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Caltrans

**STATE OF CALIFORNIA
DEPARTMENT OF TRANSPORTATION**

BID

**FOR CONSTRUCTION ON STATE HIGHWAY IN HUMBOLDT COUNTY NEAR HOOPA
FROM HOSTLER CREEK BRIDGE TO ROCK CHUTE VIADUCT**

In District 01 On Route 96

Under

Notice to Bidders and Special Provisions dated April 2, 2013

Standard Specifications dated 2010

Project plans approved February 28, 2013

Standard Plans dated 2010

Identified by

Contract No. 01-0C7304

01-Hum-96-R13.3/16.8

Project ID 0113000038

Electronic Advertising Contract

Bids open Wednesday, April 24, 2013

Dated April 2, 2013
AADD

[Handwritten signature]



B/C

CONTRACT NO. 01 - 0C7304

NAME OF BIDDER Mercer-Fraser Company
BUSINESS P.O. BOX Po Box 1006
CITY, STATE, ZIP Eureka, CA 95502
BUSINESS STREET ADDRESS 77 W 2nd Street
(Include even if P.O. Box used)
CITY, STATE, ZIP Eureka, CA 95501
TELEPHONE NO: AREA CODE (707) 443-6371
FAX NO: AREA CODE (707) 443-0277
CONTRACTOR LICENSE NO. 105709

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

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

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

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

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

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

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

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

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

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

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

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

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

- 2.6. For a lump sum based bid, the item total is the bid amount the Department uses for bid comparison.
For a unit price based bid, the sum of the item totals is the bid amount the Department uses for bid comparison.
For a cost plus time based bid, the sum of the item totals and the total bid for time is the bid amount the Department uses for bid comparison.
- 2.7. The Department's decision on the bid amount is final.

3. Bidder has and acknowledges the following addenda:

1, 2, 3,

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)

04/22/13

PRINTED NAME AND TITLE OF PERSON SIGNING

Justin Zabel, President

ADA Notice For individuals with sensory disabilities, this document is available in alternate formats. For information call (916) 654-6410 or TDD (916) 654-3880 or write Records and Forms Management, 1120 N Street, MS-69, Sacramento, CA 95814.

BID ITEM LIST
01-0C7304

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	3,000 ⁻
2	120090	CONSTRUCTION AREA SIGNS	LS	LUMP SUM	LUMP SUM	5,000 ⁻
3	120100	TRAFFIC CONTROL SYSTEM	LS	LUMP SUM	LUMP SUM	90,000 ⁻
4	120149	TEMPORARY PAVEMENT MARKING (PAINT)	SQFT	450	5 ⁻	2,250 ⁻
5	120159	TEMPORARY TRAFFIC STRIPE (PAINT)	LF	18,700	0.50	9,350 ⁻
6	128651	PORTABLE CHANGEABLE MESSAGE SIGN (EA)	EA	3	7,500 5,000 ^{SP}	22,500 ⁻ 15,000 ^{SP}
7	130100	JOB SITE MANAGEMENT	LS	LUMP SUM	LUMP SUM	10,000 ⁻ 7,000 ^{SP}
8	130200	PREPARE WATER POLLUTION CONTROL PROGRAM	EA	1	5,000 ⁻	5,000 ⁻
9	130900	TEMPORARY CONCRETE WASHOUT	LS	LUMP SUM	LUMP SUM	3,000 ⁻
10	141120	TREATED WOOD WASTE	LB	3,350	0.60	2,010 ⁻
11	150771	REMOVE ASPHALT CONCRETE DIKE	LF	5,930	8.50	50,405 ⁻
12	151572	RECONSTRUCT METAL BEAM GUARD RAILING	LF	2,930	22 ⁻	64,460 ⁻
13	152301	RESET MARKER	EA	10	200 ⁻	2,000 ⁻
14	152438	ADJUST FRAME AND COVER TO GRADE	EA	3	1,000 ⁻	3,000 ⁻
15	153103	COLD PLANE ASPHALT CONCRETE PAVEMENT	SQYD	4,990	12 ⁻	59,880 ⁻
16	025461	COLD IN-PLACE RECYCLING	SQYD	45,400	4 ⁻	181,600 ⁻
17	025462	CEMENT (COLD IN-PLACE RECYCLING)	TON	89	150 ⁻	13,350 ⁻
18	025463	EMULSIFIED RECYCLING AGENT (COLD IN-PLACE RECYCLING)	TON	300	675 ⁻	202,500 ⁻
19	025464	ASPHALTIC EMULSION (COLD IN-PLACE RECYCLING)	TON	12	900 ⁻	10,800 ⁻
20	025465	SAND COVER (COLD IN-PLACE RECYCLING)	TON	46	90 ⁻	4,140 ⁻

