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04 A2

Caltrans

STATE OF CALIFORNIA
DEPARTMENT OF TRANSPORTATION

# BID

## FOR CONSTRUCTION ON STATE HIGHWAY IN ALAMEDA COUNTY IN OAKLAND AT ROUTE 80/580/880 SEPARATION

In District 04 On Route 580

Under

*Notice to Bidders and Special Provisions* dated August 26, 2013

*Standard Specifications* dated 2010

Project plans approved June 17, 2013

*Standard Plans* dated 2010

Identified by
Contract No. 04-1A6714
04-Ala-580-46.0/46.6
Project ID 0412000346

Federal-Aid Project
NHPI-580-1(058)E

TM

## Electronic Advertising Contract

Bids open Wednesday, September 25, 2013

Dated August 26, 2013

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STATE OF CALIFORNIA • DEPARTMENT OF TRANSPORTATION

# BID TO THE DEPARTMENT OF TRANSPORTATION

DES-OE-0102.1 (REV. 3/2011)

**CONTRACT NO.** 04 - 1A6714

**NAME OF BIDDER** American Civil Constructors West Coast, Inc. (ACC)

**BUSINESS P.O. BOX**

**CITY, STATE, ZIP**

**BUSINESS STREET ADDRESS** 3701 Mallard Drive
(Include even if P.O. Box used)

**CITY, STATE, ZIP** Benicia, CA 94510

**TELEPHONE NO:** **AREA CODE** (707) 746-8028

**FAX NO:** **AREA CODE** (707) 747-0593

**CONTRACTOR LICENSE NO.** 526319

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.

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:

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)* | DATE SIGNED *(Do not type)* |
|---|---|
| | 9/25/13 |

PRINTED NAME AND TITLE OF PERSON SIGNING
Jeff Foerste, President

**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.

## 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 | 2,000.00 |
| 2 | 080050 | PROGRESS SCHEDULE (CRITICAL PATH METHOD) | LS | LUMP SUM | LUMP SUM | 10,000.00 |
| 3 | 090105 | TIME-RELATED OVERHEAD (LS) | LS | LUMP SUM | LUMP SUM | 150,000.00 |
| 4 | 120090 | CONSTRUCTION AREA SIGNS | LS | LUMP SUM | LUMP SUM | 12,000.00 |
| 5 | 120100 | TRAFFIC CONTROL SYSTEM | LS | LUMP SUM | LUMP SUM | 200,000.00 |
| 6 | 120149 | TEMPORARY PAVEMENT MARKING (PAINT) | SQFT | 690 | 2.50 | 1,725.00 |
| 7 | 120159 | TEMPORARY TRAFFIC STRIPE (PAINT) | LF | 28,000 | 0.25 | 7,000.00 |
| 8 | 120300 | TEMPORARY PAVEMENT MARKER | EA | 830 | 3.50 | 2,905.00 |
| 9 | 128652 | PORTABLE CHANGEABLE MESSAGE SIGN (LS) | LS | LUMP SUM | LUMP SUM | 32,000.00 |
| 10 | 130100 | JOB SITE MANAGEMENT | LS | LUMP SUM | LUMP SUM | 1,000.00 |
| 11 | 130200 | PREPARE WATER POLLUTION CONTROL PROGRAM | LS | LUMP SUM | LUMP SUM | 1,000.00 |
| 12 | 130620 | TEMPORARY DRAINAGE INLET PROTECTION | EA | 75 | 60.00 | 4,500.00 |
| 13 | 130900 | TEMPORARY CONCRETE WASHOUT | LS | LUMP SUM | LUMP SUM | 6,000.00 |
| 14 | 141000 | TEMPORARY FENCE (TYPE ESA) | LF | 5,890 | 5.00 | 29,450.00 |
| 15 | 141103 | REMOVE YELLOW THERMOPLASTIC TRAFFIC STRIPE (HAZARDOUS WASTE) | LF | 6,870 | 0.80 | 5,496.00 |
| 16 | 148005 | NOISE MONITORING | LS | LUMP SUM | LUMP SUM | 1,000.00 |
| 17 | 150100 | PUBLIC SAFETY PLAN | LS | LUMP SUM | LUMP SUM | 35,500.00 |
| 18 | 150310 | RAPID SETTING CONCRETE (PATCH) | CF | 3,050 | 1.25 | 3,812.50 |
| 19 | 150711 | REMOVE PAINTED TRAFFIC STRIPE | LF | 34,300 | 0.40 | 13,720.00 |
| 20 | 150712 | REMOVE PAINTED PAVEMENT MARKING | SQFT | 690 | 2.50 | 1,725.00 |

