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**Caltrans**

**STATE OF CALIFORNIA  
DEPARTMENT OF TRANSPORTATION**

# BID

**FOR CONSTRUCTION ON STATE HIGHWAY IN BUTTE COUNTY IN AND NEAR CHICO  
FROM EL MONTE AVENUE TO 0.3 MILE EAST OF HUMBOLDT ROAD**

**In District 03 On Route 32**

**Under**

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**Notice to Bidders and Special Provisions dated April 2, 2013**

**Standard Specifications dated 2010**

**Project plans approved March 5, 2013**

**Standard Plans dated 2010**

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**Identified by**

**Contract No. 03-4M1604**

**03-But-32-11.3/R15.5**

**Project ID 0300020056**

TM

## **Electronic Advertising Contract**

Bids open Wednesday, April 24, 2013

Dated April 2, 2013  
AADD



CX

AK

**CONTRACT NO.** 03 - 4M1604

**NAME OF BIDDER** DESILVA GATES CONSTRUCTION LP

**BUSINESS P.O. BOX** P.O. BOX 2909

**CITY, STATE, ZIP** DUBLIN, CA 94568

**BUSINESS STREET ADDRESS** 11555 DUBLIN BLVD.

**CITY, STATE, ZIP** DUBLIN, CA 94568

*(Include even if P.O. Box used)*

**TELEPHONE NO:** **AREA CODE ( 925 )** 829-9220

**FAX NO:** **AREA CODE ( 925 )** 803-4263

**CONTRACTOR LICENSE NO.** 704195

1. Bidder agrees, if this bid is accepted, to enter into a contract with the Department, in the form included in the Standard Specifications, to perform the work provided in the Contract under the terms of the Contract for the price or prices bid.

For a lump sum or unit price based bid, Bidder additionally agrees to perform the work within the number of working days shown on the *Notice to Bidders*.

For a cost plus time based bid on a contract without a plant establishment period, Bidder additionally agrees to perform the work within the number of working days bid.

For a cost plus time based bid on a contract with a plant establishment period, Bidder additionally agrees to perform the non-plant establishment work within the number of working days bid for non-plant establishment work.

2. For a lump sum based bid, Bidder submits this bid with a total price in the total bid space provided on the Bid Item List. For a unit price or cost plus time based bid, Bidder submits this bid with a unit price and the item total (the product of the unit price and the quantity) for each item and a total price (the sum of the item totals) in the spaces provided on the attached Bid Item List. For a unit price with additive item based bid, Bidder submits this bid with a unit price and an item total for each item and a total base bid (the sum of the item totals) and the additive items in the spaces provided on the attached Bid Item List. Additionally, for a cost plus time based bid, Bidder submits this bid with working days bid for non-plant establishment work, total bid for time, and total bid for bid comparison in the spaces provided on the Bid Item List. Bidder agrees:

- 2.1. If a discrepancy between the unit price and the item total exists, the unit price prevails except:

- 2.1.1. If the unit price is illegible, omitted, or the same as the item total, item total prevails and the unit price is the quotient of the item total and the quantity.

- 2.1.2. If a decimal error is apparent in the product of the unit price and the quantity, the Department will use either the unit price or item total based on the closest by percentage to the unit price or item total in the Department's Final Estimate.

- 2.2. If the unit price and the item total are illegible or are omitted, the bid may be determined nonresponsive. If a lump sum total price is illegible or is omitted, the bid may be determined nonresponsive.

- 2.3. Bids on lump sum items are item totals. If a unit price for a lump sum item is entered and it differs from the item total, the item total prevails.

- 2.4. Entries are to be expressed in dollars or decimal fractions of a dollar. Symbols such as commas and dollar signs are ignored and have no significance in establishing unit price or item total.

- 2.5. Unit prices and item totals are interpreted by the number of digits and decimal placement. Do not round item totals or the total bid.

STATE OF CALIFORNIA • DEPARTMENT OF TRANSPORTATION  
**BID TO THE DEPARTMENT OF TRANSPORTATION**  
DES-OE-0102.1 (REV. 3/2011)

- 2.6. For a lump sum based bid, the item total is the bid amount the Department uses for bid comparison.  
For a unit price based bid, the sum of the item totals is the bid amount the Department uses for bid comparison.  
For a cost plus time based bid, the sum of the item totals and the total bid for time is the bid amount the Department uses for bid comparison.

2.7. The Department's decision on the bid amount is final.

3. Bidder has and acknowledges the following addenda:

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4. Bidder submits this bid with one of the following forms of bidder's security equal to at least 10 percent of the bid:

Cash \$ \_\_\_\_\_, Cashiers Check, Certified Check, Bidder's Bond

5. Bidder's signature is an affirmation of the included certifications. Bidder is cautioned that making a false certification may result in one or more of the following:

- 5.1. Criminal prosecution
- 5.2. Rejection of the bid
- 5.3. Rescission of the award
- 5.4. Termination of the Contract

BY (Authorized Signature)

*Michael A. Kloos*

DATE SIGNED (Do not type)

