

Contract No.: 01-0A4404

Project(s):

Bid Opening: 04-26-13 Call Order: 1  
: Men -

Bidder: VC0000006186 - Certified Coatings

B-3

Standard Specifications Dated 2010

Contract No.: 01-0A4404

Name of Bidder: Certified Coatings

Business Street Address: 2320 Cordelia Rd

Business P.O. Box:

City, State, Zip: Fairfield, ca, 94534

Telephone Number:

Fax Number:

Contractor License Number:887287

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STATE OF CALIFORNIA ♦ DEPARTMENT OF TRANSPORTATION  
BID TO THE DEPARTMENT OF TRANSPORTATION

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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 specified in 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 in 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. Additionally, for a cost plus time based bid, the 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:

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STATE OF CALIFORNIA ♦ DEPARTMENT OF TRANSPORTATION  
BID TO THE DEPARTMENT OF TRANSPORTATION (cont'd)

- 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.
- 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.
- 3.0 Bidder submits this bid with one of the following forms of bidder's security equal to at least 10 percent of the bid: Bidder's Bond
- 4.0 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:
  - 4.1 Criminal prosecution
  - 4.2 Rejection of the bid
  - 4.3 Rescission of the award
  - 4.4 Termination of the Contract

BY (Authorized Signature)

DATE SIGNED (Do not type)

PRINTED NAME AND TITLE OF PERSON SIGNING

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Item No.	Item Code	Item Description	Unit Of Meas	Quant	Unit Price Dollars	Cts	Item Total Dollars	Cts
Section BID PROPOSAL TO THE DEPARTMENT OF TRANSPORTATION								
Alt Group								
1	070030	LEAD COMPLIANCE PLAN			LUMP SUM		10,000.00	
2	090100	TIME-RELATED OVERHEAD (WDAY)		345.000	1,000.00000		345,000.00	
			WDAY					
3	120090	CONSTRUCTION AREA SIGNS			LUMP SUM		20,000.00	
4	120100	TRAFFIC CONTROL SYSTEM			LUMP SUM		150,000.00	
5	120152	TEMPORARY PAVEMENT MARKING (TAPE)		24.000	35.00000		840.00	
			SQFT					
6	120165	CHANNELIZER (SURFACE MOUNTED)		80.000	45.00000		3,600.00	
			EA					
7	025428	TEMPORARY PORTABLE SIGNAL SYSTEM			LUMP SUM		150,000.00	
8	128652	PORTABLE CHANGEABLE MESSAGE SIGN (LS)			LUMP SUM		30,000.00	
9	129000	TEMPORARY RAILING (TYPE K)		1,080.000	40.00000		43,200.00	
			LF					

STATE OF CALIFORNIA  
DEPARTMENT OF TRANSPORTATION

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Item No.	Item Code	Item Description	Unit Of Meas	Quant	Unit Price Dollars	Cts	Item Total Dollars	Cts
10	025429	ALTERNATIVE TEMPORARY CRASH CUSHION	EA	3.000	4,125.00000		12,375.00	
11	025430	RELOCATE TEMPORARY CRASH CUSHION	EA	3.000	1,560.00000		4,680.00	
12	130100	JOB SITE MANAGEMENT	LUMP SUM		LUMP SUM		20,000.00	
13	130200	PREPARE WATER POLLUTION CONTROL PROGRAM	LUMP SUM		LUMP SUM		10,000.00	
14	141103	REMOVE YELLOW THERMOPLASTIC TRAFFIC STRIPE (HAZARDOUS WASTE)	LF	1,760.000	6.00000		10,560.00	
16	150312	REPAIR SPALLED SURFACE AREA	SQFT	85.000	240.00000		20,400.00	
17	150857	REMOVE ASPHALT CONCRETE SURFACING	SQFT	24.000	10.00000		240.00	
18	044214	RELOCATE TEMPORARY RAIL (TYPE K)	LF	680.000	50.00000		34,000.00	
19	153225	PREPARE CONCRETE BRIDGE DECK SURFACE	SQFT	24.000	10.00000		240.00	
20	025431	CLEAN CONCRETE SURFACE	SQFT	485.000	28.00000		13,580.00	

