

CG

5/6

CONTRACT NO. 06 - 430704

NAME OF BIDDER R. J. Berry Jr, Inc.  
BUSINESS P.O. BOX P.O. Box 468  
CITY, STATE, ZIP Selma, CA 93662  
BUSINESS STREET ADDRESS 2020 High St, Suite B  
(Include even if P.O. Box used)  
CITY, STATE, ZIP Selma, CA 93662  
TELEPHONE NO: AREA CODE (559) 896-1680  
FAX NO: AREA CODE (559) 896-1682  
CONTRACTOR LICENSE NO. 433753

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:

#1 Dated 2/25/13, #2 Dated 3/5/13

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)

3/20/13

PRINTED NAME AND TITLE OF PERSON SIGNING

Robert J. Bemy Jr., President

### BID ITEM LIST

06-430704

Item No.	Item Code	Item Description	Unit of Measure	Estimated Quantity	Unit Price	Item Total
1	071325	TEMPORARY FENCE (TYPE ESA)	LF	1,980	2.75	5445 <sup>00</sup>
2	074016	CONSTRUCTION SITE MANAGEMENT	LS	LUMP SUM	LUMP SUM	10,000 <sup>00</sup>
3	074019	PREPARE STORM WATER POLLUTION PREVENTION PLAN	LS	LUMP SUM	LUMP SUM	5000 <sup>00</sup>
4	074028	TEMPORARY FIBER ROLL	LF	100	10 <sup>00</sup>	1000 <sup>00</sup>
5	074033	TEMPORARY CONSTRUCTION ENTRANCE	EA	2	1500 <sup>00</sup>	3000 <sup>00</sup>
6	074038	TEMPORARY DRAINAGE INLET PROTECTION	EA	9	200 <sup>00</sup>	1800 <sup>00</sup>
7	074041	STREET SWEEPING	LS	LUMP SUM	LUMP SUM	25,000 <sup>00</sup>
8	074055	TEMPORARY SOIL BINDER	SQYD	1,670	1 <sup>00</sup>	1670 <sup>00</sup>
9	074057	STORM WATER ANNUAL REPORT	EA	1	2,000.00	2,000.00
10	120090	CONSTRUCTION AREA SIGNS	LS	LUMP SUM	LUMP SUM	5000 <sup>00</sup>
11	120100	TRAFFIC CONTROL SYSTEM	LS	LUMP SUM	LUMP SUM	100,000
12	128650	PORTABLE CHANGEABLE MESSAGE SIGN	LS	LUMP SUM	LUMP SUM	30,000 <sup>00</sup>
13	130900	TEMPORARY CONCRETE WASHOUT	LS	LUMP SUM	LUMP SUM	5000 <sup>00</sup>
14	150204	ABANDON CULVERT (LF)	LF	610	10 <sup>00</sup>	6100 <sup>00</sup>
15	150605	REMOVE FENCE	LF	1,910	1 <sup>00</sup>	1910 <sup>00</sup>
16	150712	REMOVE PAINTED PAVEMENT MARKING	SQFT	270	4.50	1215 <sup>00</sup>
17	150742	REMOVE ROADSIDE SIGN	EA	1	55 <sup>00</sup>	55 <sup>00</sup>
18	150820	REMOVE INLET	EA	6	325 <sup>00</sup>	1950 <sup>00</sup>
19	152299	RESET MILEPOST MARKER	EA	2	55 <sup>00</sup>	110 <sup>00</sup>
20	152370	RELOCATE MAILBOX	EA	19	250 <sup>00</sup>	4750 <sup>00</sup>

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REVISED PER ADDENDUM NO. 2 DATED MARCH 5, 2013

