

AA

**CONTRACT NO. 08 - 0K2404**

**NAME OF BIDDER** Sully-Miller Contracting Company  
**BUSINESS P.O. BOX** N/A  
**CITY, STATE, ZIP** \_\_\_\_\_  
**BUSINESS STREET ADDRESS** 135 S. State College Blvd., Ste. 400  
(include even if P.O. Box used)  
**CITY, STATE, ZIP** Brea, Ca 92821  
**TELEPHONE NO:** AREA CODE ( 714 ) 578-9600  
**FAX NO:** AREA CODE ( 714 ) 578-9672  
**CONTRACTOR LICENSE NO.** 747612-A, C10

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

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

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

For a cost plus time based bid on a contract with a plant establishment period, Bidder additionally agrees to perform the non-plant establishment work within the number of working days bid for non-plant establishment work.
2. For a lump sum based bid, Bidder submits this bid with a total price in the total bid space provided on the Bid Item List. For a unit price or cost plus time based bid, Bidder submits this bid with a unit price and the item total (the product of the unit price and the quantity) for each item and a total price (the sum of the item totals) in the spaces provided on the attached Bid Item List. For a unit price with additive item based bid, Bidder submits this bid with a unit price and an item total for each item and a total base bid (the sum of the item totals) and the additive items in the spaces provided on the attached Bid Item List. Additionally, for a cost plus time based bid, Bidder submits this bid with working days bid for non-plant establishment work, total bid for time, and total bid for bid comparison in the spaces provided on the Bid Item List. Bidder agrees:
  - 2.1. If a discrepancy between the unit price and the item total exists, the unit price prevails except:
    - 2.1.1. If the unit price is illegible, omitted, or the same as the item total, item total prevails and the unit price is the quotient of the item total and the quantity.
    - 2.1.2. If a decimal error is apparent in the product of the unit price and the quantity, the Department will use either the unit price or item total based on the closest by percentage to the unit price or item total in the Department's Final Estimate.
  - 2.2. If the unit price and the item total are illegible or are omitted, the bid may be determined nonresponsive. If a lump sum total price is illegible or is omitted, the bid may be determined nonresponsive.
  - 2.3. Bids on lump sum items are item totals. If a unit price for a lump sum item is entered and it differs from the item total, the item total prevails.
  - 2.4. Entries are to be expressed in dollars or decimal fractions of a dollar. Symbols such as commas and dollar signs are ignored and have no significance in establishing unit price or item total.
  - 2.5. Unit prices and item totals are interpreted by the number of digits and decimal placement. Do not round item totals or the total bid.

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

3. Bidder has and acknowledges the following addenda:

#1, Dated January 6, 2012

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~~ ~~Money Order~~ ~~Bank Draft~~ ~~Check~~ ~~Money Order~~ ~~Bank Draft~~ 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)

PRINTED NAME AND TITLE OF PERSON SIGNING

Gary Downey, Assistant Secretary

1/16/12

**CALIFORNIA ALL-PURPOSE ACKNOWLEDGEMENT**

STATE OF CALIFORNIA

COUNTY OF ORANGE



On January 16, 2012 before me, J. Daniels, Notary Public, personally appeared Gary Downey

who proved to me on the basis of satisfactory evidence to be the person(s) whose name 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 J. Daniels  
J. Daniels, Notary Public

Notary Seal

**OPTIONAL**

**Description of Attached Document**

Title or Type of Document: Bid Proposal-Signature Page

Document Date: January 16, 2012 Number of Pages: 1

Signer(s) Other Than Named Above: \_\_\_\_\_

**Capacity(ies) Claimed by Signer(s):**

Signer's Name Gary Downey Signer's Name \_\_\_\_\_

- |  |   |   |   |
|--|---|---|---|
| <input type="checkbox"/> Individual                              |   | <input type="checkbox"/> Individual                   |   |
| <input checked="" type="checkbox"/> Corporate Officer – Title(s) | <u>Assistant Secretary</u>  | <input type="checkbox"/> Corporate Officer – Title(s) | _____   |
| <input type="checkbox"/> Partner – Limited/General               | _____   | <input type="checkbox"/> Partner – Limited/General    | _____   |
| <input type="checkbox"/> Attorney In Fact                        | Right Thumbprint of Signer  | <input type="checkbox"/> Attorney In Fact             | Right Thumbprint of Signer  |
| <input type="checkbox"/> Trustee                                 | <div style="border: 1px solid black; width: 100px; height: 100px;"></div> | <input type="checkbox"/> Trustee                      | <div style="border: 1px solid black; width: 100px; height: 100px;"></div> |
| <input type="checkbox"/> Guardian or Conservator                 |   | <input type="checkbox"/> Guardian or Conservator      |   |
| <input type="checkbox"/> Other                                   |   | <input type="checkbox"/> Other                        |   |

