

Contract No.: 11-2T1834

Project(s):

Bid Opening: 05-03-13 Call Order: 1  
: SD -

Bidder: VC0000101215 - Wier Construction Corp.

Standard Specifications Dated 2010

Contract No.: 11-2T1834

Name of Bidder: Wier Construction Corp.

Business Street Address: 2255 Barham Dr.

Business P.O. Box:

City, State, Zip: Escondido, CA, 92029

Telephone Number: 7607436776

Fax Number: 7607465224

Contractor License Number: 481419

B-2

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

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

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

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

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

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

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

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

- 2.1.1. If the unit price is illegible, omitted, or the same as the item total, item total prevails and the unit price is the quotient of the item total and the quantity.
- 2.1.2. If a decimal error is apparent in the product of the unit price and the quantity, the Department will use either the unit price or item total based on the closest by percentage to the unit price or item total in the Department's Final Estimate.
- 2.2. If the unit price and the item total are illegible or are omitted, the bid may be determined nonresponsive. If a lump sum total price is illegible or is omitted, the bid may be determined nonresponsive.
- 2.3. Bids on lump sum items are item totals. If a unit price for a lump sum item is entered and it differs from the item total, the item total prevails.
- 2.4. Entries are to be expressed in dollars or decimal fractions of a dollar. Symbols such as commas and dollar signs are ignored and have no significance in establishing unit price or item total.
- 2.5. Unit prices and item totals are interpreted by the number of digits and decimal placement.
- 2.6. For a lump sum based bid, the item total is the bid amount the Department uses for bid comparison.

For a unit price based bid, the sum of the item totals is the bid amount the Department uses for bid comparison.

For a cost plus time based bid, the sum of the item totals and the total bid for time is the bid amount the Department uses for bid comparison.

- 2.7. The Department's decision on the bid amount is final.
- 3.0 Bidder submits this bid with one of the following forms of bidder's security equal to at least 10 percent of the bid: Bidder's Bond
- 4.0 Bidder's signature is an affirmation of the included certifications. Bidder is cautioned that making a false certification may result in one or more of the following:
  - 4.1 Criminal prosecution
  - 4.2 Rejection of the bid
  - 4.3 Rescission of the award
  - 4.4 Termination of the Contract

BY (Authorized Signature)

DATE SIGNED (Do not type)

PRINTED NAME AND TITLE OF PERSON SIGNING

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Section BID PROPOSAL TO THE DEPARTMENT OF TRANSPORTATION								
Alt Group								
1	080050	PROGRESS SCHEDULE (CRITICAL PATH METHOD)	LUMP SUM		LUMP SUM		2,300.00	
2	090100	TIME-RELATED OVERHEAD (WDAY)	WDAY	160.000	1,610.00000		257,600.00	
3	120090	CONSTRUCTION AREA SIGNS	LUMP SUM		LUMP SUM		11,212.50	
4	120100	TRAFFIC CONTROL SYSTEM	LUMP SUM		LUMP SUM		28,750.00	
5	120120	TYPE III BARRICADE	EA	14.000	115.00000		1,610.00	
6	128651	PORTABLE CHANGEABLE MESSAGE SIGN (EA)	EA	4.000	2,070.00000		8,280.00	
7	130100	JOB SITE MANAGEMENT	LUMP SUM		LUMP SUM		3,450.00	
8	130300	PREPARE STORM WATER POLLUTION PREVENTION PLAN	LUMP SUM		LUMP SUM		2,070.00	
9	130330	STORM WATER ANNUAL REPORT	EA	2.000	1,610.00000		3,220.00	