## BID ITEM LIST

06-430704

Item No.	Item Code	Item Description	Unit of Measure	Estimated Quantity	Unit Price	Item Total
21	024447	RECONSTRUCT SIGN	EA	1	12,000 <sup>00</sup>	12,000 <sup>00</sup>
22	152390	RELOCATE ROADSIDE SIGN	EA	30	105 <sup>00</sup>	3,150 <sup>00</sup>
23	152423	ADJUST MONUMENT TO GRADE	EA	2	1000 <sup>00</sup>	2,000 <sup>00</sup>
24	152440	ADJUST MANHOLE TO GRADE	EA	7	1500 <sup>00</sup>	10,500 <sup>00</sup>
25	153121	REMOVE CONCRETE (CY)	CY	1,840	27 <sup>00</sup>	49,680 <sup>00</sup>
26	160102	CLEARING AND GRUBBING (LS)	LS	LUMP SUM	LUMP SUM	109,000
27	190101	ROADWAY EXCAVATION	CY	17,660	22.	388,520 <sup>00</sup>
28	190110	LEAD COMPLIANCE PLAN	LS	LUMP SUM	LUMP SUM	2,500 <sup>00</sup>
29	198010	IMPORTED BORROW (CY)	CY	1,350	0 <sup>10</sup>	135 <sup>00</sup>
30	200102	IMPORTED TOPSOIL (CY)	CY	310	30 <sup>00</sup>	9,300 <sup>00</sup>
31	202011	MULCH	CY	410	65 <sup>00</sup>	26,650 <sup>00</sup>
32	203027	EROSION CONTROL (BONDED FIBER MATRIX) (SQFT)	SQFT	19,600	0 <sup>10</sup>	1,960 <sup>00</sup>
33	208000	IRRIGATION SYSTEM	LS	LUMP SUM	LUMP SUM	14,000 <sup>00</sup>
34	208304	WATER METER	EA	1	4200 <sup>00</sup>	4,200 <sup>00</sup>
35	208310	IRRIGATION SLEEVE	LF	2,220	11 <sup>00</sup>	24,420 <sup>00</sup>
36	208738	8" CORRUGATED HIGH DENSITY POLYETHYLENE PIPE CONDUIT	LF	290	32 <sup>00</sup>	9,280 <sup>00</sup>
37	260203	CLASS 2 AGGREGATE BASE (CY)	CY	5,830	46.	268,180
38	390300	HOT MIX ASPHALT, SUPERPAVE (TYPE A)	TON	15,400	91.	1,401,400 <sup>00</sup>
39	394060	DATA CORE	LS	LUMP SUM	LUMP SUM	1,500 <sup>00</sup>
40	397005	TACK COAT	TON	22	1 <sup>00</sup>	22 <sup>00</sup>

### BID ITEM LIST

06-430704

Item No.	Item Code	Item Description	Unit of Measure	Estimated Quantity	Unit Price	Item Total
41 (F)	510502	MINOR CONCRETE (MINOR STRUCTURE)	CY	14.8	1600 <sup>00</sup>	23,680 <sup>00</sup>
42	560248	FURNISH SINGLE SHEET ALUMINUM SIGN (0.063"-UNFRAMED)	SQFT	260	11 <sup>00</sup>	2,860 <sup>00</sup>
43	560251	FURNISH SINGLE SHEET ALUMINUM SIGN (0.063"-FRAMED)	SQFT	44	20 <sup>00</sup>	880 <sup>00</sup>
44	566011	ROADSIDE SIGN - ONE POST	EA	24	200 <sup>00</sup>	4,800 <sup>00</sup>
45	566012	ROADSIDE SIGN - TWO POST	EA	3	250 <sup>00</sup>	750 <sup>00</sup>
46	650511	18" REINFORCED CONCRETE PIPE (CLASS V)	LF	89	65 <sup>00</sup>	5,785 <sup>00</sup>
47	650516	24" REINFORCED CONCRETE PIPE (CLASS V)	LF	1,500	65 <sup>00</sup>	97,500 <sup>00</sup>
48	700617	DRAINAGE INLET MARKER	EA	9	200 <sup>00</sup>	1,800 <sup>00</sup>
49	719589	MINOR CONCRETE (BACKFILL)	CY	210	125 <sup>00</sup>	26,250 <sup>00</sup>
50	731502	MINOR CONCRETE (MISCELLANEOUS CONSTRUCTION)	CY	1,590	300 <sup>00</sup>	477,000 <sup>00</sup>
51	731530	MINOR CONCRETE (TEXTURED PAVING)	SQFT	14,500	8 <sup>00</sup>	116,000 <sup>00</sup>
52 (F)	750001	MISCELLANEOUS IRON AND STEEL	LB	1,566	4 <sup>00</sup>	6,264 <sup>00</sup>
53	750010	MANHOLE FRAME AND COVER	EA	3	700 <sup>00</sup>	2,100 <sup>00</sup>
54	800360	CHAIN LINK FENCE (TYPE CL-6)	LF	1,800	12 <sup>00</sup>	21,600 <sup>00</sup>
55	820107	DELINEATOR (CLASS 1)	EA	4	40 <sup>00</sup>	160 <sup>00</sup>
56	820130	OBJECT MARKER	EA	8	65 <sup>00</sup>	520 <sup>00</sup>
57	840504	4" THERMOPLASTIC TRAFFIC STRIPE	LF	5,630	0.55	3,096 <sup>50</sup>
58	840505	6" THERMOPLASTIC TRAFFIC STRIPE	LF	4,580	0.95	4,351 <sup>00</sup>
59	840506	8" THERMOPLASTIC TRAFFIC STRIPE	LF	5,250	1.60	8,400 <sup>00</sup>
60	840508	8" THERMOPLASTIC TRAFFIC STRIPE (BROKEN 12-3)	LF	750	1.60	1,200 <sup>00</sup>