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| Item No. | Item Code | Item Description | Unit of Measure | Estimated Quantity | Unit Price | Item Total |
|---|---|---|---|---|---|---|
| 21 | 150714 | REMOVE THERMOPLASTIC TRAFFIC STRIPE | LF | 13,700 | 0.40 | 5,480.00 |
| 22 | 150715 | REMOVE THERMOPLASTIC PAVEMENT MARKING | SQFT | 690 | 2.00 | 1,380.00 |
| 23 | 150722 | REMOVE PAVEMENT MARKER | EA | 2,420 | 1.00 | 2,420.00 |
| 24 | 150870 | REMOVE CONCRETE DECK SURFACE | SQFT | 23,100 | 5.50 | 127,050.00 |
| 25 | 151224 | REMOVE DELINEATOR | EA | 16 | 60.00 | 960.00 |
| 26 | 153223 | REMOVE UNSOUND CONCRETE | CF | 3,050 | 140.00 | 427,000.00 |
| 27 | 153225 | PREPARE CONCRETE BRIDGE DECK SURFACE | SQFT | 243,900 | 0.30 | 73,170.00 |
| 28 | 153227 | FURNISH POLYESTER CONCRETE OVERLAY | CF | 15,300 | 90.00 | 1,377,000.00 |
| 29 (F) | 153228 | PLACE POLYESTER CONCRETE OVERLAY | SQFT | 243,900 | 2.25 | 548,775.00 |
| 30 | 157560 | BRIDGE REMOVAL (PORTION) | LS | LUMP SUM | LUMP SUM | 50,000.00 |
| 31 | 158100 | SALVAGE CRASH CUSHION | EA | 2 | 1,500.00 | 3,000.00 |
| 32 (F) | 510053 | STRUCTURAL CONCRETE, BRIDGE | CY | 2.5 | 12,500.00 | 31,250.00 |
| 33 | 511118 | CLEAN EXPANSION JOINT | LF | 4,750 | 22.00 | 104,500.00 |
| 34 | 519088 | JOINT SEAL (MR 1") | LF | 913 | 35.00 | 31,955.00 |
| 35 | 519091 | JOINT SEAL (MR 1 1/2") | LF | 1,832 | 60.00 | 109,920.00 |
| 36 | 519099 | JOINT SEAL ASSEMBLY (MR 6") | LF | 18 | 850.00 | 15,300.00 |
| 37 | 519102 | JOINT SEAL (TYPE AL) | LF | 2,003 | 12.00 | 24,036.00 |
| 38 (F) | 520102 | BAR REINFORCING STEEL (BRIDGE) | LB | 250 | 4.00 | 1,000.00 |
| 39 (F) | 750501 | MISCELLANEOUS METAL (BRIDGE) | LB | 4,900 | 20.70 | 101,430.00 |
| 40 | 820107 | DELINEATOR (CLASS 1) | EA | 16 | 60.00 | 960.00 |

