

VA Mountain View HR Building – Replace Outdoor Boiler
VA Palo Alto Health Care System
1776 Old Middlefield Way, Mountain View, CA 94043
Project # 640AO-17-929

SUBMISSION OF BID INSTRUCTIONS:

The bidder shall submit the following documents in response to this Invitation for Bid (IFB):

- (a) One (1) fully completed and signed Standard Form 1442, acknowledgment of all amendments either via entering data in block 19 of the SF1442 or, completing blocks 15 a, b, and c of the Amendment(s) (SF30's) and returning with bid.**
- (b) One (1) fully completed Divisional Cost-Breakout Sheet**
- (c) One (1) original completed/signed SF24 Bid Bond with Raised Seals, and Power of Attorney as required.**
- (d) Documentation of Safety & Environmental Record.**
- (e) Documentation of Experience Modification Rate (EMR).**
- (f) Current General Contractor's License.**
- (g) Brand name or equal product information (if applicable) as specified in VAAR 852.211-73.**

Notes:

- Bidders are responsible for insuring and verifying their bid and all required bid documents are received at the public bid opening address stated below by date and time specified in block 13A of SF-1442 Solicitation (subject to amendment).
- See VAAR 852.211-73 for instructions on brand name or equal bid submission requirements.
- Bidders are cautioned to carefully review System for Award Management in regards to Representations and Certifications. See FAR 52.204-7, 52.204-8, 52.209-7 & 52.209-9 for specific instruction as needed.
- Electronic bids of any form (to include: facsimile, email, etc.) will not be accepted.

INFORMATION FOR BIDDERS:

- Bids received after bid opening date and time will be rejected.
- Any exception to the terms and conditions of the IFB will result in a nonresponsive bid.
- Failure to provide complete definitive prices on bid-sheet will result in a nonresponsive bid.
- Bidders must acknowledge (in writing only) amendments to this solicitation, otherwise a bid shall be determined nonresponsive.

PROSPECTIVE CONTRACTORS' RESPONSIBILITY:

Purchases shall be made from, and contracts shall be awarded to, responsible prospective contractors only. The presumed winning bidder must be determined as "responsible" by the Contracting Officer in accordance with FAR Part 9, Contractor Qualifications. **To aid in making this determination, bidders shall provide, at bid-opening, all documents as required under "Submission of Bid Instructions" above.**

These documents will be reviewed promptly after bid-opening. This information, along with other information obtained from Government systems, such as the OSHA and EPA online inspection history databases will be used to make the Determination of Responsibility. Failure to affirm being within the guidelines below or submit this information may result in a determination of Non-Responsibility and make the bid ineligible for award. The Contracting Officer will obtain additional information as needed and specified in FAR 9.105-1 to make the Determination of Responsibility, to include, but not limited to the Federal Awardee Performance and Integrity Information System (FAPIIS), Excluded Parties List System (EPLS) and Past Performance Information Retrieval System (PPIRS).

PER VHA DIRECTIVE 7715 (06 April 2017) - SAFETY & ENVIRONMENTAL RECORD AND EXPERIENCE MODIFICATION RATE (EMR):

To be eligible for consideration and award, the contractor shall have no more than three serious, or one repeat, or one willful OSHA or EPA violation(s) in the past 3 years and have an EMR of equal to or less than 1.0.

All Bidders shall submit the following information pertaining to their past Safety & Environmental Record and EMR with their bid.

1. **SAFETY & ENVIRONMENTAL RECORD:** A self-certification on company letterhead that the bidder has no more than three (3) serious, or one (1) repeat or one (1) willful OSHA or any EPA violation(s) in the past three years.
2. **EMR:** All bidders shall submit information regarding their current EMR. This information shall be obtained from the bidder's insurance carrier and be furnished on the insurance carrier's letterhead. If a bidder's EMR is above 1.0, bidder must submit a written explanation of the EMR from its insurance carrier furnished on the insurance carrier's letterhead, describing the reasons for the EMR, and the anticipated date the EMR may be reduced to 1.0 or below.

PUBLIC BID OPENING:

1. **Bids are due on Tuesday, February 20th, 2018, at 2:00 PM at address specified in Block 8 of SF-1442.**
2. **Public Bid opening will be held at 2:15 p.m. in VA Martinez Outpatient Clinic, Building 23 (TBI) Conference Room 231, 150 Muir Road, Martinez, CA 94553 (subject to amendment).**
3. **Solicitation number and title must be written on the outside of the delivery package.**
4. **At time of Bid Opening, an apparent low, responsive, responsible bidder will be selected; however, actual low bidder chosen for award shall be subject to verification and confirmation of required, submitted bid documents.**

PRE-BID SITE VISIT:

Bidders are urged and expected to inspect the site where services are to be performed and to satisfy themselves regarding all general and local conditions that may affect the cost of performing construction services. Failure to inspect the site shall not constitute grounds for a claim after contract award.