Signer is Representing: SULLY-MILLER CONTRACTING COMPANY

**BID ITEM LIST**

Item No.	Item Code	Item Description	Unit of Measure	Estimated Quantity	Unit Price	Item Total
1	070012	PROGRESS SCHEDULE (CRITICAL PATH METHOD)	LS	LUMP SUM	LUMP SUM	3,700. ✓
2	070018	TIME-RELATED OVERHEAD	WDAY	220	1,700. ✓	374,000. ✓
3	074016	CONSTRUCTION SITE MANAGEMENT	LS	LUMP SUM	LUMP SUM	38,000. ✓
4	074017	PREPARE WATER POLLUTION CONTROL PROGRAM	LS	LUMP SUM	LUMP SUM	10,000. ✓
5	074043	TEMPORARY CONCRETE WASHOUT BIN	EA	2	600. ✓	1,200. ✓
6	120090	CONSTRUCTION AREA SIGNS	LS	LUMP SUM	LUMP SUM	8,800. ✓
7	120100	TRAFFIC CONTROL SYSTEM	LS	LUMP SUM	LUMP SUM	475,000. ✓
8	128650	PORTABLE CHANGEABLE MESSAGE SIGN	EA	2	14,000. ✓	28,000. ✓
9	150630	REMOVE MARKER	EA	49	20. ✓	980. ✓
10	150771	REMOVE ASPHALT CONCRETE DIKE	LF	162,000	.36	58,320. ✓
11	151272	SALVAGE METAL BEAM GUARD RAILING	LF	15,200	4.25 <sup>00</sup> 6.40	97,280. ✓ 64,600. ✓
12	153103	COLD PLANE ASPHALT CONCRETE PAVEMENT	SQYD	1,130,000	1.20	1,356,000. ✓
13	190101	ROADWAY EXCAVATION	CY	1,420	83. ✓	117,860. ✓
14	190110	LEAD COMPLIANCE PLAN	LS	LUMP SUM	LUMP SUM	2,000. ✓
15	260201	CLASS 2 AGGREGATE BASE	CY	380	52. ✓	19,760. ✓
16	390129	HOT MIX ASPHALT (TYPE C)	TON	130,000	77. ✓	10,010,000. ✓
17	390132	HOT MIX ASPHALT (TYPE A)	TON	240	72. ✓	17,280. ✓
18	390140	RUBBERIZED HOT MIX ASPHALT (GAP GRADED)	TON	98,700	93. ✓	9,179,100. ✓
19	390145	HOT MIX ASPHALT (FOR AC DIKES)	TON	7,430	73. ✓	542,390. ✓
20	394050	RUMBLE STRIP	STA	4,840	25. ✓	121,000. ✓