5/15/13

PRINTED NAME AND TITLE OF PERSON SIGNING

MICHAEL A. KLOOS, VICE PRESIDENT

## BID ITEM LIST

Item No.	Item Code	Item Description	Unit of Measure	Estimated Quantity	Unit Price	Item Total
1	070030	LEAD COMPLIANCE PLAN	LS	LUMP SUM	LUMP SUM	1000 <sup>-</sup>
2	120090	CONSTRUCTION AREA SIGNS	LS	LUMP SUM	LUMP SUM	3000 <sup>-</sup>
3	120100	TRAFFIC CONTROL SYSTEM	LS	LUMP SUM	LUMP SUM	220000 <sup>-</sup>
4	128652	PORTABLE CHANGEABLE MESSAGE SIGN (LS)	LS	LUMP SUM	LUMP SUM	5000 <sup>-</sup>
5	130100	JOB SITE MANAGEMENT	LS	LUMP SUM	LUMP SUM	2000 <sup>-</sup>
6	130200	PREPARE WATER POLLUTION CONTROL PROGRAM	LS	LUMP SUM	LUMP SUM	2000 <sup>-</sup>
7	141120	TREATED WOOD WASTE	LB	12,900	0 <sup>05</sup>	645 <sup>-</sup>
8	150662	REMOVE METAL BEAM GUARD RAILING	LF	63	4 <sup>-</sup>	252 <sup>-</sup>
9	150714	REMOVE THERMOPLASTIC TRAFFIC STRIPE	LF	1,310	1 <sup>-</sup>	1310 <sup>-</sup>
10	150715	REMOVE THERMOPLASTIC PAVEMENT MARKING	SQFT	910	1 <sup>-</sup>	910 <sup>-</sup>
11	150771	REMOVE ASPHALT CONCRETE DIKE	LF	21,700	0 <sup>60</sup>	13020 <sup>-</sup>
12	151572	RECONSTRUCT METAL BEAM GUARD RAILING	LF	800	25 <sup>-</sup>	20000 <sup>-</sup>
13	025468	RESET END SECTION	EA	2	25 <sup>-</sup>	50 <sup>-</sup>
14	153103	COLD PLANE ASPHALT CONCRETE PAVEMENT	SQYD	2,110	6 <sup>-</sup>	12660 <sup>-</sup>
15	190185	SHOULDER BACKING	TON	1,440	20 <sup>-</sup>	28800 <sup>-</sup>
16	025469	COLD IN-PLACE RECYCLING	SQYD	73,200	6 <sup>-</sup>	439200 <sup>-</sup>
17	025470	EMULSIFIED RECYCLING AGENT (COLD IN-PLACE RECYCLING)	TON	340	400 <sup>-</sup>	136000 <sup>-</sup>
18	025471	CEMENT (COLD IN-PLACE RECYCLING)	TON	85	100 <sup>-</sup>	8500 <sup>-</sup>
19	025472	ASPHALTIC EMULSION (COLD IN-PLACE RECYCLING)	TON	25	400 <sup>-</sup>	10000 <sup>-</sup>
20	025473	SAND COVER (COLD IN-PLACE RECYCLING)	TON	150	20 <sup>-</sup>	3000 <sup>-</sup>

## DESILVA GATES CONSTRUCTION LP

Item No.	Item Code	Item Description	Unit of Measure	Estimated Quantity	Unit Price	Item Total
21	390095	REPLACE ASPHALT CONCRETE SURFACING	CY	230	240 <sup>-</sup>	55200 <sup>-</sup>
22	390132	HOT MIX ASPHALT (TYPE A)	TON	10,500	74 <sup>-</sup>	777000 <sup>-</sup>
23	394060	DATA CORE	LS	LUMP SUM	LUMP SUM	2000 <sup>-</sup>
24	394073	PLACE HOT MIX ASPHALT DIKE (TYPE A)	LF	7,210	1 <sup>-</sup>	7210 <sup>-</sup>
25	394074	PLACE HOT MIX ASPHALT DIKE (TYPE C)	LF	75	1 <sup>-</sup>	75 <sup>-</sup>
26	394076	PLACE HOT MIX ASPHALT DIKE (TYPE E)	LF	14,400	1 <sup>-</sup>	14400 <sup>-</sup>
27	394077	PLACE HOT MIX ASPHALT DIKE (TYPE F)	LF	63	1 <sup>-</sup>	63 <sup>-</sup>
28	394090	PLACE HOT MIX ASPHALT (MISCELLANEOUS AREA)	SQYD	10	50 <sup>-</sup>	500 <sup>-</sup>
29	397005	TACK COAT	TON	43	1 <sup>-</sup>	43 <sup>-</sup>
30	820107	DELINEATOR (CLASS 1)	EA	58	30 <sup>-</sup>	1740 <sup>-</sup>
31	820151	OBJECT MARKER (TYPE L-1)	EA	1	30 <sup>-</sup>	30 <sup>-</sup>
32	839581	END ANCHOR ASSEMBLY (TYPE SFT)	EA	2	600 <sup>-</sup>	1200 <sup>-</sup>
33	839584	ALTERNATIVE IN-LINE TERMINAL SYSTEM	EA	1	3000 <sup>-</sup>	3000 <sup>-</sup>
34	839585	ALTERNATIVE FLARED TERMINAL SYSTEM	EA	1	3000 <sup>-</sup>	3000 <sup>-</sup>
35	840504	4" THERMOPLASTIC TRAFFIC STRIPE	LF	66,000	0 <sup>40</sup>	26400 <sup>-</sup>
36	840506	8" THERMOPLASTIC TRAFFIC STRIPE	LF	1,700	0 <sup>70</sup>	1190 <sup>-</sup>
37	840515	THERMOPLASTIC PAVEMENT MARKING	SQFT	2,060	3 <sup>-</sup>	6180 <sup>-</sup>
38	840523	4" THERMOPLASTIC TRAFFIC STRIPE (BROKEN 12-3)	LF	480	0 <sup>50</sup>	240 <sup>-</sup>
39	840525	4" THERMOPLASTIC TRAFFIC STRIPE (BROKEN 36-12)	LF	15,400	0 <sup>25</sup>	3850 <sup>-</sup>
40	850111	PAVEMENT MARKER (RETROREFLECTIVE)	EA	1,370	3 <sup>-</sup>	4110 <sup>-</sup>

