



**Caltrans**

STATE OF CALIFORNIA  
DEPARTMENT OF TRANSPORTATION

# BID

FOR CONSTRUCTION ON STATE HIGHWAY IN VENTURA COUNTY IN AND NEAR  
FILLMORE FROM GRIMES CANYON ROAD TO TELEGRAPH ROAD

In District 07 On Route 23

Under

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

*Standard Specifications* dated 2010

Project plans approved March 11, 2013

*Standard Plans* dated 2010

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Identified by

Contract No. 07-1W0804

07-Ven-23-20.9/24.2

Project ID 0700020989

## Electronic Advertising Contract

Bids open Thursday, April 25, 2013

Dated April 2, 2013  
AADD



E-1  
B/C

**CONTRACT NO.** 07 - 1W0804

**NAME OF BIDDER** Toro Enterprises, Inc.  
**BUSINESS P.O. BOX** P.O. Box 6285  
**CITY, STATE, ZIP** Oxnard, CA 93031  
**BUSINESS STREET ADDRESS** 2101 E. Ventura Blvd.  
(Include even if P.O. Box used)  
**CITY, STATE, ZIP** Oxnard, CA 93036  
**TELEPHONE NO:** AREA CODE (805) 483-4515  
**FAX NO:** AREA CODE (805) 483-2001  
**CONTRACTOR LICENSE NO.** 710580

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

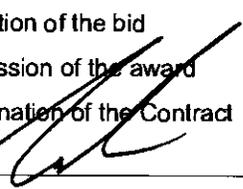
4. Bidder submits this bid with one of the following forms of bidder's security equal to at least 10 percent of the bid:

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)

4/24/13

PRINTED NAME AND TITLE OF PERSON SIGNING

Sean Castillo - 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	2,100.00
2	120090	CONSTRUCTION AREA SIGNS	LS	LUMP SUM	LUMP SUM	2,500.00
3	120100	TRAFFIC CONTROL SYSTEM	LS	LUMP SUM	LUMP SUM	81,000.00
4	130100	JOB SITE MANAGEMENT	LS	LUMP SUM	LUMP SUM	6,000.00
5	130200	PREPARE WATER POLLUTION CONTROL PROGRAM	LS	LUMP SUM	LUMP SUM	7,000.00
6	130900	TEMPORARY CONCRETE WASHOUT	LS	LUMP SUM	LUMP SUM	1,200.00
7	141103	REMOVE YELLOW THERMOPLASTIC TRAFFIC STRIPE (HAZARDOUS WASTE)	LF	40,000	0.53	21,200.00
8	150714	REMOVE THERMOPLASTIC TRAFFIC STRIPE	LF	31,200	0.32	9,984.00
9	150715	REMOVE THERMOPLASTIC PAVEMENT MARKING	SQFT	360	2.10	756.00
10	150722	REMOVE PAVEMENT MARKER	EA	1,900	1.05	1,995.00
11	150771	REMOVE ASPHALT CONCRETE DIKE	LF	10,200	0.61	6,222.00
12	153103	COLD PLANE ASPHALT CONCRETE PAVEMENT	SQYD	44,700	0.33	14,751.00
13	260303	CLASS 3 AGGREGATE BASE (CY)	CY	31	120.00	3,720.00
14	280015	LEAN CONCRETE BASE RAPID SETTING	CY	36	600.00	21,600.00
15	025478	COLD IN-PLACE RECYCLING	SQYD	43,400	4.82	209,188.00
16	025479	CEMENT (COLD IN-PLACE RECYCLING)	TON	3	210.00	630.00
17	025480	EMULSIFIED RECYCLING AGENT (COLD IN-PLACE RECYCLING)	TON	280	641.00	179,480.00
18	025481	ASPHALTIC EMULSION (COLD IN-PLACE RECYCLING)	TON	25	1,100.00	27,500.00
19	025482	SAND COVER (COLD IN-PLACE RECYCLING)	TON	45	83.00	3,735.00
20	390095	REPLACE ASPHALT CONCRETE SURFACING	CY	30	340.00	10,200.00

