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Caltrans[®]

**STATE OF CALIFORNIA
DEPARTMENT OF TRANSPORTATION**

BID

**FOR CONSTRUCTION ON STATE HIGHWAY IN SANTA CLARA COUNTY AT VARIOUS
LOCATIONS FROM 0.3 MILE SOUTH OF ALMA COLLEGE ROAD TO 0.2 MILE NORTH
OF BEAR CREEK ROAD OVERCROSSING**

In District 04 On Route 17

Under

Notice to Bidders and Special Provisions dated March 3, 2014

Standard Specifications dated 2010

Project plans approved September 3, 2013

Standard Plans dated 2010

Identified by

Contract No. 04-3S8304

04-SCI-17-3.1/4.4

Project ID 0400001036

Federal-Aid Project

ACNHP-P017(109)E



K67

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

CONTRACT NO. 04-358304

NAME OF BIDDER WATER ROCK CONSTRUCTION CORPORATION

BUSINESS P.O. BOX NONE

CITY, STATE, ZIP _____

BUSINESS STREET ADDRESS 1600 RIVIERA AVE SUITE 310

(Include even if P.O. Box used)

CITY, STATE, ZIP WALNUT CREEK CA 94596

TELEPHONE NO: AREA CODE (408) 832-6544

FAX NO: AREA CODE (408) 496-0806

CONTRACTOR LICENSE NO. _____

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 lime, 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:

Addendum #1 (3/14/14)

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

Cash \$ _____, Cashiers Check, Certified Check, Bidder's Bond

5. Bidder's signature is an affirmation of the included certifications. Bidder is cautioned that making a false certification may result in one or more of the following:

5.1. Criminal prosecution

5.2. Rejection of the bid

5.3. Rescission of the award

5.4. Termination of the Contract

BY (Authorized Signature)



DATE SIGNED (Do not type)

3-20-14

PRINTED NAME AND TITLE OF PERSON SIGNING

STEVEN MICHELSON

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 95614.

Contract No. 04-3S8304

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	950 ⁰⁰
2	120090	CONSTRUCTION AREA SIGNS	LS	LUMP SUM	LUMP SUM	3400 ⁰⁰
3	120100	TRAFFIC CONTROL SYSTEM	LS	LUMP SUM	LUMP SUM	17235 ⁰⁰
4	128652	PORTABLE CHANGEABLE MESSAGE SIGN (LS)	LS	LUMP SUM	LUMP SUM	4000 ⁰⁰
5	130100	JOB SITE MANAGEMENT	LS	LUMP SUM	LUMP SUM	22600 ⁰⁰
6	130200	PREPARE WATER POLLUTION CONTROL PROGRAM	LS	LUMP SUM	LUMP SUM	850 ⁰⁰
7	130530	TEMPORARY HYDRAULIC MULCH (BONDED FIBER MATRIX)	SQYD	1,570	250	3925 ⁰⁰
8	130620	TEMPORARY DRAINAGE INLET PROTECTION	EA	6	475 ⁰⁰	2850 ⁰⁰
9	130640	TEMPORARY FIBER ROLL	LF	580	3 ⁰⁰	1740 ⁰⁰
10	130730	STREET SWEEPING	LS	LUMP SUM	LUMP SUM	8840 ⁰⁰
11	130900	TEMPORARY CONCRETE WASHOUT	LS	LUMP SUM	LUMP SUM	1600 ⁰⁰
12	141000	TEMPORARY FENCE (TYPE ESA)	LF	1,080	4.80	5184 ⁰⁰
13	150771	REMOVE ASPHALT CONCRETE DIKE	LF	210	20 ⁰⁰	4200 ⁰⁰
14	150809	REMOVE CULVERT (LF)	LF	120	40 ⁰⁰	4800 ⁰⁰
15	150820	REMOVE INLET	EA	2	1100 ⁰⁰	2200 ⁰⁰
16	152316	RESET ROADSIDE SIGN (ONE POST)	EA	2	250 ⁰⁰	500 ⁰⁰
17	160102	CLEARING AND GRUBBING (LS)	LS	LUMP SUM	LUMP SUM	11900 ⁰⁰
18	190101	ROADWAY EXCAVATION	CY	840	36 ⁰⁰	30240 ⁰⁰
19	190105	ROADWAY EXCAVATION (TYPE Z-2) (AERIALY DEPOSITED LEAD)	CY	63	236 ⁰⁰	14868 ⁰⁰
20	210110	IMPORTED TOPSOIL (CY)	CY	110	72 ⁰⁰	7920 ⁰⁰