See Provision 52.236-27 for specific information regarding the project pre-bid site visit. This pre-bid site visit will be the only opportunity for potential bidders to visit the site. All potential bidders, subcontractors, and suppliers are strongly encouraged to attend this pre-bid site visit.

REQUEST FOR INFORMATION (RFI):

- To obtain clarifications and/or additional information concerning the contract requirements or specifications, submit a written RFI utilizing the RFI Form included in this IFB, which is to be sent via email to angela.oppenheimer@va.gov. See RFI Form for specifics.
- RFI's will be responded to as necessary in amendment format, which will be posted on FBO. **Deadline for submission of RFIs for this IFB is Tuesday, February 7th, 2018, at 10:00 AM Pacific Time.** No questions will be answered after this date and time unless determined by the Contracting Officer to be in the best interest of the Government. Telephone request for information will not be accepted or returned.

PLANS/SPECIFICATIONS/DRAWINGS:

Drawings and specifications are attached in electronic format to this solicitation. Bidders are responsible for downloading and printing their own bid sets. The VA will not provide hard copies of drawings and specifications to any bidder. Contractors are responsible for ensuring that any construction document package used for bidding or construction is complete and up-to-date.

TRAINING:

All employees of the general contractor and subcontractors shall have the 10-hour OSHA certified construction safety course and/or other relevant competency training, as determined by the COR with input from the ICRA (Infection Control Risk Assessment) team. The General Contractor's Competent Person/Superintendent shall have completed the 30-hour OSHA certified construction safety course. Documentation of training shall be submitted to the Contracting Officer for review and approval prior to any work being performed. No ID badge will be issued to an employee who does not provide this documentation. There shall be no exceptions to this requirement.

PREPARATION OF BIDS:

The Federal Government will NOT pay for any costs incurred in preparation and submission of bids.

PRIVACY AND CONFIDENTIALITY:

Contractors to the Department of Veteran Affairs may be unintentionally exposed to sensitive information. Information may be overheard, seen on documents or electronic devices, or observed that could potentially violate the privacy and confidentiality of our veterans, employees, volunteers, and their families. Regulations such as, but not limited to the Health Insurance Portability and Accountability Act of 1996 (HIPAA), Freedom of Information Act (FOIA) and Privacy Act of 1974 have been enacted to protect sensitive information from being improperly disclosed. Information should not be divulged or released to anyone unless specifically authorized by this contract or its' attached documents in accordance with the contracted services. Failure to comply with applicable statutes and regulation can result in the termination of this contract and civil and criminal penalties, including fines and imprisonment. All suspected or actual breeches of privacy and confidentiality should be reported immediately to the Contracting Officer, Contracting Officer's Representative (COR) or the Facility Privacy Officer.

Certification & Accreditation (C&A) requirements do not apply and a Security Accreditation Package is not required. If the contractor opts to use a computer or computer system for processing contract documents, the requirements of FIPS 140-2 for encryption of contract documents must be met.

SYSTEM FOR AWARD MANAGEMENT (SAM):

Federal Acquisition Regulations require that federal contractors register in the System for Award Management (SAM) database at <http://www.sam.gov> and enter all mandatory information into the system. **Award cannot be made until the contractor has registered.** Bidders are encouraged to ensure that they are registered in SAM prior to submitting their bid.

ADDITIONAL VETBIZ INFORMATION:

- (a) Eligibility of SDVOSBs continues to be governed by the Small Business Administration regulations, 13 CFR subparts 125.8 through 125.13, as well as the FAR, except where expressly directed otherwise by the VAAR, and 38 CFR verification regulations for SDVOSBs.
- (b) At the time of submission of offer, the offeror must represent to the contracting officer that it is a—
 - (1) SDVOSB concern
 - (2) Small business concern under the North American Industry Classification System (NAICS) code assigned to the acquisition; and
 - (3) Verified for eligibility in the VIP database.
- (c) A joint venture may be considered an SDVOSB or VOSB concern if
 - (1) At least one member of the joint venture is an SDVOSB or VOSB concern, and makes the representations in paragraph (b) of this section;
 - (2) Each other concern is small under the size standard corresponding to the NAICS code assigned to the procurement;
 - (3) The joint venture meets the requirements of paragraph 7 of the size standard explanation of affiliates in FAR 19.101; and
 - (4) The joint venture meets the requirements of 13 CFR 125.15(b), modified to include Veteran-owned small businesses where this CFR section refers to SDVOSB concerns.
- (d) Any SDVOSB or VOSB concern (nonmanufacturer) must meet the requirements in FAR 19.102(f) to receive a benefit under this program.

JOINT VENTURES - See 13 C.F.R. § 121.103:

(h) Affiliation based on joint ventures: A joint venture is an association of individuals and/or concerns with interests in any degree or proportion consorting to engage in and carry out no more than three specific or limited-purpose business ventures for joint profit over a two-year period, for which purpose they combine their efforts, property, money, skill, or knowledge, but not on a continuing or permanent basis for conducting business generally.