BID ITEM LIST
01-0C7304

Item No.	Item Code	Item Description	Unit of Measure	Estimated Quantity	Unit Price	Item Total
21	390095	REPLACE ASPHALT CONCRETE SURFACING	CY	220	450 ⁻ 420 ⁻ (circled)	99,000 ⁻ 92,400 ⁻ (circled)
22	390132	HOT MIX ASPHALT (TYPE A)	TON	7,200	121 ⁻	871,200 ⁻
23	390136	MINOR HOT MIX ASPHALT	TON	52	150 ⁻	7,800 ⁻
24	394060	DATA CORE	LS	LUMP SUM	LUMP SUM	3,500 ⁻
25	394073	PLACE HOT MIX ASPHALT DIKE (TYPE A)	LF	1,060	2 ⁻	2,120 ⁻
26	394076	PLACE HOT MIX ASPHALT DIKE (TYPE E)	LF	3,390	2 ⁻	6,780 ⁻
27	394077	PLACE HOT MIX ASPHALT DIKE (TYPE F)	LF	1,490	2 ⁻	2,980 ⁻
28	397005	TACK COAT	TON	26	900 ⁻	23,400 ⁻
29	820118	GUARD RAILING DELINEATOR	EA	30	35 ⁻	1,050 ⁻
30	832070	VEGETATION CONTROL (MINOR CONCRETE)	SQYD	1,080	40 ⁻	43,200 ⁻
31	839585	ALTERNATIVE FLARED TERMINAL SYSTEM	EA	2	3,000 ⁻	6,000 ⁻
32	840515	THERMOPLASTIC PAVEMENT MARKING	SQFT	450	10 ⁻	4,500 ⁻
33	846001	4" THERMOPLASTIC TRAFFIC STRIPE (ENHANCED WET NIGHT VISIBILITY)	LF	67,900	75 ⁻ 0 ⁻	50,925 ⁻
34	846003	4" THERMOPLASTIC TRAFFIC STRIPE (ENHANCED WET NIGHT VISIBILITY) (BROKEN 12-3)	LF	1,120	1 ⁻	1,120 ⁻
35	846005	4" THERMOPLASTIC TRAFFIC STRIPE (ENHANCED WET NIGHT VISIBILITY) (BROKEN 36-12)	LF	3,490	1 ⁻	3,490 ⁻
36	850111	PAVEMENT MARKER (RETROREFLECTIVE)	EA	430	8 ⁻	3,440 ⁻
37	850122	PAVEMENT MARKER (RETROREFLECTIVE-RECESSED)	EA	1,010	10 ⁻	10,100 ⁻

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BID ITEM LIST
01-0C7304

Item No.	Item Code	Item Description	Unit of Measure	Estimated Quantity		
38	BLANK					
39	150715	REMOVE THERMOPLASTIC PAVEMENT MARKING	SQFT	2250		
					7	15,750
40	999990	MOBILIZATION	LS	LUMP SUM	199,000	199,000

TOTAL BID:

2,099,600⁻
\$ ~~2,996~~ (SP)
2,087,000²⁰

hand

Bidder Name: Mercer-Fraser Company

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
S.T. Rhodes Construction (S) Redding, CA Pavement Recycling Systems Jarupa Valley, CA			Traffic control (partial) (S) Cement (CPR) Emulsified Recycle Agent (CPR) Mob. (Partial)
ST Rhodes Redding, CA			Traffic control (partial) Remove AC Dike Cold plant AC Replace AC surfacing Vegetation Control (minor concrete)
Apply - A - Line Anderson, CA			Temp. stripe Thermo. stripe Reflectors Remove thermo. Mob. (partial)
Apex Fence Anderson, CA			Treated wood waste Reconstruct MBGR Guard Railings Detacher Alternative Flare Terminal System

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Handwritten mark

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION

SUBCONTRACTOR LIST

DES-OE-0102.2 (REV 3/2011)

Bidder Name: Mercer-Praser Company

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
Apply-A-Line Anderson, CA	5	70%	Temporary Stripe
	32	80%	Thermoplastic PM
	33	89%	Thermoplastic Traffic Stripe (Wet Night)
	34	60%	Thermoplastic Traffic Stripe (Broken, Wet Night)
	35	60%	Thermoplastic Traffic Stripe (Broken, Wet Night)
	36	75%	Reflectors
	37	85%	Recessed Reflectors
	39	100%	Remove Thermoplastic PM
	40	0.75%	Mobilization (Partial)
	Pavement Recycling Systems Jurupa Valley, CA	16	50%
17		96%	Cement (Cold In-Place Recycling)
18		97%	Emulsified Recycling Ascent (CIPR)
40		34%	Mobilization (Partial)
S.T. Rhoades Construction Redding, CA	15	73%	Cold Plane AC
	21	47%	Replace AC Surfacing
	30	95%	Vegetation Control (Minor Concrete)
	11	94%	Remove AC Dike
Apex Fence Anderson, CA	10	50%	Treated Wood Waste
	12	75%	Reconstruct MBGR
	29	57%	Guard Railing Delineator
	31	73%	Alternative Flared Terminal System

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MERCER-FRASER COMPANY
SINCE 1870