Item No.	Item Code	Item Description	Unit of Measure	Estimated Quantity	Unit Price	Item Total
21	210270	ROLLED EROSION CONTROL PRODUCT (NETTING)	SQFT	6,450	1 ⁰⁰	6450 ⁰⁰
22	210300	HYDROMULCH	SQFT	9,270	.50	4635 ⁰⁰
23	210350	FIBER ROLLS	LF	51	12 ⁰⁰	612 ⁰⁰
24	210430	HYDROSEED	SQFT	9,270	.30	2781 ⁰⁰
25	210600	COMPOST	SQFT	9,270	1 ⁰⁰	9270 ⁰⁰
26	390132	HOT MIX ASPHALT (TYPE A)	TON	360	145 ⁰⁰	52,200 ⁰⁰
27	394073	PLACE HOT MIX ASPHALT DIKE (TYPE A)	LF	90	21 ⁰⁰	1890 ⁰⁰
28	394076	PLACE HOT MIX ASPHALT DIKE (TYPE E)	LF	410	23 ⁰⁰	9430 ⁰⁰
29	394077	PLACE HOT MIX ASPHALT DIKE (TYPE F)	LF	84	25 ⁰⁰	2100 ⁰⁰
30	394090	PLACE HOT MIX ASPHALT (MISCELLANEOUS AREA)	SQYD	12	680 ⁰⁰	8160 ⁰⁰
31	397005	TACK COAT	TON	0.5	4000 ⁰⁰	2000 ⁰⁰
32 (F)	510502	MINOR CONCRETE (MINOR STRUCTURE)	CY	5.3	480 ⁰⁰	2544 ⁰⁰
33	620060	12" ALTERNATIVE PIPE CULVERT	LF	6	135 ⁰⁰	810 ⁰⁰
34	620100	18" ALTERNATIVE PIPE CULVERT	LF	170	41 ⁰⁰	6970 ⁰⁰
35	690112	12' CORRUGATED STEEL PIPE DOWNDRAIN (.079" THICK)	LF	32	187 ⁰⁰	5984 ⁰⁰
36	690118	18" CORRUGATED STEEL PIPE DOWNDRAIN (.109" THICK)	LF	39	152 ⁰⁰	5928 ⁰⁰
37	692307	18" ANCHOR ASSEMBLY	EA	3	960 ⁰⁰	2880 ⁰⁰
38	700641	36" CORRUGATED STEEL PIPE INLET (.168" THICK)	LF	14	510 ⁰⁰	7140 ⁰⁰
39	705011	18" STEEL FLARED END SECTION	EA	4	848 ⁰⁰	3392 ⁰⁰
40	707117	36" PRECAST CONCRETE PIPE INLET	LF	4	1161 ⁰⁰	4644 ⁰⁰