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| Item No. | Item Code | Item Description | Unit of Measure | Estimated Quantity | Unit Price | Item Total |
|---|---|---|---|---|---|---|
| 41 | 026233 | CRASH CUSHION (SMART-SCI 100GM) | EA | 1 | 50,000.00 | 50,000.00 |
| 42 | 026234 | TYPE REACT 350 CRASH CUSHION (96") | EA | 1 | 70,000.00 | 70,000.00 |
| 43 | 840504 | 4" THERMOPLASTIC TRAFFIC STRIPE | LF | 25,300 | 0.40 | 10,120.00 |
| 44 | 840506 | 8" THERMOPLASTIC TRAFFIC STRIPE | LF | 1,500 | 0.80 | 1,200.00 |
| 45 | 840508 | 8" THERMOPLASTIC TRAFFIC STRIPE (BROKEN 12-3) | LF | 880 | 0.80 | 704.00 |
| 46 | 840515 | THERMOPLASTIC PAVEMENT MARKING | SQFT | 690 | 5.50 | 3,795.00 |
| 47 | 840526 | 4" THERMOPLASTIC TRAFFIC STRIPE (BROKEN 17-7) | LF | 380 | 0.40 | 152.00 |
| 48 | 840656 | PAINT TRAFFIC STRIPE (2-COAT) | LF | 14,200 | 0.20 | 2,840.00 |
| 49 | 850101 | PAVEMENT MARKER (NON-REFLECTIVE) | EA | 890 | 2.50 | 2,225.00 |
| 50 | 850111 | PAVEMENT MARKER (RETROREFLECTIVE) | EA | 790 | 3.00 | 2,370.00 |
| 51 | 860090 | MAINTAINING EXISTING TRAFFIC MANAGEMENT SYSTEM ELEMENTS DURING CONSTRUCTION | LS | LUMP SUM | LUMP SUM | 1,000.00 |
| 52 | 999990 | MOBILIZATION | LS | LUMP SUM | LUMP SUM | 290,000.00 |

**TOTAL BID**

**FOR BID ITEMS:** $3,991,825.50

**TOTAL BID**

**FOR TIME:** 60 **X** **$10,400.00** = $624,000.00

**WORKING DAYS BID** (Not to exceed 220 Days) — **COST PER DAY**

**TOTAL BID FOR COMPARISON (COST PLUS TIME):** $4,615,825.50

TM

American Civil Constructors
3701 Mallard Drive
Benicia, CA 94510-1246
(707) 746-8028 Fax (707) 747-0593

# LETTER OF TRANSMITTAL

| | |
|---|---|
| Date: 09/25/13 | Job: |
| Attention: Office Engineer | |
| RE: Caltrans #04-1A6714, Bid Date 9/25/13 | |
| Subcontractor Listing | |
| | |
| | |
| | |
| | |
| *(2 Total Pages including Fax Cover)* | |

TO: MSC 43
Office Engineer, Department of Transportation
1727 30th Street
Sacramento, CA 95816-7005
Fax: (916) 227-6282

WE ARE SENDING YOU [X] Attached [ ] Under separate cover via _____ the following items:

[ ] Shop Drawings [ ] Prints [ ] Plans [ ] Samples [ ] Specifications

[ ] Copy of letter [ ] Change Order [ ] _____

| Copies | Date | No. | Description |
|---|---|---|---|
| 1 | 25-Sep | | Completed Subcontractor List for 04-1A6714, Bid Date 9/25/13 (1 Page) |
| | | | |
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THESE ARE TRANSMITTED as checked below:

[ ] For approval [ ] Approved as submitted [ ] Resubmit ____ copies for approval

[ ] For your use [ ] Approved as noted [ ] Submit ____ copies for distribution

[X] As requested [ ] Returned for corrections [ ] Return ____ corrected prints

[ ] For review and comment [ ] _____

[ ] FOR BIDS DUE _____ 20 _____ [ ] PRINTS RETURNED AFTER LOAN TO US

REMARKS: Please find attached faxed copy of the above-referenced item. If you require additional information, please contact me immediately.

Jennifer Rozenkowski, ACC
707-742-6443 (Direct)

COPY TO: File

SIGNED: JR

If enclosures are not as noted, kindly notify us at once...

STATE OF CALIFORNIA • DEPARTMENT OF TRANSPORTATION

# SUBCONTRACTOR LIST

DES-OE-0102.2 (REV 3/2011)

