

NOTICE TO BIDDERS – “AMENDED”

NOTICE

Sealed proposals addressed to Mr. Mike R. Perez, City Manager, City of McAllen, Texas will be received on August 19, 2009 until 3:00 p.m. at which time they will be taken to the Commission Chambers 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).

Runway 13-31 Rehabilitation At McAllen-Miller International Airport

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 and execute payment and performance bonds in the amount of 100% each, of the contract amount.

WAGE RATES

This project is to be financed with Federal Aviation Administration Funds and 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 to the specifications and will be made a part of the contract.

DBE

Policy: The proposed project is financed in part by Federal funds. It is the policy of the Department of Transportation (DOT) that minority business enterprises as defined in 49 CFR Part 23 shall have the maximum opportunity to participate in the performance of contracts financed in whole or in part with Federal funds.

The bidder shall make good faith efforts, as defined in Appendix A of 49 CFR Part 23, Regulations of the Office of the Secretary of Transportation, to sub-contract 8.54 percent of the dollar value of the prime contract to small business concerns owned and controlled by socially and economically disadvantaged individuals (DBE). In the event that the bidder for this solicitation qualifies as a DBE, the contract goal shall be deemed to have been met. Individuals who are reputably presumed to be socially and economically disadvantaged include Women, Blacks, Hispanics, Native Americans, Asian-Pacific Americans, and Asian-Indian Americans. The apparent successful competitor will be required to submit information concerning the DBE's that will participate in this contract. The information will include the name and address of each DBE, a description of the work to be performed by each named firm, and the dollar value of the contract. If the bidder fails to achieve the contract goal stated herein, it will be required to provide documentation demonstrating that

NOTICE TO BIDDERS Continued:

it made good faith efforts in attempting to do so. A bid that fails to meet these requirements will be considered non-responsive.

After opening of bids, the apparent successful bidder will be required to submit the names and addresses of DBE firms that will participate in the contract along with a description of the work and dollar amount for each firm. If the responses do not clearly show DBE participation will meet the goals above, the apparent successful bidder must clearly demonstrate, to the satisfaction of the airport sponsor, that a good faith effort has in fact been made and that meeting said goals is not reasonably possible. If any apparent low bidder cannot do so, the contract may, at the option of the airport sponsor, be awarded to the next low bidder able to meet these requirements.

EEO

Equal Opportunity Requirements: The proposed contract is subject to the following equal opportunity requirements for Contractors and Sub-Contractors.

(1) The proposed contract is under and subject to Executive Order 11246 of September 24, 1965, and to the Equal Opportunity Clause, and

(2) The Bidder (Proposer) must supply all the information required by the bid or proposal form.

(3) The successful bidder will be required to submit a Certification of Non-segregated Facilities prior to award of the contract, and to notify prospective subcontractors of the requirement for such a Certification where the subcontract exceeds \$10,000.00. Samples of the Certification and Notice to Subcontractors appear in the specifications.

(4) Women will be afforded equal opportunity in all areas of employment. However, the employment of women shall not diminish the standards or requirements for the employment of minorities.

(5) Contracts in Excess of \$50,000.00. A contract having 50 or more employees, and his subcontractors having 50 or more employees, and who may be awarded a subcontract of \$50,000.00 or more, will be required to maintain an affirmative action program within 120 days of the commencement of the contract.

Notice of Requirement for Affirmative Action to Ensure Equal Employment Opportunity (Executive Order 11246, as amended).

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.

NOTICE TO BIDDERS Continued:

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 nationwide.

5. Additional Notices for \$1 Million Contracts. For each Contract which may result in a bid of \$1 million or more, the invitation for bids shall also include the following notices:

1. Preaward Equal Opportunity Compliance Reviews. Where the bid of the apparent low responsible bidder is in the amount of \$1 million or more, the bidder and his know all-tier Subcontractors which will be awarded subcontracts of \$1 million or more will be subject to full on-site, preaward equal opportunity compliance reviews before the award of the Contract for the purpose of determining whether the bidder and his Subcontractors are able to comply with the provisions of the equal opportunity clause.

NOTICE TO BIDDERS Continued:

2. Compliance Reports. Within 30 days after award of this Contract, the Contractor shall file a compliance report (Standard Form 100) if:

(a) The Contractor has not submitted a complete compliance report within 12 months preceding the date of award; and

(b) The Contractor is within the definition of "employer" in Paragraphs 2e(3) of the instructions included in Standard Form 100.

The Contractor shall require the Subcontractor on all-tier Subcontracts, irrespective of dollar amount, to file Standard Form 100 within 30 days after award of the Subcontract if the above two conditions apply. Standard Form 100 will be furnished upon request.

GENERAL

Plans and Specifications may be obtained from the office of Sandra Zamora, Director of Purchasing and Contracting, 1300 Houston Avenue, McAllen, Texas 78501, for the amount of \$150.00. General and/or Prime Contractors submitting bids and/or proposals to the City of McAllen shall be refunded their deposits upon return of plans and specifications in good condition. All other recipients of plans and specifications shall be reimbursed their deposit only if they return plans and specifications in good condition to the Purchasing and Contracting Department no later than the 5th working day after bid opening.

Plans and specifications may be reviewed at Valley branches of the AGC, McGraw-Hill Construction Dodge and at the office of **Perez Consulting Engineers, 808 Dallas Avenue, McAllen, Texas 78501 (956) 631-4482.**

Individual prints of drawing sheets and numbered specification pages will not be available.

The City of McAllen reserves the right to refuse and reject any or all bids and to waive any or all formalities or technicalities or to accept the bid considered the best and most advantageous to the City, and to hold the bids for a period of sixty (60) days without taking action thereon.

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

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

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

A Pre-Bid Conference will be held **August 5, 2009** at **10:00 a.m.** in the West Airport Conference Room, **McAllen-Miller International Airport, 2500 S. Bicentennial Blvd., McAllen, TX 78503.** All prospective bidders are encouraged to be in attendance.

Bid proposals must be clearly marked on the envelope:

BIDS: Project No. **3-48-0144-39**

Runway 13-31 Rehabilitation - MMIA