Item No.	Item Code	Item Description	Unit of Measure	Estimated Quantity	Unit Price	Item Total
41	721013	ROCK SLOPE PROTECTION (1/4 T, METHOD B) (CY)	CY	490	112 ⁰⁰	54880 ⁰⁰
42	721017	ROCK SLOPE PROTECTION (FACING, METHOD B) (CY)	CY	15	250 ⁰⁰	3750 ⁰⁰
43	729011	ROCK SLOPE PROTECTION FABRIC (CLASS 8)	SQYD	370	9 ⁰⁰	3330 ⁰⁰
44	731502	MINOR CONCRETE (MISCELLANEOUS CONSTRUCTION)	CY	4	830 ⁰⁰	3320 ⁰⁰
45 (F)	750001	MISCELLANEOUS IRON AND STEEL	LB	1,812	5 ⁰⁰	9060 ⁰⁰
46	840560	THERMOPLASTIC TRAFFIC STRIPE (SPRAYABLE)	LF	400	14 ⁰⁰	5600 ⁰⁰

TOTAL BID:

\$ 369,562⁰⁰

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

Bidder Name: WATER ROCK CONSTRUCTION CORP

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
Superior Hydroseed 250 W. Riverside Dr. Watsonville, Ca. 95076	7, 21, 22, 23 24	.035	LANDSCAPING
APPRIAN UDBE SWPPP 5180 olinda Rd El Sobrante, Ca. 94803	6, 1	.0006	Prepare water Pollution Control Plan, Lead Compliance Plan
A. C. DIKE CO. 2788 Venture Dr. Lincoln, Ca. 95648	27, 28, 29	.016	A.C DIKE
Dube TRUCKING 1217 Dell Ave Campbell, Ca. 95008	17, 18, 26 (partial)		TRUCKING
El Camino Paving 924 San Rafael Ave Mt. View, Ca. 94043	26 (partial)	.03	PAVING
Chrisp Company 43650 Osgood Fremont, Ca. 94539	46	.013	STRIPING
Ed Safety Services 1040 W. Kettleman Lodi, Ca. 95240	20 partial 30	.026	TRAFFIC CONTROL
Bradley Tanks Inc. 402 HARTZ AVE Danville, Ca. 94526	19 Partial	.027	TRANSPORT/DISPOSE ADL

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.

Contract No. 04-3S8304

We Water Rock Construction Corporation
1600 Riviera Ave., Ste. 310, Walnut Creek, CA 94596

as Principal, and

Westchester Fire 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 Project ID #0400001036 / 04-SCI-17-3.1/4.4
(Copy here the exact description of work, including location, as it appears on the proposal)
Construction of State Highway 17, Santa Cruz, California,
for which bids are to be opened at Sacramento, California
(Insert place where bids will be opened)
on March 25, 2014
(Insert date of bid opening)

NOW, THEREFORE, if the Principal is awarded the contract and, within the time and manner required under the specifications, after the prescribed forms are presented to him for signature, enters into a written contract, in the prescribed form, in accordance with the bid, and files two bonds with the Obligee, one to guarantee faithful performance (if specified in the contract) of the contract and the other to guarantee payment for labor and materials as provided by law, then this obligation shall be null and void; otherwise, it shall remain in full force.

In the event a suit is brought upon this bond by the Obligee and judgment is recovered, the Surety shall pay all costs incurred by the Obligee in such suit, including a reasonable attorney's fee to be fixed by the court.

Dated: March 13, 20 14

Correspondence or claims relating to this bond should be sent to the surety at the following address:
Westchester Fire Insurance Company
436 Walnut Street, Philadelphia, PA 19106
Phone: (800) 728-5630

Water Rock Construction Corporation

By: [Signature]
Principal

Westchester Fire Insurance Company

By: [Signature]
Natalie Ann Horder, Attorney-in-Fact

See Attached for Notary Public [Signature]

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California }
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

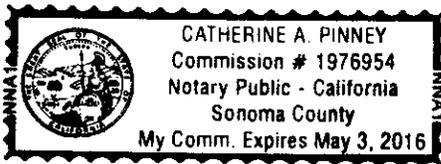
STATE OF CALIFORNIA

County of Sonoma }

On 3/13/14 before me, Catherine A. Pinney, Notary Public,
Date Insert Name of Notary exactly as it appears on the official seal

personally appeared Natalie Ann Horder

Name(s) of Signer(s)



Place Notary Seal Above

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 Catherine A. Pinney
Signature of Notary Public

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of the form to another document.