Item No.	Item Code	Item Description	Unit of Measure	Estimated Quantity	Unit Price	Item Total
21	390132	HOT MIX ASPHALT (TYPE A)	TON	4,860	78.00	379,080.00
22	394060	DATA CORE	LS	LUMP SUM	LUMP SUM	6,300.00
23	394073	PLACE HOT MIX ASPHALT DIKE (TYPE A)	LF	5,100	3.60	18,360.00
24	394076	PLACE HOT MIX ASPHALT DIKE (TYPE E)	LF	5,100	3.60	18,360.00
25	397005	TACK COAT	TON	50	1,200.00	60,000.00
26	025483	JOINED PLAIN CONCRETE PAVEMENT (RAPID STRENGTH CONCRETE)	CY	84	610.00	51,240.00
27	404092	SEAL PAVEMENT JOINT	LF	400	11.50	4,600.00
28	404093	SEAL ISOLATION JOINT	LF	80	11.50	920.00
29	840504	4" THERMOPLASTIC TRAFFIC STRIPE	LF	65,400	0.37	24,198.00
30	840506	8" THERMOPLASTIC TRAFFIC STRIPE	LF	260	1.05	273.00
31	840515	THERMOPLASTIC PAVEMENT MARKING	SQFT	610	5.50	3,355.00
32	840525	4" THERMOPLASTIC TRAFFIC STRIPE (BROKEN 36-12)	LF	230	0.30	69.00
33	840526	4" THERMOPLASTIC TRAFFIC STRIPE (BROKEN 17-7)	LF	860	0.30	258.00
34	850111	PAVEMENT MARKER (RETROREFLECTIVE)	EA	460	4.20	1,932.00
35	850122	PAVEMENT MARKER (RETROREFLECTIVE-RECESSED)	EA	1,540	10.50	16,170
36	860090	MAINTAINING EXISTING TRAFFIC MANAGEMENT SYSTEM ELEMENTS DURING CONSTRUCTION	LS	LUMP SUM	LUMP SUM	13,000.00
37	025484	INDUCTIVE LOOP DETECTOR (REPLACEMENT)	EA	7	720.00	5,040.00
38	999990	MOBILIZATION	LS	LUMP SUM	LUMP SUM	119,100.00

E-1  
B/C

**TOTAL BID:**

\$ 1,333,016.00



GENERAL ENGINEERING  
CONTRACTORS

## FAX TRANSMITTAL

**DATE & TIME:** 4/26/2013  
**TO:** OFFICE ENGINEER  
**COMPANY:** CALTRANS  
**FROM:** IAN MACLEOD  
**PHONE NUMBER:**  
**FAX NUMBER:** 818-227-8282  
**SUBJECT:** CONTRACT NO. 1W0804  
SUBCONTRACTOR LIST

**TOTAL NUMBER OF PAGES INCLUDED :** 3

### COMMENTS:

ATTACHED IS THE COMPLETED SUBCONTRACTOR LIST AND DVBE FORM WITH QUOTE FOR  
YESTERDAYS BID 4/25/13 CONTRACT NO. 07-1W0804

*Please call if you have any questions*

A handwritten signature in black ink, appearing to be "Ian Macleod", is written over the text "Please call if you have any questions".

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

Bidder Name: Toro Enterprises, 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
Maneri Traffic Control 47423 Rainbow Canyon Temecula, CA 92592	2	100%	Construction Area Signs
Traffic Loops Crackfilling Inc. 946 S. Emerald Street Anaheim, CA 92804	36, 37	100%	Inductive loop detectors Maintain Existing TMS Elements
Austin Enterprise PO Box 81926 Bakersfield, CA 93380	27 28	100% 100%	Seal Pavement Joints Seal Isolation Joints
Chrip Company 2280 South Lilac Ave. Bloomington, CA 92316	1 7-10 29-35	100% 100% 100%	Lead Compliance Plan remove thermo markings striping, pavement marking
Pavement Recycling Systems 10240 San Sevaine Way Jurupa Valley, CA 91752	15 16 17	100% 100% 100%	Cold In-Place Recycling Cement Additive Emulsified Recycling Agent
Asphalt Dike Construction Inc. (APCO) PO Box 740 Crosby, CA 93227	23 24	26% 26%	Place Asphalt Concrete Dike Place Asphalt Concrete Dike

ADA Notice For individuals with sensory disabilities, this document is available in alternate formats. For information call (916) 664-6410 or TDD (916) 664-3880 or write Records and Forms Management, 1120 N Street, MB-89, Sacramento, CA 95814.



GENERAL ENGINEERING  
CONTRACTORS

### FAX TRANSMITTAL

**DATE & TIME:** 4/28/2013

**TO:** OFFICE ENGINEER

**COMPANY:** CALTRANS

**FROM:** IAN MACLEOD

**PHONE NUMBER:**

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

**SUBJECT:** CONTRACT NO. 1W0804  
SUBCONTRACTOR LIST

**TOTAL NUMBER OF PAGES INCLUDED :** 3

**COMMENTS:**

ATTACHED IS THE COMPLETED SUBCONTRACTOR LIST AND DVBE FORM WITH QUOTE FOR YESTERDAYS BID 4/25/13 CONTRACT NO. 07-1W0804

*Please call if you have any questions*

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION  
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Austin Enterprise PO Box 81926 Bakersfield, CA 93380	27 28	150% 100%	Seal Pavement Joints Seal Isolation Joints
Chrisp Company 2280 South Lilac Ave. Bloomington, CA 92316	1 7-10 29-35	100% 100% 100%	Lead Compliance Plan remove thermo markings Striping, pavement marking
Pavement Recycling Systems 10240 San Seavine Way Jurupa Valley, CA 91752	15 16 17	67% 100% 100%	Cold In-Place Recycling Cement Additive Emulsified Recycling Agent
Asphalt Dike Construction Inc. (APCO) PO Box 490 Crosby, CA 93227	23 24	26% 26%	Place Asphalt Concrete Dike Place Asphalt Concrete Dike