FACSIMILE/MEMORANDUM TRANSMITTAL SHEET

TO: BID DEPARTMENT	FROM: BETTINA
COMPANY: CALTRANS	DATE: 05/15/2013
FAX NUMBER: 916-227-6282	TOTAL NO. OF PAGES INCLUDING COVER: 2
PHONE NUMBER:	SENDER'S REFERENCE NUMBER: 01-0C7304
RF: SUBCONTRACTOR LIST	YOUR REFERENCE NUMBER:

URGENT FOR REVIEW PLEASE COMMENT PLEASE REPLY PLEASE RECYCLE

Thank you

Bettina Rheinschmidt

Mercer-Fraser Company

REQUEST FOR SMALL BUSINESS PREFERENCE OR NON-SMALL BUSINESS PREFERENCE

DES-OE-0102.7 (REV 02/2010)

CONTRACT NO. 01-0C7304

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: 2/1/13

Signature:  _____

ADA Notice

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CALIFORNIA COMPANY PREFERENCE

DES-OE-0102.9 (REV 11/2008)

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

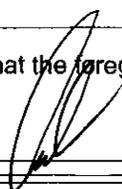
I am not a California company. My principal place of business is in _____

(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: 04/22/03

Signature of Bidder: 

ADA Notice For individuals with sensory disabilities, this document is available in alternate formats. For information call (916) 654-6410 or TDD (916) 654-3680 or write Records and Forms Management, 1120 N Street, MS-69, Sacramento, CA 95814.

We Mercer-Fraser Company

as Principal, and

Liberty Mutual Insurance Company

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

THE CONDITION OF THIS OBLIGATION IS SUCH, THAT:

WHEREAS, the Principal is submitting a bid to the Obligee, for Cold in Place Recycle with Hma Overlay in Humboldt County near Hoopa from Hostler Creek Bridge to Rock Chute Viaduct
(Only keep the exact description of work, including location, as it appears on the proposal)

for which bids are to be opened at Department of Transportation, Bidder's Exchange, MS-26

1727 30th Street, Sacramento CA 95816 on 05/14/2013
(insert place where bids will be opened)

(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: May 14, 2013

Correspondence or claims relating to this bond should be sent to the surety at the following address: Liberty Mutual Insurance Company, Attn: Surety Claims Dept., 1001 4th Avenue, Suite 1700, Seattle, WA 98154

Mercer-Fraser Company

Justin Zabel Principal President

Liberty Mutual Insurance Company

By Donna J. Frowd Attorney-in-Fact

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California } (SEE ATTACHED)
County of _____

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

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of MARIN

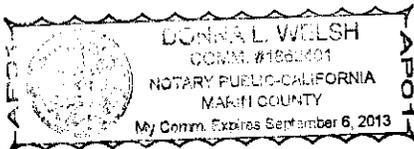
On May 14, 2013 before me, Donna L. Welsh, Notary Public, personally appeared Donna J. Frowd who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/~~are~~ subscribed to the within instrument and acknowledged to me that ~~he/she/they~~ executed the same in ~~his/her/their~~ 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



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. 5940854

American Fire and Casualty Company
The Ohio Casualty Insurance Company

Liberty Mutual Insurance Company
West American Insurance Company

POWER OF ATTORNEY

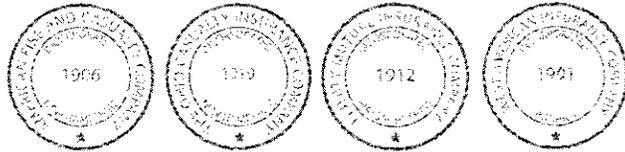
KNOWN ALL PERSONS BY THESE PRESENTS: That American Fire & Casualty Company and The Ohio Casualty Insurance Company are corporations duly organized under the laws of the State of New Hampshire, that Liberty Mutual Insurance Company is a corporation duly organized under the laws of the State of Massachusetts, 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, Debbie L. Weish; Donna J. Frowd; Donna L. Weish; Michael Brophy McGowan; Susan J. McGowan

all of the city of Novato, 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 9th day of January, 2013.

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 9th day of January, 2013, before me personally appeared Gregory W. Davenport, who acknowledged himself to be the Assistant Secretary of American Fire and Casualty Company, Liberty Mutual Insurance Company, The Ohio Casualty Insurance 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.

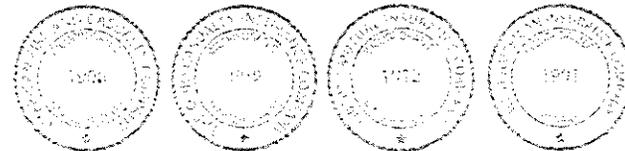
ARTICLE XIII – Execution of Contracts – SECTION 5. Surety Bonds and Undertakings. Any officer of the Company authorized for that purpose in writing by the chairman or the president, and subject to such limitations as the chairman or the president may prescribe, shall appoint such attorneys-in-fact, as 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 14th day of May, 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.

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