Description of Attached Document

Title or Type of Document: _____

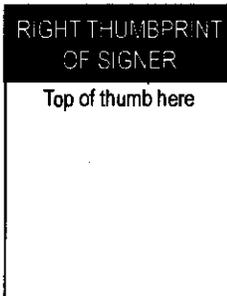
Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

- Individual
- Corporate Officer — Title(s): _____
- Partner Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____



Signer is Representing:

Signer's Name: _____

- Individual
- Corporate Officer — Title(s): _____
- Partner Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____



Signer is Representing:

Power of Attorney

WESTCHESTER FIRE INSURANCE COMPANY

Know all men by these presents: That WESTCHESTER FIRE INSURANCE COMPANY, a corporation of the Commonwealth of Pennsylvania pursuant to the following Resolution, adopted by the Board of Directors of the said Company on December 11, 2006, to wit:

"RESOLVED, that the following authorizations relate to the execution, for and on behalf of the Company, of bonds, undertakings, recognizances, contracts and other written commitments of the Company entered into the ordinary course of business (each a "Written Commitment"):

- (1) Each of the Chairman, the President and the Vice Presidents of the Company is hereby authorized to execute any Written Commitment for and on behalf of the Company, under the seal of the Company or otherwise.
- (2) Each duly appointed attorney-in-fact of the Company is hereby authorized to execute any Written Commitment for and on behalf of the Company, under the seal of the Company or otherwise, to the extent that such action is authorized by the grant of powers provided for in such persons written appointment as such attorney-in-fact.
- (3) Each of the Chairman, the President and the Vice Presidents of the Company is hereby authorized, for and on behalf of the Company, to appoint in writing any person the attorney-in-fact of the Company with full power and authority to execute, for and on behalf of the Company, under the seal of the Company or otherwise, such Written Commitments of the Company as may be specified in such written appointment, which specification may be by general type or class of Written Commitments or by specification of one or more particular Written Commitments.
- (4) Each of the Chairman, the President and Vice Presidents of the Company is hereby authorized, for and on behalf of the Company, to delegate in writing any other officer of the Company the authority to execute, for and on behalf of the Company, under the Company's seal or otherwise, such Written Commitments of the Company as are specified in such written delegation, which specification may be by general type or class of Written Commitments or by specification of one or more particular Written Commitments.
- (5) The signature of any officer or other person executing any Written Commitment or appointment or delegation pursuant to this Resolution, and the seal of the Company, may be affixed by facsimile on such Written Commitment or written appointment or delegation.

FURTHER RESOLVED, that the foregoing Resolution shall not be deemed to be an exclusive statement of the powers and authority of officers, employees and other persons to act for and on behalf of the Company, and such Resolution shall not limit or otherwise affect the exercise of any such power or authority otherwise validly granted or vested.

Does hereby nominate, constitute and appoint Catherine A Pinney, Donnalyn Revis, K. Dixon Wright, Lynn E Patton, Nancy L Wallis, Natalie Ann Horder, Stacy M Clinton, all of the City of Petaluma, California, each individually if there be more than one named, its true and lawful attorney-in-fact, to make, execute, seal and deliver on its behalf, and as its act and deed any and all bonds, undertakings, recognizances, contracts and other writings in the nature thereof in penalties not exceeding Ten million dollars & zero cents (\$10,000,000.00) and the execution of such writings in pursuance of these presents shall be as binding upon said Company, as fully and amply as if they had been duly executed and acknowledged by the regularly elected officers of the Company at its principal office,

IN WITNESS WHEREOF, the said Stephen M. Haney, Vice-President, has hereunto subscribed his name and affixed the Corporate seal of the said WESTCHESTER FIRE INSURANCE COMPANY this 2 day of May 2013.