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Item No.	Item Code	Item Description	Unit Of Meas	Quant	Unit Price		Item Total	
					Dollars	Cts	Dollars	Cts
10	130505	MOVE-IN/MOVE-OUT (TEMPORARY EROSION CONTROL)	EA	5.000	287.50000		1,437.50	
11	130530	TEMPORARY HYDRAULIC MULCH (BONDED FIBER MATRIX)	SQYD	21,800.000	0.62000		13,516.00	
12	130610	TEMPORARY CHECK DAM	LF	1,490.000	2.24000		3,337.60	
13	130620	TEMPORARY DRAINAGE INLET PROTECTION	EA	8.000	172.50000		1,380.00	
14	130640	TEMPORARY FIBER ROLL	LF	25,700.000	2.24000		57,568.00	
15	130710	TEMPORARY CONSTRUCTION ENTRANCE	EA	12.000	1,437.50000		17,250.00	
16	130730	STREET SWEEPING	LUMP SUM		LUMP SUM		2,875.00	
17	130900	TEMPORARY CONCRETE WASHOUT	LUMP SUM		LUMP SUM		1,725.00	
18	141000	TEMPORARY FENCE (TYPE ESA)	LF	8,190.000	2.24000		18,345.60	
19	141120	TREATED WOOD WASTE	LB	6,220.000	0.46000		2,861.20	

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					Dollars	Cts	Dollars	Cts
20	150605	REMOVE FENCE	LF	7,450.000	8.28000		61,686.00	
21	150809 (LF)	REMOVE CULVERT	LF	28.000	11.50000		322.00	
22	150820	REMOVE INLET	EA	1.000	575.00000		575.00	
23	151531	RECONSTRUCT FENCE	LF	110.000	86.48000		9,512.80	
24	151572	RECONSTRUCT METAL BEAM GUARD RAILING	LF	130.000	23.58000		3,065.40	
25	025444 (VINYL)	RESET FENCE	LF	8.000	115.00000		920.00	
26	152291	RESET GATE	EA	1.000	920.00000		920.00	
27	152320	RESET ROADSIDE SIGN	EA	1.000	230.00000		230.00	
28	152356	RELOCATE IRRIGATION FACILITIES	EA	1.000	28,750.00000		28,750.00	
29	153121 (CY)	REMOVE CONCRETE	CY	150.000	80.50000		12,075.00	

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					Dollars	Cts	Dollars	Cts
30	160102	CLEARING AND GRUBBING (LS)	LUMP SUM		LUMP SUM			34,500.00
31	170101	DEVELOP WATER SUPPLY	LUMP SUM		LUMP SUM			1,150.00
32	190101	ROADWAY EXCAVATION	CY	5,240.000		11.50000		60,260.00
33	194001	DITCH EXCAVATION	CY	4.500		120.75000		543.38
34	200002	ROADSIDE CLEARING	LUMP SUM		LUMP SUM			2,875.00
35	200052	PRUNE EXISTING PLANTS	LUMP SUM		LUMP SUM			11,385.00
36	200120	CULTIVATE	SQYD	12,400.000		2.30000		28,520.00
37	200122	WEED GERMINATION	SQYD	10,500.000		1.27000		13,335.00
38	202004	IRON SULFATE (LB)	LB	740.000		11.50000		8,510.00
39	202011	MULCH	CY	720.000		57.50000		41,400.00

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					Dollars	Cts	Dollars	Cts
40	202035	FERTILIZER (PACKET)	EA	2,610.000	1.15000		3,001.50	
41	202036	SLOW RELEASE OR CONTROLLED RELEASE FERTILIZER	LB	520.000	5.75000		2,990.00	
42(F)	204008	PLANT (GROUP H)	EA	74,445.000	0.58000		43,178.10	
43	204035	PLANT (GROUP A)	EA	200.000	9.20000		1,840.00	
44	204036	PLANT (GROUP B)	EA	810.000	28.75000		23,287.50	
45	204099	PLANT ESTABLISHMENT WORK	LUMP SUM		LUMP SUM		13,800.00	
46	206400	CHECK AND TEST EXISTING IRRIGATION FACILITIES	LUMP SUM		LUMP SUM		5,750.00	
47	206560	CONTROL AND NEUTRAL CONDUCTORS	LUMP SUM		LUMP SUM		13,800.00	
48	206602	1" ELECTRIC REMOTE CONTROL VALVE	EA	4.000	402.50000		1,610.00	
49	206604	1 1/2" ELECTRIC REMOTE CONTROL VALVE	EA	10.000	460.00000		4,600.00	