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Item No.	Item Code	Item Description	Unit Of Meas	Quant	Unit Price Dollars	Cts	Item Total Dollars	Cts
21	153227	FURNISH POLYESTER CONCRETE OVERLAY	CF	2.000	150.00000		300.00	
22 (F)	153228	PLACE POLYESTER CONCRETE OVERLAY	SQFT	24.000	450.00000		10,800.00	
23	157560	BRIDGE REMOVAL (PORTION)	LUMP SUM		LUMP SUM		19,000.00	
24	511118	CLEAN EXPANSION JOINT	LF	592.000	55.00000		32,560.00	
25	519081	JOINT SEAL (MR 1/2")	LF	252.000	60.00000		15,120.00	
26	519088	JOINT SEAL (MR 1")	LF	305.000	65.00000		19,825.00	
27	519100	JOINT SEAL (MR 2")	LF	33.000	175.00000		5,775.00	
28	1044215	CLEAN AND SEAL EXISTING CORED HOLES	EA	10.000	1,500.00000		15,000.00	
29	590106	CLEAN STRUCTURAL STEEL (EXISTING BRIDGE)	LUMP SUM		LUMP SUM		1,218,000.00	
30	590111	PAINT STRUCTURAL STEEL (EXISTING BRIDGE)	LUMP SUM		LUMP SUM		1,218,000.00	

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Item No.	Item Code	Item Description	Unit Of Meas	Quant	Unit Price Dollars	Cts	Item Total Dollars	Cts
31	590116	CLEAN AND PAINT STRUCTURAL STEEL (EXISTING BRIDGE)	LUMP SUM		LUMP SUM		2,871,189.00	
32	044216	CLEAN AND PAINT STRUCTURAL STEEL (EXIST BRIDGE) (MOISTURE-CURED URETHANE SYSTEM)	LUMP SUM		LUMP SUM		95,000.00	
33	044217	CLEAN AND PAINT TIMBER (EXISTING BRIDGE RAILING)	LUMP SUM		LUMP SUM		53,000.00	
34	044218	CLEAN AND PAINT GALVANIZED SURFACES (EXISTING STEEL)	LUMP SUM		LUMP SUM		3,500.00	
35	590135	SPOT BLAST CLEAN AND PAINT UNDERCOAT	SQFT	13,935.000	28.00000		390,180.00	
36	590301	WORK AREA MONITORING	LUMP SUM		LUMP SUM		20,000.00	
37(F)	750501	MISCELLANEOUS METAL (BRIDGE)	LB	23.000	150.00000		3,450.00	
38	840504	4" THERMOPLASTIC TRAFFIC STRIPE	LF	1,760.000	8.00000		14,080.00	
39	850111	PAVEMENT MARKER (RETROREFLECTIVE)	EA	70.000	30.00000		2,100.00	
41	146001	CONTRACTOR-SUPPLIE D BIOLOGIST (DAY)	DAY	35.000	1,800.00000		63,000.00	

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42	025617	BAT EXCLUSION	LUMP SUM		LUMP SUM		40,000.00	
43	025618	SWALLOW EXCLUSION	LUMP SUM		LUMP SUM		40,000.00	
44	999990	MOBILIZATION	LUMP SUM		LUMP SUM		750,000.00	
Section BID Total							7,778,594.00	
Total Bid							7,778,594.00	

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SUBCONTRACTOR LIST

Bidder must identify subcontractors 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 Firm Name, City, State and Description of Subcontracted Work, and submit with the bid.

Complete Bid Item No.(s) and Percent of Bid Item Subcontracted and submit with bid, or fax to (916)227-6282 within 24 hours after the bid opening. Failure to provide complete information in all sections within the time specified will result in a non-responsive bid.

\*\*\*\*\*NOTE\*\*\*\*\*  
When submitting Bid Item Numbers and Percentage of Bid Items Subcontracted, Firm name, City, State, and Description of Work must be the same as stated in the original submittal. Percentages submitted are the responsibility of the bidder, and are not verified by the bidding software.