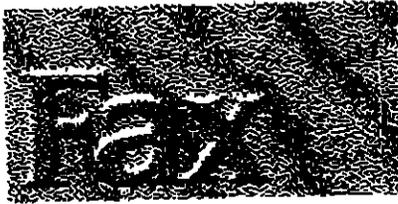
Item No.	Item Code	Item Description	Unit of Measure	Estimated Quantity	Unit Price	Item Total
41	860090	MAINTAINING EXISTING TRAFFIC MANAGEMENT SYSTEM ELEMENTS DURING CONSTRUCTION	LS	LUMP SUM	LUMP SUM	3000 <sup>-</sup>
42	861501	MODIFY SIGNAL AND LIGHTING	LS	LUMP SUM	LUMP SUM	100000 <sup>-</sup>

CK

**TOTAL BID:**

\$1,917,778<sup>-</sup>

TM



# DESILVA GATES CONSTRUCTION

11555 Dublin Boulevard  
P.O. Box 2909  
Dublin, California 94568  
925/829-9220

CONTRACTOR'S LICENSE NO. 704195A

**Date:** 5/16/13

**To:** State of California – Department of Transportation  
**Fax:** (916) 227-6282

**From:** DeSilva Gates Construction LP  
Vickie Pisano  
**Phone:** (925) 829-9220 x1342  
**Fax:** (925) 803-4263

**Pages:** 7 (including cover page)

**Subject:** Caltrans Route 32, Butte County  
Contract No. 03-4M1604  
Bid Date: 5/15/13 @ 2:00 PM  
Subcontractor List – Bid Items and Percentages

**As required, attached are the Bid Items and Percent of Each Bid Item subcontracted for the above referenced project.**

**Please contact our office if you have any questions.**

**Thank you.**

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STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION  
**SUBCONTRACTOR LIST**  
 DES-OE-0102.2 (REV 3/2011)

Bidder Name: DESILVA GATES CONSTRUCTION LP

The bidder must identify each subcontractor performing work in an amount in excess of 1/2 of 1 percent of the total bid or \$10,000, whichever is greater (Pub Cont Code § 4100 et seq.). Complete columns 1 and 4 and submit with the bid. Complete columns 2 and 3 and submit with the bid or fax to (916) 227-6282 within 24 hours after the bid opening. Failure to provide complete information in columns 1 through 4 within the time specified will result in a nonresponsive bid.

Column 1: Business Name and Location	Column 2: Bid Item Nos.	Column 3: Percentage of Bid Item Subcontracted	Column 4: Description of Subcontracted Work
APCO ASPHALT PAVING COMPANY GOSHEN, CA	24	100%	PLACE HMA DIKE,
	25	100%	PLACE HMA (MISC. AREAS)
	26	100%	
	27	100%	
	28	50%	

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ROLL N ROCK CONSTRUCTION INC. MOUNT SHASTA, CA	3	27%	TRAFFIC CONTROL (PARTIAL)

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PACIFIC EXCAVATION, INC. ELK GROVE, CA	41 42	100% 100%	MAINTAINING EXISTING TRAFFIC MANAGEMENT, MODIFY SIGNAL AND LIGHTING

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FONSECA-MCELROY GRINDING COMPANY, INC. SAN JOSE, CA	16	83%	COLD-IN-PLACE RECYCLING AND RELATED
	17	100%	
	18	100%	
	19	100%	
	20	100%	

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STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION  
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MIDSTATE BARRIER, INC. STOCKTON, CA	7	100%	TREATED WOOD WASTE, GUARDRAIL AND RELATED
	8	100%	
	12	100%	
	13	100%	
	32	100%	
	33	100%	
	34	100%	

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SIERRA TRAFFIC MARKINGS, INC. LOOMIS, CA	1	100%	STRIPING, PAVEMENT MAKERS, PAVEMENT MARKINGS & RELATED, LEAD COMPLIANCE PLAN
	9	100%	
	10	100%	
	35	100%	
	36	100%	
	37	100%	
	38	100%	
	39	100%	
	40	100%	

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<p>Apco Asphalt Paving Company Goshen, CA</p>			<p>PLACE HMA DIKE, PLACE HMA (MISC. AREAS)</p>