Item No.	Item Code	Item Description	Unit of Measure	Estimated Quantity	Unit Price	Item Total
21	394060	DATA CORE	LS	LUMP SUM	LUMP SUM	21,000.
22	394074	PLACE HOT MIX ASPHALT DIKE (TYPE C)	LF	1,210	.68	822.80
23	394075	PLACE HOT MIX ASPHALT DIKE (TYPE D)	LF	93,800	.68	63,784.
24	394076	PLACE HOT MIX ASPHALT DIKE (TYPE E)	LF	56,400	.68	38,352.
25	394077	PLACE HOT MIX ASPHALT DIKE (TYPE F)	LF	10,600	.68	7,208.
26	394090	PLACE HOT MIX ASPHALT (MISCELLANEOUS AREA)	SQYD	1,680	28.35	47,628.
27	397005	TACK COAT	TON	420	525.	220,500.
28	401051	JOINED PLAIN CONCRETE PAVEMENT (RAMP TERMINI-RAPID STRENGTH CONCRETE)	CY	580	317.	183,860.
29	404092	SEAL PAVEMENT JOINT	LF	1,760	8.25	14,520.
30	510502	MINOR CONCRETE (MINOR STRUCTURE)	CY	29	2,500.	72,500.
31	691004	10" CORRUGATED STEEL FLUME DOWNDRAIN	LF	200	120.	24,000.
32	692104	10" TAPERED INLET	EA	10	250.	2,500.
33	692361	FLUME ANCHOR ASSEMBLY	EA	30	110.	3,300.
34	731656	CURB RAMP DETECTABLE WARNING SURFACE	SQFT	48	50.	2,400.
35	820107	DELINEATOR (CLASS 1)	EA	120	43.	5,160.
36	820132	OBJECT MARKER (TYPE L)	EA	56	48.	2,688.
37	832002	METAL BEAM GUARD RAILING (STEEL POST)	LF	12,000	20.	240,000.
38	022132	DOUBLE METAL BEAM GUARD RAILING (STEEL POST)	LF	550	28.	15,400.
39	839541	TRANSITION RAILING (TYPE WB)	EA	36	3,500.	126,000.
40	839576	END CAP (TYPE A)	EA	9	260.	2,340.
						1,890.00

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Item No.	Item Code	Item Description	Unit of Measure	Estimated Quantity	Unit Price	Item Total
41	839578	END CAP (TYPE TC)	EA	36	265.	9,540.
42	839581	END ANCHOR ASSEMBLY (TYPE SFT)	EA	31	535.	16,585.
43	839584	ALTERNATIVE IN-LINE TERMINAL SYSTEM	EA	25	2,600.	65,000.
44	839585	ALTERNATIVE FLARED TERMINAL SYSTEM	EA	32	<del>2,600.</del> 2,100.	<del>83,200.</del> 67,200.
45	839601	CRASH CUSHION (TYPE CAT)	EA	3	4,800.	14,400.
46	839602	CRASH CUSHION (TYPE CAT) BACKUP	EA	3	1,050. <del>330.</del>	3,150. <del>990.</del>
47	840515	THERMOPLASTIC PAVEMENT MARKING	SQFT	2,430	2.15	5,224.50
48	840560	THERMOPLASTIC TRAFFIC STRIPE (SPRAYABLE)	LF	771,000	.15	115,650.
49	850101	PAVEMENT MARKER (NON-REFLECTIVE)	EA	20,200	1.10	22,220.
50	850111	PAVEMENT MARKER (RETROREFLECTIVE)	EA	11,000	2.65	29,150.
51	860090	MAINTAINING EXISTING TRAFFIC MANAGEMENT SYSTEM ELEMENTS DURING CONSTRUCTION	LS	LUMP SUM	LUMP SUM	2,600.
52	999990	MOBILIZATION	LS	LUMP SUM	LUMP SUM	1,462,000.

TOTAL BID:

\$25,383,352.<sup>30</sup>

B

**SUBCONTRACTOR LIST**

DES-OE-0102.2 (REV 3/2011)

Bidder Name: Sully-Miller Contracting 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
CA Stripe, Colton CA	7 47 48 49 50	2% 100 100 100 100	Traffic Control MARKING thermo stripe Pavement Marker Pavement Marker
APCO, Boshen CA	22-25 26	100 100	AL DIKE Place misc. Area
PRS, Mira Loma CA	10 12 20	100 34.5 100	Remove AL DIKE Cold Plane AL Rumble Strip
KRC, Visalia CA	6	100	Const. Area Signs
Appian, El Sobrante CA	4 14	8 100	Prepare WPLP Prepare Lead Compliance Plan
<sup>60</sup> Root Valley Fence, Ridgecrest OUR CA	11,37-46	100	MBGR
EM Oil Transport, Montebello CA	16	44.8	Supply liquid Asphalt

**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. 08-0K2404

We Sully-Miller Contracting 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 Construction on State Highway in San Bernardino County from 0.2 mile West of Desert Oasis Roadside Rest Area to 1.0 Miles East of Crucero Road, District 08, Route 40, Contract No. 08-0K2404 08-SBd-40-R28.1/R51.0 Fed. Aid Proj. ACIM-040-1(078)27E  
(Copy here the exact description of work, including location, as it appears on the proposal)  
for which bids are to be opened at Irvine, CA