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DES-OE-0102.2 (REV 3/2011)

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Maneri Traffic Control 47432 Rainbow Cyn Temecula, CA 92592	3,	100%	Construction Area Signs
Chrisp Company 2280 South Lilac Ave Rialto, CA 92316	1, 7-10, 29-35		Striping
Traffic Loops Crackfilling Inc 146 S. Emerald St Anaheim, CA 72804	37		Traffic Loops
Austin Enterprise PO Box 81926 Bakersfield, CA 93380	27, 28		Joint Sealant
Pavement Recycling Systems 16240 San Sevaine Way Jurupa Valley, CA 91752	15, 16, 17		Cold-in-place recycling
Asphalt Dike Const (APCO) PO Box 790 Croshen, CA 93227	23, 24		Asphalt Dike

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

DES-OE-0102.7 (REV 02/2010)

CONTRACT NO. 07 - 1W0804

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: \_\_\_\_\_

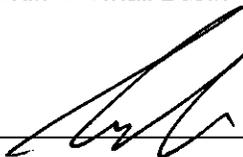
Date: \_\_\_\_\_

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

• **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: 4/25/13

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

**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.)**

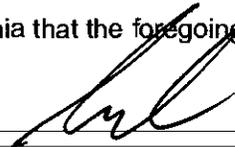
I am not a California company. My principal place of business is in \_\_\_\_\_  
(Enter state or country)

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: April 24<sup>th</sup>, 2013

Signature of Bidder: \_\_\_\_\_



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We TORO ENTERPRISES, INC.

2101 E. Ventura Blvd. Oxnard, CA 93036-8951

as Principal, and

TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA, One Tower Square Hartford, CT 06183

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

*(Copy here the exact description of work, including location, as it appears on the proposal)*

Contract No. 07-1W0804, Construction on State Highway in Ventura County in and near Fillmore from Grimes Canyon Road to Telegraph Road.

for which bids are to be opened at

Irvine, CA

*(Insert place where bids will be opened)*

on

4/25/2013

*(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: April 22nd, 20 13

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

TORO ENTERPRISES, INC.

Sean Castillo - Pres Principal

TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA

Surety

By

Daravy Mady

Attorney-in-Fact

**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

State of California

County of Los Angeles

On this 4/22/2013 before me,

*Date*

James Ross, Notary Public

*Here Insert Name and Title of the Officer*

personally appeared

Daravy Mady

*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.

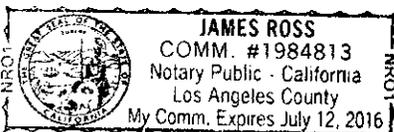
I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal

Signature

James Ross

*Signature of Notary Public*



(SEAL)

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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. 225449

Certificate No. 005349684

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

Tracy Aston, Kristine Mendez, KD Conrad, Simone Gerhard, Edward C. Spector, Paul Rodriguez, Lisa K. Crail, B. Aleman, Daravy Mady, and James Ross

of the City of Los Angeles, State of California, 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 28th day of January, 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 28th day of January, 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

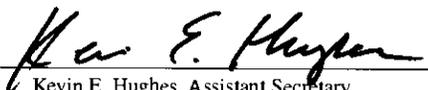
**FURTHER RESOLVED**, that the Chairman, the President, any Vice Chairman, any Executive Vice President, any Senior Vice President or any Vice President may delegate all or any part of the foregoing authority to one or more officers or employees of this Company, provided that each such delegation is 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 APR 22 2013 day of \_\_\_\_\_, 20\_\_.

  
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.

**CALIFORNIA ALL-PURPOSE CERTIFICATE OF ACKNOWLEDGMENT**

State of: California

County of: Ventura

On April 24, 2013, before me, Renee Cruz, Notary Public  
(name and title of the officer)

personally appeared Sean Castillo

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

*Renee Cruz*  
 Signature of Notary Public



(Notary Seal)

**OPTIONAL INFORMATION**

Information below is NOT required by law however may deter fraudulent removal of this form.

Description of Attached Document	Right Thumbprint of Signer	Capacity Claimed by Signer(s)	Right Thumbprint of Signer
Number of Pages <u>1</u>		<input type="checkbox"/> Individual(s)	
Document Date: <u>4-22-13</u>		<input checked="" type="checkbox"/> Corporate Officer <u>President</u>	
Bid Bond for Contract No. 07-1W0804 Title or type of document		<input type="checkbox"/> Partner <input type="checkbox"/> Attorney-in-Fact <input type="checkbox"/> Trustee(s) <input type="checkbox"/> Other _____	
Additional information			

**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: Toro Enterprises, Inc.

Contract No. 07 - 1W0804

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

Date: 4/25/13

Signature: 

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**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

### 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 Ventura

Sean Castillo

President

of Toro Enterprises, 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 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