**Bidder Name:** ACC West Coast, Inc.

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 |
|---|---|---|---|
| **Independent Structures, Inc.**<br>Redding, CA | 31<br>41<br>42 | 100%<br>94%<br>94.3% | Salvage Crash Cushions<br>Crash Cushion (Type Smart)<br>Crash Cushion (Type React) |
| **B.A. Retro, Inc.**<br>Sacramento, CA | 39 | 100% | Furnish & Install Misc. Metal |
| **Adanta, Inc.**<br>Napa, CA | 17 | 100% | Public Safety Plan & Air Monitoring |
| **ABSL Construction**<br>Hayward, CA | 24 | 43.6% | Remove Concrete Deck Surface |
| **Central Striping Service**<br>Rancho Cordova, CA | 1<br>6,7,8<br>15,19,20-23<br>43-50<br>52 | 100%<br>100% All<br>100% All<br>100% All<br>5.17% | Lead Compliance Plan<br>Temp. Striping & Markers<br>Remove Striping & Markers<br>Striping & Markers<br>Mobilization (Stripe) |
| **R.E. Serrano, Inc.**<br>Martinez, CA | 26 | 43.56% | Remove Unsound Concrete |
| **All American Rentals**<br>Newark, CA | 9<br>29<br>29 | 88.6%<br>1.7%<br>1.73% | PCMS Boards (Rental)<br>Forklift (Rental)<br>Light Plant (Rental) |

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STATE OF CALIFORNIA • DEPARTMENT OF TRANSPORTATION

**SUBCONTRACTOR LIST**

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| **Column 1:** Business Name and Location | **Column 2:** Bid Item Nos. | **Column 3:** Percentage of Bid Item Subcontracted | **Column 4:** Description of Subcontracted Work |
|---|---|---|---|
| Independent Structures, Inc. Redding, CA | | | -Salvage Crash Cushions<br>-Crash Cushion (Type Smart)<br>-Crash Cushion (Type React) |
| B.A. Retro, Inc. Sacramento, CA | | | -Furnish + Install Misc. Metal |
| Adanta, Inc. Napa, CA | | | -Public Safety Plan + Air Monitoring |
| ABSL Construction Hayward, CA | | | -Remove Concrete Deck Surface |
| Central Striping Service Rancho Cordova, CA | | | -Lead Compliance Plan<br>-Temp. Striping + Markers<br>-Remove Striping + Markers<br>-Striping + Markers<br>-Mobilization (Stripe) |
| R.E. Serrano, Inc. Martinez, CA | | | -Remove Unsound Concrete |
| All American Rentals Newark, CA | | | -PCMS Boards (Rental)<br>-Forklift (Rental)<br>-Light Plant (Rental) |

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STATE OF CALIFORNIA • DEPARTMENT OF TRANSPORTATION

**BIDDER'S BOND**

DES-OE-0102.3 (REV 3/2008)

Contract No. 04-1A6714

Bond No. n/a

We American Civil Constructors West Coast, Inc.

as Principal, and

Liberty Mutual Insurance Company

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 Alameda County in Oakland at Route 80/580/880 Separation
*(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 September 25, 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: September 18, 20 13

Correspondence or claims relating to this bond should be sent to the surety at the following address:
330 No. Brand Blvd., Suite 500
Glendale, CA 91203

American Civil Constructors West Coast, Inc.
*Principal*

Liberty Mutual Insurance Company
*Surety*

By Jeri Apodaca
*Attorney-in-Fact*

Jeri Apodaca,

**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

State of California }
County of Orange

On this 9/18/13 *Date* before me, K. Luu, Notary Public *Here Insert Name and Title of the Officer*

personally appeared Jeri Apodaca *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.

(SEAL) K. LUU
Commission # 1955906
Notary Public - California
Orange County
My Comm. Expires Nov 6, 2015

WITNESS my hand and official seal.

Signature

*Signature of Notary Public*

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**THIS POWER OF ATTORNEY IS NOT VALID UNLESS IT IS PRINTED ON RED BACKGROUND.**
**This Power of Attorney limits the acts of those named herein, and they have no authority to bind the Company except in the manner and to the extent herein stated.**

Certificate No. 6192128

American Fire and Casualty Company
The Ohio Casualty Insurance Company
Liberty Mutual Insurance Company
West American Insurance Company