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REVISED PER ADDENDUM NO. 2 DATED MARCH 5, 2013

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**BID ITEM LIST**

06-430704

Item No.	Item Code	Item Description	Unit of Measure	Estimated Quantity	Unit Price	Item Total
61	024448	6" THERMOPLASTIC TRAFFIC STRIPE (BROKEN 8-4)	LF	400	1.00	400.00
62	840515	THERMOPLASTIC PAVEMENT MARKING	SQFT	4,010	3.10	12,431.00
63	840521	4" THERMOPLASTIC TRAFFIC STRIPE (BROKEN 6-1)	LF	250	0.40	100.00
64	840525	4" THERMOPLASTIC TRAFFIC STRIPE (BROKEN 36-12)	LF	5,400	0.40	2,160.00
65	840526	4" THERMOPLASTIC TRAFFIC STRIPE (BROKEN 17-7)	LF	1,200	0.40	480.00
66	850111	PAVEMENT MARKER (RETROREFLECTIVE)	EA	710	2.50	1,775.00
67	860090	MAINTAINING EXISTING TRAFFIC MANAGEMENT SYSTEM ELEMENTS DURING CONSTRUCTION	LS	LUMP SUM	LUMP SUM	1,500.00
68	860251	SIGNAL AND LIGHTING (LOCATION 1)	LS	LUMP SUM	LUMP SUM	205,000.00
69	860252	SIGNAL AND LIGHTING (LOCATION 2)	LS	LUMP SUM	LUMP SUM	220,000.00
70	860402	LIGHTING (CITY STREET)	LS	LUMP SUM	LUMP SUM	125,000.00
71	860705	INTERCONNECTION CONDUIT AND CABLE (LS)	LS	LUMP SUM	LUMP SUM	17,000.00
72	860797	ELECTRIC SERVICE (IRRIGATION)	LS	LUMP SUM	LUMP SUM	7,000.00
73	024449	VEHICLE CLASSIFICATION STATION	LS	LUMP SUM	LUMP SUM	45,000.00
74	BLANK					
75	73500	PARKING BUMPER (PRECAST CONCRETE)	EA	43	120.00	5,160.00
76	840658	PAINT TRAFFIC STRIP (2 - COAT)	LF	250	3.50	875.00
77	840668	PAINT PAVEMENT MARKING (2 - COAT)	SQFT	640	5.75	3,680.00
78	860407	LIGHTING (PARKING LOT)	LS	LUMP SUM	LUMP SUM	45,000.00
79	999990	MOBILIZATION	LS	LUMP SUM	LUMP SUM	325,000.00