(insert place where bids will be opened)

on 1/19/12

(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: January 12, 20 12

Correspondence or claims relating to this bond should be sent to the surety at the following address: Liberty Mutual Insurance Company  
8044 Montgomery Rd. Ste. 150  
Cincinnati, OH 45236

Sully-Miller Contracting Company

Gary Downey, Assistant Secretary  
Liberty Mutual Insurance Company

By Kim Heredia, Attorney-in-Fact

**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

State of California }  
County of \_\_\_\_\_ } **\*\*See Attached\*\***

On this \_\_\_\_\_ before me, \_\_\_\_\_  
Date Here insert Name and Title of the Officer

personally appeared \_\_\_\_\_  
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

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

WITNESS my hand and official seal.

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

(SEAL)

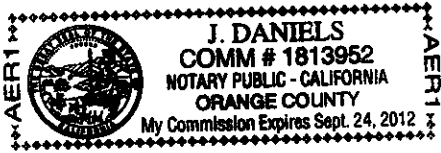
**CALIFORNIA ALL-PURPOSE ACKNOWLEDGEMENT**

STATE OF CALIFORNIA  
COUNTY OF ORANGE



On January 16, 2012 before me, J. Daniels, Notary Public, personally appeared Gary Downey

who proved to me on the basis of satisfactory evidence to be the person(s) whose name 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 J. Daniels  
J. Daniels, Notary Public

Notary Seal

**OPTIONAL**

**Description of Attached Document**

Title or Type of Document: Bidder's Bond

Document Date: January 12, 2012 Number of Pages: 1

Signer(s) Other Than Named Above: \_\_\_\_\_

**Capacity(ies) Claimed by Signer(s):**

Signer's Name Gary Downey Signer's Name \_\_\_\_\_

- |   |   |
|---|---|
| <input type="checkbox"/> Individual   | <input type="checkbox"/> Individual                         |
| <input checked="" type="checkbox"/> Corporate Officer – Title(s) <u>Assistant Secretary</u> | <input type="checkbox"/> Corporate Officer – Title(s) _____ |
| <input type="checkbox"/> Partner – Limited/General _____                                    | <input type="checkbox"/> Partner – Limited/General _____    |
| <input type="checkbox"/> Attorney In Fact   | <input type="checkbox"/> Attorney In Fact                   |
| <input type="checkbox"/> Trustee  | <input type="checkbox"/> Trustee                            |
| <input type="checkbox"/> Guardian or Conservator  | <input type="checkbox"/> Guardian or Conservator            |
| <input type="checkbox"/> Other  | <input type="checkbox"/> Other                              |

Right Thumbprint  
of Signer

Right Thumbprint  
of Signer

Signer is Representing: SULLY-MILLER CONTRACTING COMPANY

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

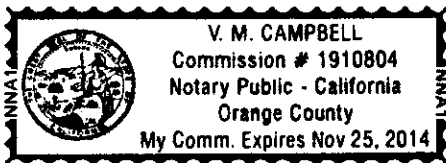
State of California

County of Orange

On JAN 12 2012 before me, V.M. Campbell, Notary Public  
DATE NAME, TITLE OF OFFICER - E.G., "JANE DOE, NOTARY PUBLIC"

personally appeared Kim Heredia, who proved to me on the basis of satisfactory evidence to be the person(s) whose names (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.

V.M. Campbell  
SIGNATURE OF NOTARY

OPTIONAL

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

CAPACITY CLAIMED BY SIGNER

- INDIVIDUAL
- CORPORATE OFFICER

TITLE(S)

- PARTNER(S)  LIMITED
- TRUSTEE(S)  GENERAL
- ATTORNEY-IN-FACT
- GUARDIAN/CONSERVATOR
- OTHER: \_\_\_\_\_

DESCRIPTION OF ATTACHED DOCUMENT

TITLE OR TYPE OF DOCUMENT

NUMBER OF PAGES

JAN 12 2012

DATE OF DOCUMENT

SIGNER IS REPRESENTING:  
NAME OF PERSON(S) OR ENTITY(IES)

SIGNER(S) OTHER THAN NAMED ABOVE.