# POWER OF ATTORNEY

KNOWN ALL PERSONS BY THESE PRESENTS: That American Fire & Casualty Company and The Ohio Casualty Insurance Company are corporations duly organized under the laws of the State of New Hampshire, that Liberty Mutual Insurance Company is a corporation duly organized under the laws of the State of Massachusetts, and West American Insurance Company is a corporation duly organized under the laws of the State of Indiana (herein collectively called the "Companies"), pursuant to and by authority herein set forth, does hereby name, constitute and appoint, Heather Saltarelli; James A. Schaller; Jeri Apodaca; Kim Luu; Michael D. Parizino; Rachelle Rheault; Rhonda C. Abel

all of the city of Newport Beach, state of CA each individually if there be more than one named, its true and lawful attorney-in-fact to make, execute, seal, acknowledge and deliver, for and on its behalf as surety and as its act and deed, any and all undertakings, bonds, recognizances and other surety obligations, in pursuance of these presents and shall be as binding upon the Companies as if they have been duly signed by the president and attested by the secretary of the Companies in their own proper persons.

IN WITNESS WHEREOF, this Power of Attorney has been subscribed by an authorized officer or official of the Companies and the corporate seals of the Companies have been affixed thereto this 8th day of July, 2013.

American Fire and Casualty Company
The Ohio Casualty Insurance Company
Liberty Mutual Insurance Company
West American Insurance Company

By: Gregory W. Davenport, Assistant Secretary

STATE OF WASHINGTON ss
COUNTY OF KING

On this 8th day of July, 2013, before me personally appeared Gregory W. Davenport, who acknowledged himself to be the Assistant Secretary of American Fire and Casualty Company, Liberty Mutual Insurance Company, The Ohio Casualty Company, and West American Insurance Company, and that he, as such, being authorized so to do, execute 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 have hereunto subscribed my name and affixed my notarial seal at Seattle, Washington, on the day and year first above written.

By: KD Riley, Notary Public

This Power of Attorney is made and executed pursuant to and by authority of the following By-laws and Authorizations of American Fire and Casualty Company, The Ohio Casualty Insurance Company, Liberty Mutual Insurance Company, and West American Insurance Company which resolutions are now in full force and effect reading as follows:

**ARTICLE IV – OFFICERS** – Section 12. Power of Attorney. Any officer or other official of the Corporation authorized for that purpose in writing by the Chairman or the President, and subject to such limitation as the Chairman or the President may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Corporation to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact, subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Corporation by their signature and execution of any such instruments and to attach thereto the seal of the Corporation. When so executed, such instruments shall be as binding as if signed by the President and attested to by the Secretary. Any power or authority granted to any representative or attorney-in-fact under the provisions of this article may be revoked at any time by the Board, the Chairman, the President or by the officer or officers granting such power or authority.

**ARTICLE XIII** – Execution of Contracts – SECTION 5. Surety Bonds and Undertakings. Any officer of the Company authorized for that purpose in writing by the chairman or the president, and subject to such limitations as the chairman or the president may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Company by their signature and execution of any such instruments and to attach thereto the seal of the Company. When so executed such instruments shall be as binding as if signed by the president and attested by the secretary.

**Certificate of Designation** – The President of the Company, acting pursuant to the Bylaws of the Company, authorizes Gregory W. Davenport, Assistant Secretary to appoint such attorneys-in-fact as may be necessary to act on behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations.

**Authorization** – By unanimous consent of the Company's Board of Directors, the Company consents that facsimile or mechanically reproduced signature of any assistant secretary of the Company, wherever appearing upon a certified copy of any power of attorney issued by the Company in connection with surety bonds, shall be valid and binding upon the Company with the same force and effect as though manually affixed.

I, David M. Carey, the undersigned, Assistant Secretary, of American Fire and Casualty Company, The Ohio Casualty Insurance Company, Liberty Mutual Insurance Company, and West American Insurance Company do hereby certify that the original power of attorney of which the foregoing is a full, true and correct copy of the Power of Attorney executed by said Companies, 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 _____ day of SEP 18 2013, 20_____.