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~~Farwest Safety, Inc~~ MAX  
~~Lodi, CA~~ MAX

~~CONSTRUCTION AREA SIGNS, MAX~~  
~~Delimiters, Object Markers (Partial) MAX~~

Rollnrock Construction, Inc  
 Mt. Shasta, CA  
 -M MAX

TRAFFIC CONTROL PARTIAL

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STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION

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Pacific Excavation, Inc Elk Grove, CA			MAINTAINING EXISTING TRAFFIC MANAGEMENT, MODIFY SIGNAL AND LIGHTING

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Fonseca - Mcelroy Grinding Company, Inc San Jose, CA			COLD-IN-PLACE RECYCLING AND RELATED

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Midstate Barrier, Inc  
 Stockton, CA

TREATED WOOD WASTE,  
 GUARDRAIL AND RELATED

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<p>Sierra Traffic <del>Markings</del> <sup>MAK</sup> Markings, Inc.  <del>Lomas, CA</del> MAK                      Loomis, CA</p>			<p>STRIPING, PAVEMENT MAKERS, PAVEMENT MARKINGS &amp; RELATED, LEAD COMPLIANCE PLAN</p>
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DES-OE-0102.2 (REV 3/2011)

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DES-OE-0102.2 (REV 3/2011)

**Bidder Name:** DESILVA GATES CONSTRUCTION LP

The bidder must identify each subcontractor performing work in an amount in excess of 1/2 of 1 percent of the total bid or \$10,000, whichever is greater (Pub Cont Code § 4100 et seq.). Complete columns 1 and 4 and submit with the bid. Complete columns 2 and 3 and submit with the bid or fax to (916) 227-6282 within 24 hours after the bid opening. Failure to provide complete information in columns 1 through 4 within the time specified will result in a nonresponsive bid.

Column 1: Business Name and Location	Column 2: Bid Item Nos.	Column 3: Percentage of Bid Item Subcontracted	Column 4: Description of Subcontracted Work

**ADA Notice** For individuals with sensory disabilities, this document is available in alternate formats. For information call (916) 654-6410 or TDD (916) 654-3880 or write Records and Forms Management, 1120 N Street, MS-89, Sacramento, CA 95814.

**SUBCONTRACTOR LIST**

DES-OE-0102.2 (REV 3/2011)

**Bidder Name:** DESILVA GATES CONSTRUCTION LP

The bidder must identify each subcontractor performing work in an amount in excess of 1/2 of 1 percent of the total bid or \$10,000, whichever is greater (Pub Cont Code § 4100 et seq.). Complete columns 1 and 4 and submit with the bid. Complete columns 2 and 3 and submit with the bid or fax to (916) 227-6282 within 24 hours after the bid opening. Failure to provide complete information in columns 1 through 4 within the time specified will result in a nonresponsive bid.

Column 1: Business Name and Location	Column 2: Bid Item Nos.	Column 3: Percentage of Bid Item Subcontracted	Column 4: Description of Subcontracted Work

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**CALIFORNIA COMPANY PREFERENCE**

DES-OE-0102.9 (REV 11/2008)

**This form must be completed and signed by all bidders. Failure of a non-California company to fill out and sign this form may be cause for rejection of its bid. Eligibility for a reciprocal preference for a California company is waived if the California company falls to complete and sign this form under penalty of perjury.**

**The undersigned certifies that it is a "California company" as defined in Pub Cont Code § 6107 and meets one of the following (check appropriate box and enter requested information):**

I am a California company which has its principal place of business in California.

or

I am a California company which has its principal place of business in a state in which there is no local contractor preference on construction contracts.

Name of State: \_\_\_\_\_

or

I am a California company which has its principal place of business in a state in which there is a local contractor preference and my company has paid not less than \$5,000 in sales or use taxes to California for construction related activity for each of the 5 years immediately preceding the submission of the bid.

Name of State: \_\_\_\_\_

California Sales or Use Tax No.: \_\_\_\_\_

or

**The undersigned certifies that it is not a "California company." (Check box and enter requested information.)**

I am not a California company. My principal place of business is in \_\_\_\_\_  
(Enter state or country)

Describe any and all bid preferences provided to your company by the state or country in which your company has its principal place of business. (Attach additional sheets if necessary.)

I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: 5/15/13

Signature of Bidder:

*Michael A Kloos*  
MICHAEL A. KLOOS, VICE PRESIDENT

**ADA Notice**

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We DeSilva Gates Construction, L.P., 11555 Dublin Boulevard, Dublin, CA 94568

as Principal, and

Travelers Casualty and Surety Company of America

as Surety are bound unto the State of California, Department of Transportation, hereafter referred to as "Obligee", in the penal sum of ten percent (10%) of the total amount of the bid of the Principal submitted to the Obligee for the work described below, for the payment of which sum we bind ourselves, jointly and severally,

**THE CONDITION OF THIS OBLIGATION IS SUCH, THAT:**

WHEREAS, the Principal is submitting a bid to the Obligee, for Construction on State Highway in Butte County in and near Chico from El Monte Avenue to 0.3 Mile East of Humboldt Road in District 03 on Route 32, Contract No. 03-4M1604  
(Copy here the exact description of work, including location, as it appears on the proposal)

for which bids are to be opened at Sacramento, CA

(insert place where bids will be opened)

on April 24, 2013

(insert date of bid opening)

NOW, THEREFORE, if the Principal is awarded the contract and, within the time and manner required under the specifications, after the prescribed forms are presented to him for signature, enters into a written contract, in the prescribed form, in accordance with the bid, and files two bonds with the Obligee, one to guarantee faithful performance (if specified in the contract) of the contract and the other to guarantee payment for labor and materials as provided by law, then this obligation shall be null and void; otherwise, it shall remain in full force.