**TOTAL BID:**

\$4,362,959.50

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REVISED PER ADDENDUM NO. 2 DATED MARCH 5, 2013

~~4,371,959.50~~

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**R. J. BERRY JR., INC.**

**GENERAL ENGINEERING CONTRACTOR**

**P. O. BOX 468 SELMA, CA. 93662**

**STATE LICENCE #433753**

**559.896.1680 OFFICE**

**559.896.1682 FAX**

**TO: STATE OF CA., DEPT. OF TRANSPORTATION**

**DATE: 3/21/13**

**ATTN: OFFICE ENGINEER**

**FAX NUMBER: (916) 227-6282**

**FROM: MITCH DEFREITAS**

**SUBJECT: CONTRACT NO. 06-430704**

**SR 216 REALIGNMENT & WIDENING**

**SUBCONTRACTOR LIST**

**NUMBER OF PAGE'S (INCLUDING THIS SHEET): 4**

Included is our completed subcontractor list for Contract No. 06-430704.

Contact me with any questions.

Thank You for Your Cooperation,  
Mitch DeFreitas  
R.J. Berry Jr., Inc.



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

Bidder Name: R.J. Berry Jr, 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
Housley Demolition Co. Visalia, CA	15	100%	Clearing & Demolition (portion)
	25	100%	
	26	2.8%	
Bakersfield Concrete LP Bakersfield, CA	21	100%	Minor Concrete (Misc. Const.)
	50	100%	
Heritage Romanite Fresno, CA	51	100%	Minor Concrete (Text. Paving)
Madro Electric Selma, CA	68	100%	Electrical
	69	↓	
	70		
	71		
	72		
	73		
	78		
	79	10.3%	
Rainscape Visalia, CA	8	100%	Erosion Control Irrigation System
	31	↓	
	32		
	33		
	35		
	36		

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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
All Steel Fence Lathrop, CA	54	100%	Fence
South-Mack Grading Visalia, CA	27	10.9%	Roadway Exc (portion)
Don Berry Const. Selma, CA	38	5.7%	HMA Paving (portion)
Trinity Eng Labs Clovis, CA	38	3.5%	HMA QC Testing
Halopoff & Sons Porterville, CA	14 18 41 46 47 48 49 52 53	100% ↓	Storm Drain

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STATE OF CALIFORNIA • DEPARTMENT OF TRANSPORTATION

**SUBCONTRACTOR LIST**

DES-OE-0102.2 (REV 3/2011)

Bidder Name: R.J. Berry Jr, Inc.

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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
Safety Striping Service Goshen, CA	16	100%	Striping & Marking
	28	60%	
	57	100%	
	58	↓	
	59		
	60		
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Contract No. 06-430704

Ashley 716-172-2277

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

Bidder Name: R.J. Berry Jr, Inc.

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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
Housley Demolition Co. Visalia, CA			Clearing & Demolition (portion)
Bakersfield Concrete LP Bakersfield, CA			Minor Concrete (Misc. Const.)
Heritage Bomanite Fresno, CA			Minor Concrete (Text. Paving)
Mod Co. eletrice felma, CA			Electrical
Rainscape Visalia, CA			Erosion Control
All steel fence lathrop, CA.			Fence
Rainscape Visalia, CA			Irrigation Systems

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STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION  
**SUBCONTRACTOR LIST**  
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South-Mack Grading Visalia, CA			Roadway Exc (portion)
Don Berry Const. Selma, CA			HMA paving (portion)
Trinity Eng. Labs Clovis, CA			HMA QC Testing
Safety striping services. Crosby, CA,			Striping & Marking <del>Roadside Sign &amp; Markers</del> <sup>Ref Job</sup>
Halopoff and sons Porterville, CA,			Storm drain

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Contract No. 06-430704

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**REQUEST FOR SMALL BUSINESS PREFERENCE OR NON-SMALL BUSINESS PREFERENCE**

DES-OE-0102.7 (REV 02/2010)

CONTRACT NO. 06 - 430704

Complete one of the following:

• **Small Business Preference**

The undersigned requests small business preference and certifies, under penalty of perjury, that the firm meets the requirements of 2 CA Code of Regs § 1896 et seq. and is certified as a small business at the time and day of bid opening or has submitted a complete application to the Department of General Services (DGS) and is subsequently certified. The complete application and any required substantiating documentation must be received by DGS by 5:00 p.m. on bid opening date.