1) Firm Name:American Civil Constructors List this subcontract  
City:Benicia State:CA  
Description of Subcontracted Work:  
Traffic control (partial), concrete repair, asphalt, joint seals  
No.:4,8,9,16 %: 23.3,16.7,75,100  
No.:17,18,19,20,21 %: 100,80,100,100,100  
No.:22,23,24,25 %: 100,100,100,100  
No.:26,27,28,37 %: 100,100,100,100  
No.:44 %: 2  
Multiple item numbers and percentages can be separated by a space

2) Firm Name:Statewide Safety List this subcontractor? Yes  
City:Fairfield State:CA  
Description of Subcontracted Work:  
Traffic control (partial), construction area signs  
No.:3,4 %: 83.9,76.7  
No.:6 %: 84.4  
No.:10,11 %: 85,85  
No.: %:  
No.: %:  
Multiple item numbers and percentages can be separated by a space

SUBCONTRACTOR LIST (cont'd)

4) Firm Name:Gallaway Enterprises List this subcontractor? Yes  
City:Chico State:CA  
Description of Subcontracted Work:  
Biologist, bat exclusion, swallow exclusion  
No.:41 %: 49  
No.:42 %: 37.5  
No.:43 %: 37.5  
No.: %:  
No.: %:  
Multiple item numbers and percentages can be separated by a space

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SUBCONTRACTOR LIST (cont'd)

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- 8) Firm Name:Lee Contractors and Consultants Inc. List this su  
City:Nipomo State:CA  
Description of Subcontracted Work:  
Temp traffic signal, flashing beacons  
No.:7 %: 92.22  
No.: %:  
No.: %:  
No.: %:  
No.: %:  
Multiple item numbers and percentages can be separated by a space
- 9) Firm Name:Peterson Industrial Scaffolding List this subcont  
City:Concord State:CA  
Description of Subcontracted Work:  
Scaffolding  
No.:29 %: 28.3  
No.:31 %: 10.8  
No.: %:  
No.: %:  
No.: %:  
Multiple item numbers and percentages can be separated by a space

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REQUEST FOR SMALL BUSINESS PREFERENCE OR NON-SMALL BUSINESS PREFERENCE

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Small Business Preference

The undersigned \_\_\_\_\_ 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 applied for certification and is subsequently certified by the Department of General Services. To further verify its small business status, the undersigned attaches a copy of its small business certification letter.

Example: mm/dd/yyyy

Date: \_\_\_\_\_ Certification Number: \_\_\_\_\_

Non-Small Business Preference

The undersigned \_\_\_\_\_ 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 applied for certification and are subsequently certified by the Department of General Services. List these firms on the Certified Small Business Listing for the Non-Small Business Preference form.

Example: mm/dd/yyyy

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

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CALIFORNIA COMPANY PREFERENCE

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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 (enter requested information):

1. I am a California company which has its principal place of business in California.
2. I 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:
3. I 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.:

The undersigned certifies that it is not a "California company."

4. I a California company.  
My principal place of business is in:  
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.)  
Describe:

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

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OPT OUT OF PAYMENT ADJUSTMENTS FOR PRICE INDEX FLUCTUATIONS

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You may opt out of the payment adjustments for price index fluctuations as specified in "Payment Adjustments for Price Index Fluctuations of the special provisions. If you elect to opt out of the provisions of this specification, complete this form and submit it with your bid.

I opt out of the payment adjustments for price index fluctuations

Enter Date and Name to opt out of payment adjustments for price index fluctuations

Date:      Name:

CALIFORNIA STATE DEPARTMENT OF TRANSPORTATION  
CERTIFIED DVBE SUMMARY - CONTRACT#:01-0A4404

Bidder: Certified Coatings

Names of first tier DVBE subcontractors and their items of work listed must be consistent with the names and items of work in the Subcontractor List (Pub Cont Code 4100 et seq.) submitted with the bid. Identify second and lower tier subcontractors on this form.