In the event a suit is brought upon this bond by the Obligee and judgment is recovered, the Surety shall pay all costs incurred by the Obligee in such suit, including a reasonable attorney's fee to be fixed by the court.

Dated: April 16, 2013

Correspondence or claims relating to this bond should be sent to the surety at the following address: Travelers Casualty and Surety Company of America, One Tower Square, Hartford, CT 06183

DeSilva Gates Construction, L.P.

By: Michael A. Kloos  
MICHAEL A. KLOOS Principal VICE PRESIDENT

Travelers Casualty and Surety Company of America

By: Robert T. Pearson  
Robert T. Pearson Attorney-in-Fact

**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

State of California

County of \_\_\_\_\_

On this \_\_\_\_\_ before me,

Date

I here insert Name and Title of the Officer

personally appeared \_\_\_\_\_

Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

(SEAL)

Signature \_\_\_\_\_

Signature of Notary Public

ADA Notice For individuals with sensory disabilities, this document is available in alternate formats. For information call (916) 654-6410 or TDD (916) 654-3820 or write Records and Forms Management, 1120 N Street, MS-89, Sacramento, CA 95814.

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

State of California

County of ALAMEDA

On 4/24/13 before me, ANITA SAHAGUN-ESCALANTE, NOTARY PUBLIC

personally appeared MICHAEL A. KLOOS

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: [Handwritten Signature]

Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: BID BOND - CALTRANS ROUTE 32 #03-4M1604

Document Date: 4/16/13 Number of Pages: 6

Signer(s) Other Than Named Above:

Capacity(ies) Claimed by Signer(s)

Signer's Name: MICHAEL A. KLOOS

- Corporate Officer - Title(s)
Individual
Partner - Limited General
Attorney in Fact
Trustee
Guardian or Conservator
Other: VICE PRESIDENT

RIGHT THUMBPRINT OF SIGNER

Top of thumb here

Signer's Name:

- Corporate Officer - Title(s)
Individual
Partner - Limited General
Attorney in Fact
Trustee
Guardian or Conservator
Other:

RIGHT THUMBPRINT OF SIGNER

Top of thumb here

Signer Is Representing: DESILVA GATES CONSTRUCTION LP

Signer Is Representing:



POWER OF ATTORNEY

Farmington Casualty Company
Fidelity and Guaranty Insurance Company
Fidelity and Guaranty Insurance Underwriters, Inc.
St. Paul Fire and Marine Insurance Company
St. Paul Guardian Insurance Company

St. Paul Mercury Insurance Company
Travelers Casualty and Surety Company
Travelers Casualty and Surety Company of America
United States Fidelity and Guaranty Company

Attorney-In Fact No. 226322

Certificate No. 005401595

KNOW ALL MEN BY THESE PRESENTS: That Farmington Casualty Company, St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company, St. Paul Mercury Insurance Company, Travelers Casualty and Surety Company, Travelers Casualty and Surety Company of America, and United States Fidelity and Guaranty Company are corporations duly organized under the laws of the State of Connecticut, that Fidelity and Guaranty Insurance Company is a corporation duly organized under the laws of the State of Iowa, and that Fidelity and Guaranty Insurance Underwriters, Inc., is a corporation duly organized under the laws of the State of Wisconsin (herein collectively called the "Companies"), and that the Companies do hereby make, constitute and appoint

Thomas Bean, Rita Sagistano, Gerard S. Macholz, Susan Lupski, Robert T. Pearson, Camille Maitland, George O. Brewster, Colette R. Chisholm, Virginia M. Lovett, Vincent A. Walsh, Lee Ferrucci, and Kristy Caporale

of the City of Uniondale, State of New York, their true and lawful Attorney(s)-in-Fact, each in their separate capacity if more than one is named above, to sign, execute, seal and acknowledge any and all bonds, recognizances, conditional undertakings and other writings obligatory in the nature thereof on behalf of the Companies in their business of guaranteeing the fidelity of persons, guaranteeing the performance of contracts and executing or guaranteeing bonds and undertakings required or permitted in any actions or proceedings allowed by law.

IN WITNESS WHEREOF, the Companies have caused this instrument to be signed and their corporate seals to be hereto affixed, this 12th day of March, 2013.

Farmington Casualty Company
Fidelity and Guaranty Insurance Company
Fidelity and Guaranty Insurance Underwriters, Inc.
St. Paul Fire and Marine Insurance Company
St. Paul Guardian Insurance Company

St. Paul Mercury Insurance Company
Travelers Casualty and Surety Company
Travelers Casualty and Surety Company of America
United States Fidelity and Guaranty Company



State of Connecticut
City of Hartford ss.