Small Business Certification (Reference) Number: 20017

Date: 3/15/13

Signature: \_\_\_\_\_

  
Robert J. Berry Jr., Pres.

• **Non-Small Business Preference**

The undersigned requests non-small business preference and notifies the Department on the Certified Small Business Listing for the Non-Small Business Preference form that it commits to subcontract at least 25 percent of its bid amount with one or more firms that meets the requirements of 2 CA Code of Regs § 1896 et seq. and the firms are certified as small businesses at the time and day of bid opening or have submitted a complete application and are subsequently certified by the Department of General Services (DGS). The complete application and any required substantiating documentation must be received by DGS by 5:00 p.m. on bid opening date. List these firms on the Certified Small Business Listing for the Non-Small Business Preference form.

Date: \_\_\_\_\_

Signature: \_\_\_\_\_



Department of  
**General Services**

BUILDING GREEN · BUYING GREEN · WORKING GREEN

## R J BERRY JR INC - #20017

SUPPLIER PROFILE			
Legal Business Name	R. J. BERRY JR., INC.		
Doing Business As	R J BERRY JR INC		
Address	P O BOX 468 SELMA, CA 93662	Phone	(559) 896-1680
		FAX	(559) 896-1682
Email	<a href="mailto:mitchrjb@sbcglobal.net">mitchrjb@sbcglobal.net</a>		
Business Types	Construction		
Service Areas	Fresno, Kern, Kings, Madera, Mariposa, Merced, Tulare,		
Keywords	GENERAL ENGINEERING CONTRACTOR - GRADING & ASPHALT CONCRETE PAVING		
Construction License Types	A - General Engineering B - General Building Contractor HAZ - Hazardous Substance Removal Certification		
Classifications	721033 - Infrastructure maintenance and repair services 721410 - Highway and road construction services 721411 - Infrastructure building and surfacing and paving services		

### Active Certifications

TYPE	STATUS	FROM	TO
SB (Micro)	Approved	Jul 31, 2012	Jul 31, 2014

### Certification History

TYPE	STATUS	FROM	TO
SB	Expired	Aug 16, 2011	Aug 31, 2012
SB	Expired	Aug 13, 2010	Aug 31, 2011
SB	Expired	Aug 13, 2009	Aug 31, 2010
SB	Expired	Aug 12, 2008	Aug 31, 2009
SB	Expired	Oct 25, 2005	Sep 30, 2008
SB	Expired	Nov 12, 2002	Oct 31, 2005
SB	Expired	Dec 8, 1999	Nov 30, 2002

**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 fails 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)

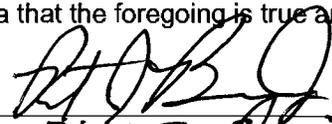
Describe any and all bid preferences provided to your company by the state or country in which your company has its principal place of business. (Attach additional sheets if necessary.)

\_\_\_\_\_

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

Date: 3/15/13

Signature of Bidder:

  
Robert J. Bony Jr. Pres.

**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.

We R. J. Berry Jr., Inc.

as Principal, and

The Ohio Casualty 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 06-Tul-216-1.9/2.9, Construction on State Highway in Tulare County in and  
*(Copy here the exact description of work, including location, as it appears on the proposal)*  
Near Visalia from Lovers Lane to 0.1 Mile East of Comstock Street, Widening and Realignment of Route 216  
for which bids are to be opened at Sacramento, California

*(insert place where bids will be opened)*

on March 20, 2013

*(insert date of bid opening)*

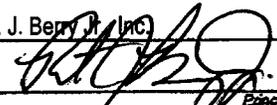
NOW, THEREFORE, if the Principal is awarded the contract and, within the time and manner required under the specifications, after the prescribed forms are presented to him for signature, enters into a written contract, in the prescribed form, in accordance with the bid, and files two bonds with the Obligee, 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: March 12, 2013.