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.

LIBERTY MUTUAL INSURANCE COMPANY
BOSTON, MASSACHUSETTS
POWER OF ATTORNEY

KNOW ALL PERSONS BY THESE PRESENTS: That Liberty Mutual Insurance Company (the "Company"), a Massachusetts stock insurance company, pursuant to and by authority of the By-law and Authorization hereinafter set forth, does hereby name, constitute and appoint VICTORIA M. CAMPBELL, KIM HEREDIA, ALL OF THE CITY OF IRVINE, STATE OF CALIFORNIA, ERIK JOHANSSON, CHRISTINA JOHNSON, LISA CLARK, SHIRLEY BAUMAN, ALL OF THE CITY OF LOS ANGELES, STATE OF CALIFORNIA.

, 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 the penal sum not exceeding ONE HUNDRED MILLION AND 00/100 DOLLARS (\$ 100,000,000.00 ) each, and the execution of such undertakings, bonds, recognizances and other surety obligations, in pursuance of these presents, shall be as binding upon the Company as if they had been duly signed by the president and attested by the secretary of the Company in their own proper persons.

That this power is made and executed pursuant to and by authority of the following By-law and Authorization:

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.

By the following instrument the chairman or the president has authorized the officer or other official named therein to appoint attorneys-in-fact:

Pursuant to Article XIII, Section 5 of the By-Laws, David M. Carey, Assistant Secretary of Liberty Mutual Insurance Company, is hereby authorized to 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.

That the By-law and the Authorization set forth above are true copies thereof and are now in full force and effect.

IN WITNESS WHEREOF, this Power of Attorney has been subscribed by an authorized officer or official of the Company and the corporate seal of Liberty Mutual Insurance Company has been affixed thereto in Plymouth Meeting, Pennsylvania this day of 5th day of August 2011.



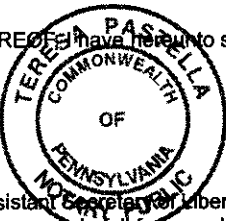
LIBERTY MUTUAL INSURANCE COMPANY

By David M. Carey, Assistant Secretary

COMMONWEALTH OF PENNSYLVANIA ss
COUNTY OF MONTGOMERY

On this 5th day of August, 2011, before me, a Notary Public, personally came David M. Carey, to me known, and acknowledged that he is an Assistant Secretary of Liberty Mutual Insurance Company; that he knows the seal of said corporation; and that he executed the above Power of Attorney and affixed the corporate seal of Liberty Mutual Insurance Company thereto with the authority and at the direction of said corporation.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my notarial seal at Plymouth Meeting, Pennsylvania, on the day and year first above written.



Notarial Seal
Teresa Pastella, Notary Public
Plymouth Twp., Montgomery County
My Commission Expires Mar. 28, 2013
Member, Pennsylvania Association of Notaries

By Teresa Pastella, Notary Public

CERTIFICATE

I, the undersigned, Assistant Secretary of Liberty Mutual Insurance Company, do hereby certify that the original power of attorney of which the foregoing is a full, true and correct copy, is in full force and effect on the date of this certificate; and I do further certify that the officer or official who executed the said power of attorney is an Assistant Secretary specially authorized by the chairman or the president to appoint attorneys-in-fact as provided in Article XIII, Section 5 of the By-laws of Liberty Mutual Insurance Company.

This certificate and the above power of attorney may be signed by facsimile or mechanically reproduced signatures under and by authority of the following vote of the board of directors of Liberty Mutual Insurance Company at a meeting duly called and held on the 12th day of March, 1980.

VOTED that the 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.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed the corporate seal of the said company, this 12 day of January, 2012.



By Gregory W. Davenport, Assistant Secretary

Not valid for mortgage, note, loan, letter of credit, bank deposit, currency rate, interest rate or residual value guarantees.

To confirm the validity of this Power of Attorney call 1-610-832-8240 between 9:00 am and 4:30 pm EST on any business day.

**OPT OUT OF PAYMENT ADJUSTMENTS FOR PRICE INDEX FLUCTUATIONS**

DES-OE-0102.12 (NEW 12/2009)

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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.