By: [Signature]
Robert L. Raney, Senior Vice President

On this the 12th day of March, 2013, before me personally appeared Robert L. Raney, who acknowledged himself to be the Senior Vice President of Farmington Casualty Company, Fidelity and Guaranty Insurance Company, Fidelity and Guaranty Insurance Underwriters, Inc., St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company, St. Paul Mercury Insurance Company, Travelers Casualty and Surety Company, Travelers Casualty and Surety Company of America, and United States Fidelity and Guaranty Company, and that he, as such, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing on behalf of the corporations by himself as a duly authorized officer.

In Witness Whereof, I hereunto set my hand and official seal.
My Commission expires the 30th day of June, 2016.



[Signature]
Marie C. Tetreault, Notary Public

This Power of Attorney is granted under and by the authority of the following resolutions adopted by the Boards of Directors of Farmington Casualty Company, Fidelity and Guaranty Insurance Company, Fidelity and Guaranty Insurance Underwriters, Inc., St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company, St. Paul Mercury Insurance Company, Travelers Casualty and Surety Company, Travelers Casualty and Surety Company of America, and United States Fidelity and Guaranty Company, which resolutions are now in full force and effect, reading as follows:

**RESOLVED**, that the Chairman, the President, any Vice Chairman, any Executive Vice President, any Senior Vice President, any Vice President, any Second Vice President, the Treasurer, any Assistant Treasurer, the Corporate Secretary or any Assistant Secretary may appoint Attorneys-in-Fact and Agents to act for and on behalf of the Company and may give such appointee such authority as his or her certificate of authority may prescribe to sign with the Company's name and seal with the Company's seal bonds, recognizances, contracts of indemnity, and other writings obligatory in the nature of a bond, recognizance, or conditional undertaking, and any of said officers or the Board of Directors at any time may remove any such appointee and revoke the power given him or her; and it is

**FURTHER RESOLVED**, that the Chairman, the President, any Vice Chairman, any Executive Vice President, any Senior Vice President or any Vice President may delegate all or any part of the foregoing authority to one or more officers or employees of this Company, provided that each such delegation is in writing and a copy thereof is filed in the office of the Secretary; and it is

**FURTHER RESOLVED**, that any bond, recognizance, contract of indemnity, or writing obligatory in the nature of a bond, recognizance, or conditional undertaking shall be valid and binding upon the Company when (a) signed by the President, any Vice Chairman, any Executive Vice President, any Senior Vice President or any Vice President, any Second Vice President, the Treasurer, any Assistant Treasurer, the Corporate Secretary or any Assistant Secretary and duly attested and sealed with the Company's seal by a Secretary or Assistant Secretary; or (b) duly executed (under seal, if required) by one or more Attorneys-in-Fact and Agents pursuant to the power prescribed in his or her certificate or their certificates of authority or by one or more Company officers pursuant to a written delegation of authority; and it is

**FURTHER RESOLVED**, that the signature of each of the following officers: President, any Executive Vice President, any Senior Vice President, any Vice President, any Assistant Vice President, any Secretary, any Assistant Secretary, and the seal of the Company may be affixed by facsimile to any Power of Attorney or to any certificate relating thereto appointing Resident Vice Presidents, Resident Assistant Secretaries or Attorneys-in-Fact for purposes only of executing and attesting bonds and undertakings and other writings obligatory in the nature thereof, and any such Power of Attorney or certificate bearing such facsimile signature or facsimile seal shall be valid and binding upon the Company and any such power so executed and certified by such facsimile signature and facsimile seal shall be valid and binding on the Company in the future with respect to any bond or understanding to which it is attached.

I, Kevin E. Hughes, the undersigned, Assistant Secretary, of Farmington Casualty Company, Fidelity and Guaranty Insurance Company, Fidelity and Guaranty Insurance Underwriters, Inc., St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company, St. Paul Mercury Insurance Company, Travelers Casualty and Surety Company, Travelers Casualty and Surety Company of America, and United States Fidelity and Guaranty Company do hereby certify that the above and foregoing is a true and correct copy of the Power of Attorney executed by said Companies, which is in full force and effect and has not been revoked.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seals of said Companies this 16th day of April, 2013.

  
Kevin E. Hughes, Assistant Secretary

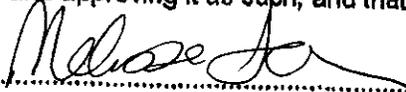


To verify the authenticity of this Power of Attorney, call 1-800-421-3880 or contact us at [www.travelersbond.com](http://www.travelersbond.com). Please refer to the Attorney-In-Fact number, the above-named individuals and the details of the bond to which the power is attached.

ACKNOWLEDGMENT OF SURETY COMPANY

STATE OF ..... New York }  
COUNTY OF ..... Nassau } ss

On this ...April 16, 2013....., before me personally came Robert T. Pearson  
to me known, who, being by me duly sworn, did depose and say; that he/she resides in  
Nassau County  
....., State of ...New York....., that he/she is the Attorney-in-Fact of the  
.....Travelers Casualty and Surety Company of America  
..... the corporation described in which executed the  
above instrument; that he/she knows the seal of said corporation; that the seal affixed to said instrument is  
such corporate seal; that it was so affixed by the Board of Directors of said corporation; and that he/she signed  
his/her name thereto by like order; and the affiant did further depose and say that the Superintendent of  
Insurance of the State of New York, has, pursuant to Section 1111 of the Insurance Law of the State of New  
York, issued to .....Travelers Casualty and Surety Company of America..... (Surety) his/her certificate of  
qualification evidencing the qualification of said Company and its sufficiency under any law of the State of New  
York as surety and guarantor, and the propriety of accepting and approving it as such; and that such certificate  
has not been revoked.