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Item No.	Item Code	Item Description	Unit Of Meas	Quant	Unit Price Dollars	Cts	Item Total Dollars	Cts
50	208459 (A-11)	SPRINKLER (TYPE)	EA	12.000	51.75000		621.00	
51	208460 (A-12)	SPRINKLER (TYPE)	EA	10.000	51.75000		517.50	
52	208465 (A-5)	SPRINKLER (TYPE)	EA	58.000	51.75000		3,001.50	
53	208466 (A-6)	SPRINKLER (TYPE)	EA	14.000	51.75000		724.50	
54	208467 (A-7)	SPRINKLER (TYPE)	EA	84.000	51.75000		4,347.00	
55	208468 (A-8)	SPRINKLER (TYPE)	EA	1.000	51.75000		51.75	
56	208480 (C-2 MOD)	SPRINKLER (TYPE)	EA	620.000	23.00000		14,260.00	
57	208575	2" GATE VALVE	EA	4.000	460.00000		1,840.00	
58	208588	3" GATE VALVE	EA	1.000	690.00000		690.00	
59 (F)	208595 (SCHEDULE 40) (SUPPLY LINE)	1" PLASTIC PIPE	LF	9,057.000	2.24000		20,287.68	

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60	(F)	208596 1 1/4" PLASTIC PIPE (SCHEDULE 40) (SUPPLY LINE)	LF	4,637.000	2.53000		11,731.61	
61	(F)	208597 1 1/2" PLASTIC PIPE (SCHEDULE 40) (SUPPLY LINE)	LF	1,691.000	2.59000		4,379.69	
62	(F)	208598 2" PLASTIC PIPE (SCHEDULE 40) (SUPPLY LINE)	LF	3,908.000	3.45000		13,482.60	
63	(F)	208599 2 1/2" PLASTIC PIPE (SCHEDULE 40) (SUPPLY LINE)	LF	140.000	5.75000		805.00	
64	(F)	208600 3" PLASTIC PIPE (SCHEDULE 40) (SUPPLY LINE)	LF	190.000	6.90000		1,311.00	
65		208738 8" CORRUGATED HIGH DENSITY POLYETHYLENE PIPE CONDUIT	LF	6.000	115.00000		690.00	
66		210250 EROSION CONTROL (BONDED FIBER MATRIX) (SQFT)	SQFT	45,200.000	0.07000		3,164.00	
67		210350 FIBER ROLLS	LF	21,900.000	2.24000		49,056.00	
68		220101 FINISHING ROADWAY	LUMP SUM		LUMP SUM		2,875.00	
69		498016 16" CAST-IN-DRILLED-HOLE CONCRETE PILING (SOUND WALL)	LF	5,450.000	72.00000		392,400.00	

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70	F	510061 STRUCTURAL CONCRETE, SOUND WALL	CY	506.000	805.00000		407,330.00	
71	F	510502 MINOR CONCRETE (MINOR STRUCTURE)	CY	8.000	1,121.25000		8,970.00	
72	F	025445 MASONRY BLOCK WALL (TYPE 1)	SQFT	40.000	40.26000		1,610.40	
73	F	582001 SOUND WALL (MASONRY BLOCK)	SQFT	59,688.000	29.00000		1,730,952.00	
74	F	582002 ACCESS GATE (SOUND WALL)	EA	10.000	3,444.25000		34,442.50	
75	F	025446 TRANSPARENT SOUND WALL	SQFT	11,146.000	110.40000		1,230,518.40	
76	F	598001 ANTI-GRAFFITI COATING	SQFT	110,425.000	0.64000		70,672.00	
77		620100 18" ALTERNATIVE PIPE CULVERT	LF	130.000	57.50000		7,475.00	
78		641113 24" PLASTIC PIPE	LF	91.000	80.50000		7,325.50	
79		700840 36" BITUMINOUS COATED CORRUGATED STEEL PIPE INLET (.138" THICK)	LF	3.500	920.00000		3,220.00	