This means that a specific joint venture entity generally may not be awarded more than three contracts over a two-year period, starting from the date of the award of the first contract, without the partners to the joint venture being deemed affiliated for all purposes. Once a joint venture receives one contract, SBA will determine compliance with the three awards in two years rule for future awards as of the date of initial offer including price.

As such, an individual joint venture may be awarded more than three contracts without SBA finding general affiliation between the joint venture partners where the joint venture had received two or fewer contracts as of the date it submitted one or more additional offers which thereafter result in one or more additional contract awards. The same two (or more) entities may create additional joint ventures, and each new joint venture entity may be awarded up to three contracts in accordance with this section. At some point, however, such a longstanding inter-relationship or contractual dependence between the same joint venture partners will lead to a finding of general affiliation between and among them.

For purposes of this provision and in order to facilitate tracking of the number of contract awards made to a joint venture, a joint venture must be in writing and must do business under its own name, and it may (but need not) be in the form of a separate legal entity, and if it is a separate legal entity it may (but need not) be populated (i.e., have its own separate employees). SBA may also determine that the relationship between a prime contractor and its subcontractor is a joint venture, and that affiliation between the two exists, pursuant to paragraph (h)(4) of this section.

NOTICE TO PROCEED (NTP):

A notice to proceed shall be issued after award of a fully executed contract. The NTP date and time are “to be determined” after award to a successful bidder. Primary factor in determination to issue NTP shall be the Prime Contractor submission of, and the Government review and approval of both Payment and Performance Bonds, both of which are enforceable legal documents.

SOLICITATION AUTHORITY:

This Invitation for Bid (IFB) is conducted under FAR Part 14 - Sealed Bidding, where firms are bidders and shall submit bids. References to RFP and Bidder’s, in technical specification sections and technical drawings are strictly coincidental and strictly for purposes of administrative convenience and efficiency. The Contracting Officer exercises final authority over all aspects of this IFB and any resultant contract.

SOLICITATION CLAUSES AND PROVISIONS:

Please note that this IFB, and any resultant contract, and all clauses and provisions located there, supersede and contain final authority. Those clauses and provisions that may be referenced in IFB technical

specification sections and technical drawings are strictly coincidental and are for purposes of administrative convenience and efficiency.

SOLICITATION DEFINITIONS:

Throughout this IFB, and any resultant contract, the terms Contracting Officer's Technical Representative (COTR), Contracting Officer's Representative (COR), Project Engineer (PE), Resident Engineer (RE), and Project Manager (PM), all denote the same engineering official and may be used equally and interchangeably as described by the Contracting Officer (CO).

SMOKE AND CARBON MONOXIDE MONITORING REQUIREMENTS:

Contractor, his employees, his subcontractors, and their employees shall adhere to VA, VHA, and VAPAHCS Policies for smoke and carbon monoxide monitoring requirements. They are available upon request from COR.

WORK DAYS AND HOURS:

The Contractor is required to conduct construction services during normal business hours of 8:00 am to 4:30 pm, Monday through Friday, excluding federal government holidays, unless approved by the COR. The Contractor shall not conduct construction services when the Government facility is closed due to local or national emergencies, administrative closings, or similar Government directed facility closings. Access to the work site may be restricted to these hours and days.

FEDERAL HOLIDAYS:

The Contractor shall not work on recognized federal holidays, unless approved by the COR:

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|------------------------|---------------|
| New Year's Day | Labor Day |
| Martin Luther King Day | Columbus Day |
| Presidents' Day | Veterans' Day |
| Memorial Day | Thanksgiving |
| Independence Day | Christmas |

Also included would be any other day specifically declared by the President of the United States of America to be a National Holiday.

SECURITY OF DOCUMENTS:

Security requirements addressing the destructions of records, drawings, and specifications by the Contractor shall be accomplished in accordance with VA Directive 6371 dated 02 May 2008.

SECURITY REQUIREMENTS (GENERAL):

1. All personnel employed by the contractor in the performance of work, issued under this contract, or any representative of the contractor shall abide by all security instructions and directives of the Department of Veterans Affairs. Employees are responsible for safeguarding all government property provided for contractor use.
2. At the close for each work period, government facilities, equipment and materials shall be secured, lights, and all doors and window secured.
3. The contractor and, as applicable, subcontractor shall not employ persons for work on this contract if such employee is identified as a potential threat to the health, safety, security, general well-being or operational mission of the station/campus and its population, nor shall the contractor or subcontractor employ persons under this contract who have an outstanding criminal warrant as identified during background checks.
4. Contractors shall ensure their employees and those of their subcontracts have the proper credentials allowing them to work in the United States. Employees and subcontractors later found to be undocumented or illegal aliens will be remanded to the proper authorities.
5. Contractor Badge Policies: All requests for contractor ID badges will be submitted through the station Police/Security office.
6. Vehicle registration, proof of insurance and a valid driver's license must be presented for all vehicles while operating on the station/campus. All vehicles entering the station/campus are subject to search. Any refusal or non-consent by an employee will result in termination of their access and immediate confiscation of their ID badge.