  
.....  
Notary Public

NY acknowledgment

MELISSA SARACINO  
Notary Public, State of New York  
No. 01SA6155895  
Qualified in Nassau County  
Commission Expires November 20, 2014

TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA

HARTFORD, CONNECTICUT 06183

FINANCIAL STATEMENT AS OF DECEMBER 31, 2012

AS FILED IN THE STATE OF NEW YORK

CAPITAL STOCK \$ 6,480,000

ASSETS		LIABILITIES & SURPLUS	
CASH AND INVESTED CASH	\$ 15,936,791	UNEARNED PREMIUMS	\$ 783,409,692
BONDS	3,713,171,015	LOSSES	901,058,710
INVESTMENT INCOME DUE AND ACCRUED	50,798,732	REINSURANCE PAYABLE ON PAID LOSSES & LOSS ADJ. EXPENSES	1,446,021
OTHER INVESTED ASSETS	280,730,697	LOSS ADJUSTMENT EXPENSES	534,370,660
PREMIUM BALANCES	184,942,508	COMMISSIONS	29,281,779
NET DEFERRED TAX ASSET	63,274,378	TAXES, LICENSES AND FEES	66,762,894
REINSURANCE RECOVERABLE	12,410,524	OTHER EXPENSES	35,588,967
SECURITIES LENDING REINVESTED COLLATERAL ASSETS	7,769,155	FUNDS HELD UNDER REINSURANCE TREATIES	94,449,544
RECEIVABLES FROM PARENT, SUBSIDIARIES AND AFFILIATES	11,080,470	CURRENT FEDERAL AND FOREIGN INCOME TAXES	60,675,573
UNDISTRIBUTED PAYMENTS	(1,439,585)	REMITTANCES AND ITEMS NOT ALLOCATED	19,270,931
OTHER ASSETS	884,093	AMOUNTS WITHHELD / RETAINED BY COMPANY FOR OTHERS	79,084,806
		RETROACTIVE REINSURANCE RESERVE ASSUMED	3,163,164
		POLICYHOLDER DIVIDENDS	6,730,121
		PROVISION FOR REINSURANCE	5,314,325
		ADVANCE PREMIUM	726,898
		PAYABLE FOR SECURITIES LENDING	7,769,155
		CEDED REINSURANCE NET PREMIUMS PAYABLE	(70,803,744)
		ESCHEAT LIABILITY	525,399
		OTHER ACCRUED EXPENSES AND LIABILITIES	282,062
		TOTAL LIABILITIES	\$ 2,559,106,957
		CAPITAL STOCK	\$ 6,480,000
		PAID IN SURPLUS	433,803,760
		OTHER SURPLUS	1,340,188,061
		TOTAL SURPLUS TO POLICYHOLDERS	\$ 1,780,451,821
TOTAL ASSETS	\$ 4,339,558,778	TOTAL LIABILITIES & SURPLUS	\$ 4,339,558,778

STATE OF CONNECTICUT )  
 COUNTY OF HARTFORD ) SS.  
 CITY OF HARTFORD )

MICHAEL J. DOODY, BEING DULY SWORN, SAYS THAT HE IS SECOND VICE PRESIDENT, OF TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA, AND THAT TO THE BEST OF HIS KNOWLEDGE AND BELIEF, THE FOREGOING IS A TRUE AND CORRECT STATEMENT OF THE FINANCIAL CONDITION OF SAID COMPANY AS OF THE 31ST DAY OF DECEMBER, 2012.

*Michael J. Doody*  
 SECOND VICE PRESIDENT

*Susan M. Weissleder*  
 NOTARY PUBLIC

SUBSCRIBED AND SWORN TO BEFORE ME THIS  
 20TH DAY OF MARCH, 2013

SUSAN M. WEISSLEDER  
 Notary Public  
 My Commission Expires November 30, 2017



STATE OF CALIFORNIA • DEPARTMENT OF TRANSPORTATION

**OPT OUT OF PAYMENT ADJUSTMENTS FOR PRICE INDEX FLUCTUATIONS**

DES-OE-0102.12A (REV. 8/2012)

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To opt out of payment adjustments for price index fluctuations as specified, complete this form.

Bidder's Name: DESILVA GATES CONSTRUCTION LP Contract No. 03 - 4M1604

**I opt out of the payment adjustments for price index fluctuations.**

Date: N/A

Signature: N/A

---

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Contract No. 03-4M1604

**CERTIFICATIONS**

**UNDOCUMENTED ALIENS EMPLOYMENT**

Under Pub Cont Code § 6101, the Bidder certifies compliance with state and federal law respecting the employment of undocumented aliens.