**Bidder Name:** \_\_\_\_\_ **CONTRACT NO.** \_\_\_\_\_

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

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

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**SMALL BUSINESS STATUS**

DES-OE-0102.4 (REV 3/2008)

CONTRACT NO. 08 - 0P2404

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.

**ADA Notice** For individuals with sensory disabilities, this document is available in alternate formats. For information call (916) 654-6410 or TDD (918) 654-3880 or write Records and Forms Management, 1120 N Street, MS-89, Sacramento, CA 95814.

Contract No. 08-0K2404

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.



**CALIFORNIA ALL-PURPOSE ACKNOWLEDGEMENT**

STATE OF CALIFORNIA

COUNTY OF ORANGE



On January 16, 2012 before me, J. Daniels, Notary Public, personally appeared Gary Downey

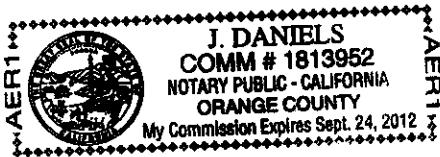
who proved to me on the basis of satisfactory evidence to be the person(s) whose name is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), 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

J. Daniels  
J. Daniels, Notary Public



Notary Seal

**OPTIONAL**

**Description of Attached Document**

Title or Type of Document: Disclosure of Lobbying Activities

Document Date: January 16, 2012

Number of Pages: 1

Signer(s) Other Than Named Above: \_\_\_\_\_

**Capacity(ies) Claimed by Signer(s):**

Signer's Name Gary Downey

Signer's Name \_\_\_\_\_

Individual

Individual

Corporate Officer – Title(s) Assistant Secretary

Corporate Officer – Title(s) \_\_\_\_\_

Partner – Limited/General \_\_\_\_\_

Partner – Limited/General \_\_\_\_\_

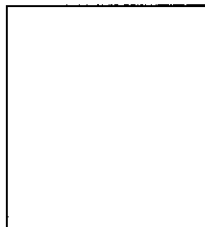
Attorney In Fact

Right Thumbprint  
of Signer

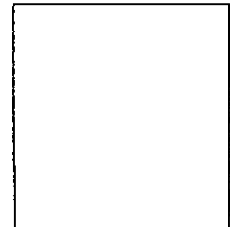
Attorney In Fact

Right Thumbprint  
of Signer

Trustee



Trustee



Guardian or Conservator

Guardian or Conservator

Other

Other

Signer is Representing: SULLY-MILLER CONTRACTING COMPANY

## EQUAL EMPLOYMENT OPPORTUNITY REGULATION CERTIFICATION

Bidder Sully-Miller 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.

\*Contracting Company

### 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 Orange

Gary Downey, being first duly sworn, deposes and says that he or she is Assistant Secretary of Sully-Miller Contracting 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.

### CHILD SUPPORT COMPLIANCE ACT

Under Pub Cont Code § 7110, the contractor acknowledges that:

1. The contractor recognizes the importance of child and family support obligations and shall fully comply with all applicable state and federal laws relating to child and family support enforcement, including, but not limited to, disclosure of information and compliance with earnings assignment orders, as provided in Chapter 8 (commencing with section 5200) of Part 5 of Division 9 of the Family Code; and
2. The contractor to the best of its knowledge is fully complying with the earnings assignment orders of all employees and is providing the names of all new employees to the New Hire Registry maintained by the Employment Development Department.

### VIOLATION OF LAW OR A SAFETY REGULATION

Under Pub Cont Code § 10162, the Bidder must complete, under penalty of perjury, the following questionnaire:

Has the Bidder, any officer of the Bidder, or any employee of the Bidder who has a proprietary interest in the Bidder, ever been disqualified, removed, or otherwise prevented from bidding on, or completing a federal, state, or local government project because of a violation of law or a safety regulation?

Yes     No

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

## NATIONAL LABOR RELATIONS BOARD

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

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

## BIDDER RESPONSIBILITY QUESTIONNAIRE

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

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

END CERTIFICATIONS

**CERTIFICATE OF INCUMBENCY AND RESOLUTION**

I, Gary Downey, do hereby certify that I am the Assistant Secretary of Sully-Miller Contracting Company, a Delaware corporation, and that as such I have access to and custody of the corporate records and minute books of said corporation.

