFLICT OF INTEREST: In the procurement of supplies, equipment, construction, and services by sub-recipients, the conflict-of-interest provisions in (State LCA, 2 CFR 200.317 and 318, and 24 CFR 570.611), respectively, shall apply. No employee, officer or agent of the sub-recipient shall participate in selection, or in the award or administration of a contract supported by Federal funds if a conflict of interest, real or apparent, would be involved.

LABOR REGULATIONS: The Contractor shall comply with all applicable requirements of the California Labor Code and the **Town of Sample's Municipal Code**, if applicable.

PLANS AND SPECIFICATIONS: A full set of bid documents consisting of Notice Inviting Bids, Proposal, Contract, Special Provisions and Contract Plans are retained at the **Town of Sample Implementing Department, 123 Main Street, Sample, California 12345.**

To obtain a copy of the bid documents, please visit the **Town of Sample's** website at **www.townofsample.gov**. Interested firms must be registered on the **Town of Sample** website and download the Bid Documents in order to submit a bid. Firms must also check the website periodically for addenda information as failure to download any and all addenda will result in bid disqualification.

SECURITY FOR COMPLETION OF WORK: The Contract Documents establish a provision for progress payments based upon the percentage of work completed as determined by the **Engineer**. **The Town of Sample** will retain a portion of each progress payment as security for completion of the balance of the work. At the request and expense of the successful bidder, the **Town of Sample** will pay the amount so retained upon compliance with the requirements of California Public Contract Code § 22300 and the provisions of the Contract Documents, Special Provisions pertaining to "Substitution of Securities."

PROJECT ADMINISTRATION: All questions relative to this project prior to opening bids shall be prepared in writing and transmitted to the attention of **Contact Name & Title**, by mail or email to **Local Government Address and email**. No inquiries will be accepted later than **five (5) business days** prior to the bid opening date as this would not allow time to respond to all plan holders. No phone inquiries will be accepted.

Town of Sample

Published by: Publication Name



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Date: April 1, 2022