**NONCOLLUSION**

**NONCOLLUSION AFFIDAVIT TO BE EXECUTED BY BIDDER AND SUBMITTED WITH BID**

Under PCC 7106 and 23 USC 112, the bidder declares as follows:

State of California County of ALAMEDA

MICHAEL A. KLOOS, being first duly sworn, deposes and says that he or she is VICE PRESIDENT of DESILVA GATES CONSTRUCTION LP the party

making the foregoing bid that the bid is not made in the interest of, or on behalf of, any undisclosed person, partnership, company, association, organization, or corporation; that the bid is genuine and not collusive or sham; that the bidder has not directly or indirectly induced or solicited any other bidder to put in a false or sham bid, and has not directly or indirectly colluded, conspired, connived, or agreed with any bidder or anyone else to put in a sham bid, or that anyone shall refrain from bidding; that the bidder has not in any manner, directly or indirectly, sought by agreement, communication, or conference with anyone to fix the bid price of the bidder or any other bidder, or to fix any overhead, profit, or cost element of the bid price, or of that of any other bidder, or to secure any advantage against the public body awarding the contract of anyone interested in the proposed contract; that all statements contained in the bid are true; and, further, that the bidder has not, directly or indirectly, submitted his or her bid price or any breakdown thereof, or the contents thereof, or divulged information or data relative thereto, or paid, and will not pay, any fee to any corporation, partnership, company association, organization, bid depository, or to any member or agent thereof to effectuate a collusive or sham bid.

**CHILD SUPPORT COMPLIANCE ACT**

Under Pub Cont Code § 7110, the contractor acknowledges that:

1. The contractor recognizes the importance of child and family support obligations and shall fully comply with all applicable state and federal laws relating to child and family support enforcement, including, but not limited to, disclosure of information and compliance with earnings assignment orders, as provided in Chapter 8 (commencing with section 5200) of Part 5 of Division 9 of the Family Code; and
2. The contractor to the best of its knowledge is fully complying with the earnings assignment orders of all employees and is providing the names of all new employees to the New Hire Registry maintained by the Employment Development Department.

**NATIONAL LABOR RELATIONS BOARD**

Under Pub Cont Code § 10232, the contractor, swears under penalty of perjury, that no more than one final unappealable finding of contempt of court by a federal court has been issued against the contractor within the immediately preceding two year period because of the contractor's failure to comply with an order of a federal court which orders the contractor to comply with an order of the National Labor Relations Board.

**VIOLATION OF LAW OR A SAFETY REGULATION**

Under Pub Cont Code § 10162, the Bidder must complete, under penalty of perjury, the following questionnaire:

Has the Bidder, any officer of the Bidder, or any employee of the Bidder who has a proprietary interest in the Bidder, ever been disqualified, removed, or otherwise prevented from bidding on, or completing a federal, state, or local government project because of a violation of law or a safety regulation?

Yes       No      If the answer is yes, explain the circumstances in the following space.

**ANTITRUST LAW**

Under Pub Con Code § 10285.1, the Bidder declares under penalty of perjury under the laws of the State of California that the Bidder  has  has not been convicted within the preceding three years of any offenses referred to in that section, including any charge of fraud, bribery, collusion, conspiracy, or any other act in violation of any state or federal antitrust law in connection with the bidding upon, award of, or performance of, any public works contract, as defined in Pub Cont Code § 1101, with any public entity, as defined in Pub Cont Code § 1100, including the Regents of the University of California or the Trustees of the California State University. The term "Bidder" includes any partner, member, officer, director, responsible managing officer, or responsible managing employee thereof, as referred to in Section 10285.1.

If the Bidder has been convicted of an offense within the past 3 years, provide the conviction details including the date and ultimate resolution of each conviction in the space below.

**PERMITS, LICENSES, AGREEMENTS, CERTIFICATIONS, AND RAILROAD RELATIONS AND INSURANCE REQUIREMENTS**

Bidder acknowledges that permits, licenses, agreements, certifications, and the requirements in the document titled "Railroad Relations and Insurance Requirements" are components of the Contract under section 5-1.02 of the *Standard Specifications*.

**BIDDER RESPONSIBILITY QUESTIONNAIRE**

Failure to truthfully answer the following questions will result in a finding that the bid is nonresponsive. The Bidder must complete, under penalty of perjury, the following questionnaire:

1. Within the past 10 years, has the Bidder been found to be a nonresponsive bidder by any public entity, including federal, State, local, or regional entities?  
 Yes  No
2. Within the past 10 years, have any of the Bidder's officers or employees with a proprietary interest in the Bidder been determined to be a nonresponsive bidder by a public entity, including federal, State, local or regional entities?  
 Yes  No
3. Is there any officer or employee of the Bidder who now has or has had any proprietary interest in another company that bid or bids on public works projects whose company has been determined to be a nonresponsive bidder by any public entity, including federal, State, local, or regional entities?  
 Yes  No
4. If the answer to any of the 3 preceding questions is yes, disclose all pertinent details of the determination of nonresponsibility, including:
  - 4.1. Date of each nonresponsibility determination
  - 4.2. Name of each public agency issuing the nonresponsibility determination and a contact person at that agency who would have information about the determination
  - 4.3. Contract number for each nonresponsibility determination

**END CERTIFICATIONS**