And I do hereby further certify that the following persons are duly elected officers of said corporation.

**TITLE**

Chairman of the Board  
President  
Chief Financial Officer/Treasurer/Vice President  
Vice President/Assistant Secretary  
Vice President  
Secretary  
Assistant Secretary  
Assistant Secretary  
Assistant Secretary

**NAME**

Gordon R. Crawley  
David Martinez  
Timothy P. Orchard  
Michael Edwards  
Scott Bottomley  
Anthony L. Martino II  
George Aldrich  
Gary Downey  
Dennis Gansen

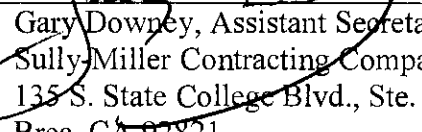
I further certify that the following is a true and correct copy of a resolution duly adopted by the Board of Directors of said Company at a meeting held on August 11, 2009, and that this resolution has not been in any way rescinded, annulled, or revoked but the same is still in full force and effect:

**“AUTHORITY TO EXECUTIVE BIDS AND CONTRACTS”**

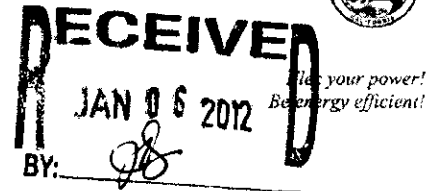
Resolved, that any officer or assistant officer of this Company be and each of them is hereby authorized to execute in the name and on behalf of this Company under its corporate seal any and all proposals for the sale of products, merchandise and services of this Company and any bids and performance bonds required in connection therewith, to the United States, and of the State, territories and dependencies of the United States, the District of Columbia, cities, towns, townships, counties, school districts, and to the department, political subdivisions, agencies or wholly-owned corporations thereof, or to any other person.”

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal this 1<sup>st</sup> day of September 2011.

(SEAL)

  
\_\_\_\_\_  
Gary Downey, Assistant Secretary  
Sully-Miller Contracting Company  
135 S. State College Blvd., Ste. 400  
Brea, CA 92821

**DEPARTMENT OF TRANSPORTATION**  
DIVISION OF ENGINEERING SERVICES  
OFFICE ENGINEER  
1727 30<sup>th</sup> Street MS-43  
P.O. BOX 168041  
SACRAMENTO, CA 95816-8041  
FAX (916) 227-6214  
TTY 711



January 6, 2012

08-SBd-40-R28.1/R51.0  
08-OK2404  
Project ID 0800020316  
ACIM-040-1(078)27E

Addendum No. 1

Dear Contractor:

This addendum is being issued to the contract for CONSTRUCTION ON STATE HIGHWAY IN SAN BERNARDINO COUNTY FROM 0.2 MILE WEST OF DESERT OASIS ROADSIDE REST AREA TO 1.0 MILE EAST OF CRUCERO ROAD.

Submit bids for this work with the understanding and full consideration of this addendum. The revisions declared in this addendum are an essential part of the contract.

Bids for this work will be opened on Thursday, January 19, 2012.

This addendum is being issued to revise the Federal Minimum Wages with Modification Number 0 dated 01/06/2012.

To Bid book holders:

Inquiries or questions in regard to this addendum must be communicated as a bidder inquiry and must be made as noted in the Notice to Bidders section of the Notice to Bidders and Special Provisions.

Indicate receipt of this addendum by filling in the number of this addendum in the space provided on the signature page of the Bid book.

Submit bids in the Bid book you now possess. Holders who have already mailed their book will be contacted to arrange for the return of their book.

Inform subcontractors and suppliers as necessary.

This addendum and the modified wage rates are available for the Contractors' download on the Web site:

[http://www.dot.ca.gov/hq/esc/oe/project\\_ads\\_addenda/08/08-0K2404](http://www.dot.ca.gov/hq/esc/oe/project_ads_addenda/08/08-0K2404)

If you are not a Bid book holder, but request a book to bid on this project, you must comply with the requirements of this letter before submitting your bid.

Sincerely,

A handwritten signature in cursive script that reads "Rebecca D. Harnagel".

REBECCA D. HARNAGEL  
Chief, Office of Plans, Specifications & Estimates  
Office Engineer  
Division of Engineering Services