1. DVBE prime contractors must enter their DVBE reference number or their DBA name as listed with Department of General Services. (DVBE prime contractors are credited with 100 percent DVBE participation and need not complete the above table.)
2. If 100% of an item is not performed or supplied by the DVBE's, describe the exact part, including planned location of work to be performed, of item to be performed or supplied by DVBE.

Submit to: MSC43  
OFFICE ENGINEER  
DEPARTMENT OF TRANSPORTATION  
1727 30th STREET  
SACRAMENTO, CA 95816-7005

Contact Person:  
Telephone Number:  
Certification No.:  
Firm Name: <Unknown>  
Contractor ID:  
Address:  
City: State: Zip:  
Amount of Bid Item Subcontracted: (Example: 10,000)  
Description of Subcontracted Work:

LINE NO.	ITEM NO.	ITEM DESC.	UNIT TYPE	SUBCONTRACTOR QUANTITY	SUBCONTRACTOR UNIT PRICE	EXTENDED AMOUNT
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DBE COMMITMENT TOTAL FOR SUBCONTRACTOR:

TOTAL DVBE COMMITMENT FOR VENDOR:	Entered:	0.00% or	0.00
	Required:	5.00% or	388929.70
			<GOAL NOT MET>

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CERTIFICATIONS

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

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

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UNDOCUMENTED ALIENS EMPLOYMENT

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

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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 CA County of : Solano

Name: David Brockman

being first duly sworn, deposes and says that he or she is

Company Title: President/CEO of

Company Name: Certified Coatings Company

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."

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CERTIFICATIONS (cont'd)

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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.
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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? No

If the answer is yes, explain the circumstances in the following space.

Explanation:

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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.

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 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.

Explanation:

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?  
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?  
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?  
No
4. If the answer is 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

Explanation:

We Certified Coatings Company  
2320 Cordelia Road, Fairfield, CA 94534

as Principal, and

Fidelity and Deposit Company of Maryland

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

Locations

for which bids are to be opened at Sacramento, CA

*(insert place where bids will be opened)*

on April 26, 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 4, 2013

Correspondence or claims relating to this bond should be sent to the surety at the following address:  
Fidelity and Deposit Company of Maryland  
525 Market St.  
San Francisco, CA 94105

Certified Coatings Company

N/A - Electronic Bond

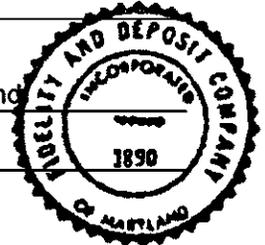
*Principal*

Fidelity and Deposit Company of Maryland

*Surety*

By See Attached Digital Signature

Betty L. Tolentino *Attorney-in-Fact*



**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

State of California

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



**N/A - Electronic Bond**

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.

(SEAL)

Signature \_\_\_\_\_

*Signature of Notary Public*

**ZURICH AMERICAN INSURANCE COMPANY  
COLONIAL AMERICAN CASUALTY AND SURETY COMPANY  
FIDELITY AND DEPOSIT COMPANY OF MARYLAND  
POWER OF ATTORNEY**

KNOW ALL MEN BY THESE PRESENTS: That the ZURICH AMERICAN INSURANCE COMPANY, a corporation of the State of New York, the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, a corporation of the State of Maryland, and the FIDELITY AND DEPOSIT COMPANY OF MARYLAND a corporation of the State of Maryland (herein collectively called the "Companies"), by **Geoffrey Delisio, Vice President**, in pursuance of authority granted by Article V, Section 8, of the By-Laws of said Companies, which are set forth on the reverse side hereof and are hereby certified to be in full force and effect on the date hereof, do hereby nominate, constitute, and appoint Betty L. Tolentino its true and lawful agent and Attorney-in-Fact, to make, execute, seal and deliver, for, and on its behalf as surety, and as its act and deed: any and all bonds and undertakings, and the execution of such bonds or undertakings in pursuance of these presents, shall be as binding upon said Companies, as fully and amply, to all intents and purposes, as if they had been duly executed and acknowledged by the regularly elected officers of the ZURICH AMERICAN INSURANCE COMPANY at its office in New York, New York., the regularly elected officers of the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY at its office in Owings Mills, Maryland., and the regularly elected officers of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND at its office in Owings Mills, Maryland, in their own proper persons.