WESTCHESTER FIRE INSURANCE COMPANY

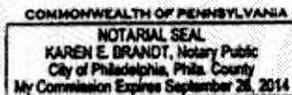


Stephen M. Haney, Vice President

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF PHILADELPHIA ss.

On this 2 day of May, AD. 2013 before me, a Notary Public of the Commonwealth of Pennsylvania in and for the County of Philadelphia came Stephen M. Haney, Vice-President of the WESTCHESTER FIRE INSURANCE COMPANY to me personally known to be the individual and officer who executed the preceding instrument, and he acknowledged that he executed the same, and that the seal affixed to the preceding instrument is the corporate seal of said Company; that the said corporate seal and his signature were duly affixed by the authority and direction of the said corporation, and that Resolution, adopted by the Board of Directors of said Company, referred to in the preceding instrument, is now in force.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal at the City of Philadelphia the day and year first above written.



Notary Public

I, the undersigned Assistant Secretary of the WESTCHESTER FIRE INSURANCE COMPANY, do hereby certify that the original POWER OF ATTORNEY, of which the foregoing is a substantially true and correct copy, is in full force and effect.

In witness whereof, I have hereunto subscribed my name as Assistant Secretary, and affixed the corporate seal of the Corporation, this 13th day of March, 2014.



William L. Kelly, Assistant Secretary

THIS POWER OF ATTORNEY MAY NOT BE USED TO EXECUTE ANY BOND WITH AN INCEPTION DATE AFTER May 02, 2015.

CALIFORNIA ACKNOWLEDGMENT
CERTIFICATE

STATE OF: CALIFORNIA

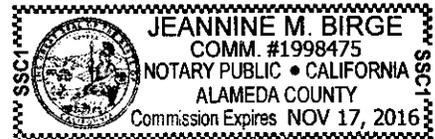
COUNTY OF: CONTRA COSTA

ON MARCH 26th, 2014 BEFORE ME, JEANNINE M. BIRGE, NOTARY PUBLIC, PERSONALLY APPEARED STEVEN MICHELSON

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 SHE ~~HE~~ THEY EXECUTED THE SAME IN HER ~~HIS~~ THEIR AUTHORIZED CAPACITY(IES), AND THAT BY HER ~~HIS~~ 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.

Jeannine M. Birge
SIGNATURE: JEANNINE M. BIRGE, NOTARY PUBLIC



SEAL

TITLE OF DOCUMENT: BIDDERS BOND - CONTRACT No 04-358304

TOTAL NUMBER OF PAGES INCLUDING ATTACHMENT: FOUR

NOTARY COMMISSION EXPIRATION DATE: NOVEMBER 17TH, 2016

NOTARY COMMISSION NUMBER: 1998475

STATE OF CALIFORNIA • DEPARTMENT OF TRANSPORTATION
OPT OUT OF PAYMENT ADJUSTMENTS FOR PRICE INDEX FLUCTUATIONS
DES-OE-0102.12A (REV. 8/2012)

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

Bidder's Name: WATER ROCK CONSTRUCTION CORPORATION Contract No. 04 - 358304

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

Date: 3.20.14

Signature: 

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, MS-88, Sacramento, CA 95814.

Contract No. 04-3S8304

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION
SMALL BUSINESS STATUS
DES-OE-0102.4 (REV 3/2008)

CONTRACT NO. 04 - 358304

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

Yes: Certification number? _____ No

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

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Contract No. 04-3S8304

CERTIFICATIONS

FEDERAL-AID PROJECTS DISCLOSURE OF LOBBYING ACTIVITIES CERTIFICATION

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

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form LLL, "Disclosure of Lobbying Activities," in conformance with its instructions.