Correspondence or claims relating to this bond should be sent to the surety at the following address:  
62 Maple Avenue, Keene, NH 03431

R. J. Berry Jr., Inc.



Robert J. Berry Jr. Pres.

The Ohio Casualty Insurance Company

By Jana B. Pilgard

Attorney-in-Fact

**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

State of California }  
County of SEE ATTACHED }

On this \_\_\_\_\_ before me, \_\_\_\_\_  
*Date 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.

Signature \_\_\_\_\_  
*Signature of Notary Public*

(SEAL)

**ACKNOWLEDGMENT**

State of California  
County of Placer )

On March 12, 2013 before me, Kathy Rangel, Notary Public  
(insert name and title of the officer)

personally appeared Jana B. Pilgard,  
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 Kathy Rangel (Seal)



**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. 5803962

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, Jana B. Pilgard; Robert D. Laux; Kathy Rangel; Dona Lisa Buschmann; Susan Fournier; J. Buschmann

all of the city of Roseville 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 1st day of December, 2012.



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

By: Gregory W. Davenport  
Gregory W. Davenport, Assistant Secretary

STATE OF WASHINGTON ss  
COUNTY OF KING

On this 1st day of December, 2012, 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  
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.

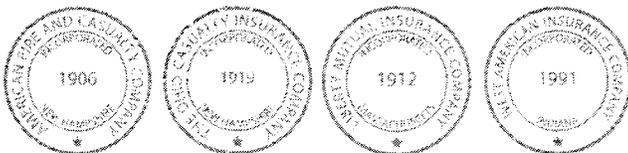
**ARTICLE XIII – Execution of Contracts – SECTION 5. Surety Bonds and Undertakings.** Any officer of the Company authorized for that purpose in writing by the chairman or the president, and subject to such limitations as the chairman or the president may prescribe, shall appoint such attorneys-in-fact, 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 12th day of March, 20 13.



By: David M. Carey  
David M. Carey, Assistant Secretary

Not valid for mortgage, note, loan, letter of credit, bank deposit, 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.

**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: \_\_\_\_\_ Contract No. \_\_\_\_ - \_\_\_\_\_

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

Date: \_\_\_\_\_ Signature: \_\_\_\_\_

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**CERTIFIED SMALL BUSINESS LISTING FOR THE NON-SMALL BUSINESS PREFERENCE**

DES-OE-0102.8 (REV 2/2011)

**BIDDER NAME** \_\_\_\_\_

**CONTRACT NO.** \_\_\_\_\_ - \_\_\_\_\_

List the description of work, name, telephone number, certification number, and dollar amount of each certified small business who will be employed on this project. Failure to provide this information may be cause for denial of the non-small business subcontractor preference. Attach additional sheets if necessary.

Submit to:

MSC 43  
 OFFICE ENGINEER  
 DEPARTMENT OF TRANSPORTATION  
 1727 30TH STREET  
 SACRAMENTO, CA 95816-7005

Bid Item Number	Description of Work, Service, or Materials	Certified Small Business (Name, Telephone No., and Certification No.)	\$ Amount
		<p><i>N/A - R. J. Berry Jr, Inc.                      is A Certified Small Business</i></p>	

Person to Contact \_\_\_\_\_ (Please Type or Print)

\$ \_\_\_\_\_

**Total Claimed Participation**

(Area Code) Telephone Number \_\_\_\_\_

\_\_\_\_\_ % of Contract

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**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 Fresno

Robert J. Beny Jr.  
President of R.S. Beny Jr. Inc., being first duly sworn, deposes and says that he or she is 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.

**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.

### NATIONAL LABOR RELATIONS BOARD

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.

### 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.

### 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