The said Vice President does hereby certify that the extract set forth on the reverse side hereof is a true copy of Article V, Section 8, of the By-Laws of said Companies, and is now in force.

IN WITNESS WHEREOF, the said Vice-President has hereunto subscribed his/her names and affixed the Corporate Seals of the said ZURICH AMERICAN INSURANCE COMPANY, COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, and FIDELITY AND DEPOSIT COMPANY OF MARYLAND, this 17th day of May, A.D. 2012.

ATTEST:

**ZURICH AMERICAN INSURANCE COMPANY  
COLONIAL AMERICAN CASUALTY AND SURETY COMPANY  
FIDELITY AND DEPOSIT COMPANY OF MARYLAND**



By: Gerald F. Haley  
*Assistant Secretary*  
Gerald F. Haley

Geoffrey Delisio  
*Vice President*  
Geoffrey Delisio

State of Maryland  
County of Baltimore

On this 17th day of May, A.D. 2012, before the subscriber, a Notary Public of the State of Maryland, duly commissioned and qualified, **Geoffrey Delisio, Vice President** and **Gerald F. Haley, Assistant Secretary** of the Companies, to me personally known to be the individuals and officers described in and who executed the preceding instrument, and acknowledged the execution of same, and being by me duly sworn, deposeth and saith, that he/she is the said officer of the Company aforesaid, and that the seals affixed to the preceding instrument are the Corporate Seals of said Companies, and that the said Corporate Seals and the signature as such officer were duly affixed and subscribed to the said instrument by the authority and direction of the said Corporations.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my Official Seal the day and year first above written.

Constance A. Dunn  
Constance A. Dunn, Notary Public  
My Commission Expires: July 14, 2015



**EXTRACT FROM BY-LAWS OF THE COMPANIES**

"Article V, Section 8, Attorneys-in-Fact. The Chief Executive Officer, the President, or any Executive Vice President or Vice President may, by written instrument under the attested corporate seal, appoint attorneys-in-fact with authority to execute bonds, policies, recognizances, stipulations, undertakings, or other like instruments on behalf of the Company, and may authorize any officer or any such attorney-in-fact to affix the corporate seal thereto; and may with or without cause modify or revoke any such appointment or authority at any time."

**CERTIFICATE**

I, the undersigned, Vice President of the ZURICH AMERICAN INSURANCE COMPANY, the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, and the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, do hereby certify that the foregoing Power of Attorney is still in full force and effect on the date of this certificate; and I do further certify that Article V, Section 8, of the By-Laws of the Companies is still in force.

This Power of Attorney and Certificate may be signed by facsimile under and by authority of the following resolution of the Board of Directors of the ZURICH AMERICAN INSURANCE COMPANY at a meeting duly called and held on the 15th day of December 1998.

RESOLVED: "That the signature of the President or a Vice President and the attesting signature of a Secretary or an Assistant Secretary and the Seal of the Company may be affixed by facsimile on any Power of Attorney...Any such Power or any certificate thereof bearing such facsimile signature and seal shall be valid and binding on the Company."

This Power of Attorney and Certificate may be signed by facsimile under and by authority of the following resolution of the Board of Directors of the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY at a meeting duly called and held on the 5th day of May, 1994, and the following resolution of the Board of Directors of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND at a meeting duly called and held on the 10th day of May, 1990.

RESOLVED: "That the facsimile or mechanically reproduced seal of the company and facsimile or mechanically reproduced signature of any Vice-President, Secretary, or Assistant Secretary of the Company, whether made heretofore or hereafter, wherever appearing upon a certified copy of any power of attorney issued by the Company, shall be valid and binding upon the Company with the same force and effect as though manually affixed.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed the corporate seals of the said Companies, this 4th day of April, 2013.



*Thomas O. McClellan*

Thomas O. McClellan, Vice President