By: David M. Carey, Assistant Secretary

**Not valid for mortgage, note, loan, letter of credit, currency rate, interest rate or residual value guarantees.**

**To confirm the validity of this Power of Attorney call 1-610-832-8240 between 9:00 am and 4:30 pm EST on any business day.**

STATE OF CALIFORNIA • DEPARTMENT OF TRANSPORTATION

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

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

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

Bidder's Name: ACC West Coast, Inc. Contract No. 04-1A6714

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

Date: 9/25/13 Signature:

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STATE OF CALIFORNIA • DEPARTMENT OF TRANSPORTATION

# SMALL BUSINESS STATUS

DES-OE-0102.4 (REV 3/2008)

**CONTRACT NO.** 04 - 1A6714

Are you certified as a "Small Business" by the Office of Small Business and DVBE Services of the Department of General Services of the State of California? Check one:

☐ Yes: Certification number? _____ ☒ No

Note: This small business questionnaire is included for statistical reporting only.

**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.

## CERTIFICATIONS

### FEDERAL-AID PROJECTS DISCLOSURE OF LOBBYING ACTIVITIES CERTIFICATION

Bidder certifies, to the best of his or her knowledge and belief:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form LLL, "Disclosure of Lobbying Activities," in conformance with its instructions.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by 31 USC § 1352. Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

Bidder also agrees by submitting a bid that it must require the language of this certification be included in subcontracts over $100,000 and these subcontractors shall certify and disclose.

## INSTRUCTIONS FOR COMPLETION OF SF-LLL, DISCLOSURE OF LOBBYING ACTIVITIES

This disclosure form shall be completed by the reporting entity, whether subawardee or prime Federal recipient, at the initiation or receipt of a covered Federal action, or a material change to a previous filing, pursuant to title 31 U.S.C. section 1352. The filing of a form is required for each payment or agreement to make payment to any lobbying entity for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with a covered Federal action. Complete all items that apply for both the initial filing and material change report. Refer to the implementing guidance published by the Office of Management and Budget for additional information.

1. Identify the type of covered Federal action for which lobbying activity is and/or has been secured to influence, the outcome of a covered Federal action.
2. Identify the status of the covered Federal action.
3. Identify the appropriate classification of this report. If this is a followup report caused by a material change to the information previously reported, enter the year and quarter in which the change occurred. Enter the date of the last, previously submitted report by this reporting entity for this covered Federal action.
4. Enter the full name, address, city, State and zip code of the reporting entity. Include Congressional District if known. Check the appropriate classification of the reporting entity that designates if it is, or expects to be, a prime or subaward recipient. Identify the tier of the subawardee, e.g., the first subawardee of the prime is the 1st tier. Subawards include but are not limited to subcontracts, subgrants and contract awards under grants.
5. If the organization filing the report in item 4 checks "Subawardee," then enter the full name, address, city, State and zip code of the prime Federal recipient. Include Congressional District, if known.
6. Enter the name of the Federal agency making the award or loan commitment. Include at least one organizational level below agency name, if known. For example, Department of Transportation, United States Coast Guard.
7. Enter the Federal program name or description for the covered Federal action (item 1). If known, enter the full Catalog of Federal Domestic Assistance (CFDA) number for grants, cooperative agreements, loans, and loan commitments.
8. Enter the most appropriate Federal identifying number available for the Federal action identified in item 1 (e.g., Request for Proposal (RFP) number; Invitation for Bid (IFB) number; grant announcement number; the contract, grant, or loan award number; the application/proposal control number assigned by the Federal agency). Include prefixes, e.g., "RFP-DE-90-001."
9. For a covered Federal action where there has been an award or loan commitment by the Federal agency, enter the Federal amount of the award/loan commitments for the prime entity identified in item 4 or 5.
10. (a) Enter the full name, address, city, State and zip code of the lobbying registrant under the Lobbying Disclosure Act of 1995 engaged by the reporting entity identified in item 4 to influence the covered Federal action.
    (b) Enter the full names of the individual(s) performing services and include full address if different from 10(a). Enter Last Name, First Name, and Middle Initial (MI).
11. The certifying official shall sign and date the form, print his/her name title, and telephone number.

According to the Paperwork Reduction Act, as amended, no persons are required to respond to a collection of information unless it displays a valid OMB Control Number. The valid OMB control number for this information collection is OMB No. 0348-0046. Public reporting burden for this collection of information is estimated to average 10 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0046), Washington, DC 20503.