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

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

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

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

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

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

DISCLOSURE OF LOBBYING ACTIVITIES

Approved by OMB

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

0348-0046

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

EQUAL EMPLOYMENT OPPORTUNITY REGULATION CERTIFICATION

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

Notes:

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

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

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

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

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

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

UNDOCUMENTED ALIENS EMPLOYMENT

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

NONCOLLUSION

NONCOLLUSION AFFIDAVIT TO BE EXECUTED BY BIDDER AND SUBMITTED WITH BID
Under PCC 7106 and 23 USC 112, the bidder declares as follows:

State of California County of CONTRA COSTA

[Signature] 3/20/14

STEVEN MICHELSON, being first duly sworn, deposes and says that he or she is
PRESIDENT of WATER ROCK CONSTRUCTION CORP 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.

See Attached *[Signature]*
for
Notary Public

CALIFORNIA ACKNOWLEDGMENT
CERTIFICATE

STATE OF: CALIFORNIA

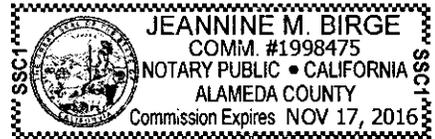
COUNTY OF: CONTRA COSTA

ON March 20th, 2014 BEFORE ME, JEANNINE M. BIRGE, NOTARY PUBLIC, PERSONALLY APPEARED STEVEN MICHELSON

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 SHE ~~(HE)~~ THEY EXECUTED THE SAME IN HER ~~(HIS)~~ THEIR AUTHORIZED CAPACITY ~~(IES)~~, AND THAT BY HER ~~(HIS)~~ 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.

Jeannine M. Birge
SIGNATURE: JEANNINE M. BIRGE, NOTARY PUBLIC



SEAL

TITLE OF DOCUMENT: NON COLLUSION CONTRACT No. 04-358304

TOTAL NUMBER OF PAGES INCLUDING ATTACHMENT: THREE

NOTARY COMMISSION EXPIRATION DATE: NOVEMBER 17TH, 2016

NOTARY COMMISSION NUMBER: 1998475

ANTITRUST LAW

Under Pub Con Code § 10285.1, the Bidder declares under penalty of perjury under the laws of the State of California that the Bidder has has not been convicted within the preceding three years of any offenses referred to in that section, including any charge of fraud, bribery, collusion, conspiracy, or any other act in violation of any state or federal antitrust law in connection with the bidding upon, award of, or performance of, any public works contract, as defined in Pub Cont Code § 1101, with any public entity, as defined in Pub Cont Code § 1100, including the Regents of the University of California or the Trustees of the California State University. The term "Bidder" includes any partner, member, officer, director, responsible managing officer, or responsible managing employee thereof, as referred to in Section 10285.1.

If the Bidder has been convicted of an offense within the past 3 years, provide the conviction details including the date and ultimate resolution of each conviction in the space below.

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

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

BIDDER RESPONSIBILITY QUESTIONNAIRE

Failure to truthfully answer the following questions will result in a finding that the bid is nonresponsive. The Bidder must complete, under penalty of perjury, the following questionnaire:

1. Within the past 10 years, has the Bidder been found to be a nonresponsible bidder by any public entity, including federal, State, local, or regional entities?
 Yes No
2. Within the past 10 years, have any of the Bidder's officers or employees with a proprietary interest in the Bidder been determined to be a nonresponsible bidder by a public entity, including federal, State, local or regional entities?
 Yes No
3. Is there any officer or employee of the Bidder who now has or has had any proprietary interest in another company that bid or bids on public works projects whose company has been determined to be a nonresponsible bidder by any public entity, including federal, State, local, or regional entities?
 Yes No
4. If the answer to any of the 3 preceding questions is yes, disclose all pertinent details of the determination of nonresponsibility, including:
 - 4.1. Date of each nonresponsibility determination
 - 4.2. Name of each public agency issuing the nonresponsibility determination and a contact person at that agency who would have information about the determination
 - 4.3. Contract number for each nonresponsibility determination

END CERTIFICATIONS