N/A

Approved by OMB

0348-0046

## DISCLOSURE OF LOBBYING ACTIVITIES

Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352

| | | |
|---|---|---|
| 1. Type of Federal Action:<br>☐ a. contract<br>b. grant<br>c. cooperative agreement<br>d. loan<br>e. loan guarantee<br>f. loan insurance | 2. Status of Federal Action:<br>☐ a. bid/offer/application<br>b. initial award<br>c. post-award | 3. Report Type:<br>☐ a. initial<br>b. material change<br>For Material Change Only:<br>year _____ quarter _____<br>date of last report _____ |
| 4. Name and Address of Reporting Entity:<br>☐ Prime ☐ Subawardee<br>Tier_____, *if known*<br>Congressional District, *If known*: | 5. If Reporting Entity in No. 4 is Subawardee Enter Name and Address of Prime:<br>Congressional District, *if known:* | |
| 6. Federal Department/Agency: | 7. Federal Program Name/Description:<br>CFDA Number, if applicable _____ | |
| 8. Federal Action Number, *if known*: | 9. Award Amount, *if known*:<br>$ | |
| 10 a. Name and Address of Lobby Registrant<br>(*if individual, last name, first name, MI*): | b. Individuals Performing Services (*including address if different from No. 10a*)<br>(*last name, first name, MI*): | |
| 11. Information requested through this form is authorized by Title 31 U.S.C. Section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure. | Signature: _____<br>Print Name: _____<br>Title: _____<br>Telephone No.: _____ Date: _____ | |
| Federal Use Only: | Authorized for Local Reproduction<br>Standard Form - LLL (Rev. 7-97) | |

## EQUAL EMPLOYMENT OPPORTUNITY REGULATION CERTIFICATION

Bidder Acc West Const, Inc, proposed subcontractor _____, certifies that he ☒ has ☐ has not participated in a previous contract or subcontract subject to the equal opportunity clauses, as required by Executive Orders 10925, 11114, or 11246, and that, if required, he has filed with the Joint Reporting Committee, the Director of the Office of Federal Contract Compliance, a Federal Government contracting or administering agency, or the former President's Committee on Equal Employment Opportunity, all reports due under the filing requirements.

Notes:

- The above certification is required by the Equal Employment Opportunity Regulations of the Secretary of Labor (41 CFR 60-1.7(b) (1)), and must be submitted by bidders and proposed subcontractors only in connection with contracts and subcontracts which are subject to the equal opportunity clause. Contracts and subcontracts which are exempt from the equal opportunity clause are set forth in 41 CFR 60-1.5. (Generally only contracts or subcontracts of $10,000 or under are exempt.)
- Currently, Standard Form 100 (EEO-1) is the only report required by the Executive Orders or their implementing regulations.
- Prime contractors and subcontractors who have participated in a previous contract or subcontract subject to the Executive Orders and have not filed the required reports should note 41 CFR 60-1.7(b) (1) prevents the award of contracts and subcontracts unless the Contractor submits a report covering the delinquent period or such other period specified by the Federal Highway Administration or by the Director, Office of Federal Contract Compliance, U.S. Department of Labor.

## TITLE 49, CODE OF FEDERAL REGULATIONS, PART 29, DEBARMENT AND SUSPENSION CERTIFICATION

Bidder, under penalty of perjury, certifies that, except as noted below, it or any other person associated therewith in the capacity of owner, partner, director, officer, manager:

- is not currently under suspension, debarment, voluntary exclusion, or determination of ineligibility by any federal agency;
- has not been suspended, debarred, voluntarily excluded or determined ineligible by any federal agency within the past 3 years;
- does not have a proposed debarment pending; and
- has not been indicted, convicted, or had a civil judgement rendered against it by a court of competent jurisdiction in any matter involving fraud or official misconduct within the past 3 years.

If there are any exceptions to this certification, insert the exceptions in the following space.

Exceptions will not necessarily result in denial of award, but will be considered in determining bidder responsibility. For any exception noted above, indicate below to whom it applies, initiating agency, and dates of action.

## 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 Solano

Jeff Foerste, being first duly sworn, deposes and says that he ~~or she~~ is President of ACC West Coast, Inc 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 nonresponsible 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 nonresponsible 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 nonresponsible 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**