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Item No.	Item Code	Item Description	Unit Of Meas	Quant	Unit Price		Item Total	
					Dollars	Cts	Dollars	Cts
80	707117	36" PRECAST CONCRETE PIPE INLET	LF	20.000	230.00000		4,600.00	
81	721017	ROCK SLOPE PROTECTION (FACING, METHOD B) (CY)	CY	4.000	86.25000		345.00	
82	721400	CONCRETE (SLOPE PROTECTION)	CY	250.000	373.75000		93,437.50	
83	721813	SLOPE PAVING (EXPOSED AGGREGATE)	CY	15.000	402.50000		6,037.50	
84	729011	ROCK SLOPE PROTECTION FABRIC (CLASS 8)	SQYD	30.000	10.35000		310.50	
85	730020	MINOR CONCRETE (CURB) (CY)	CY	6.000	517.50000		3,105.00	
86	750001	MISCELLANEOUS IRON AND STEEL	LB	1,347.000	2.59000		3,488.73	
87	800103	TEMPORARY FENCE (TYPE CL-6)	LF	3,080.000	8.80000		27,104.00	
88	025447	TEMPORARY FENCE (TYPE CL-6, SLATTED)	LF	2,830.000	22.37000		63,307.10	
89	800360	CHAIN LINK FENCE (TYPE CL-6)	LF	3,300.000	16.56000		54,648.00	

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90	802501	4' CHAIN LINK GATE (TYPE CL-6)	EA	6.000	954.50000		5,727.00	
91	802540	8' CHAIN LINK GATE (TYPE CL-6)	EA	1.000	1,431.75000		1,431.75	
92	860090	MAINTAINING EXISTING TRAFFIC MANAGEMENT SYSTEM ELEMENTS DURING CONSTRUCTION	LUMP SUM		LUMP SUM		575.00	
93	860797	ELECTRIC SERVICE (IRRIGATION)	LUMP SUM		LUMP SUM		3,346.50	
94	860889	MODIFY TRAFFIC MONITORING STATION	LUMP SUM		LUMP SUM		6,871.25	
96	070030	LEAD COMPLIANCE PLAN	LUMP SUM		LUMP SUM		2,300.00	
97	999990	MOBILIZATION	LUMP SUM		LUMP SUM		40,250.00	
Section BID Total							5,218,816.54	
Total Bid							5,218,816.54	

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SUBCONTRACTOR LIST

Bidder must identify subcontractors performing work in an amount in excess of 1/2 of 1 percent of the total bid or \$10,000, whichever is greater. (Pub Cont Code ♦ 4100 et seq.) Complete Firm Name, City, State and Description of Subcontracted Work, and submit with the bid.

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

\*\*\*\*\*NOTE\*\*\*\*\*

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

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1) Firm Name:Carlolino Traffic Control List this subcontractor  
City:National City State:ca

Description of Subcontracted Work:  
Traffic Control

No.:3 %: 100  
No.: %:  
No.: %:  
No.: %:  
No.: %:

Multiple item numbers and percentages can be separated by a space

2) Firm Name:Integrity Rebar List this subcontractor? Yes  
City:Perris State:ca

Description of Subcontracted Work:  
reinforcing steel

No.:69 %: 30  
No.:70 %: 20  
No.:73 %: 3  
No.: %:  
No.: %:

Multiple item numbers and percentages can be separated by a space

3) Firm Name:Reycon List this subcontractor? Yes  
City:Santa Paula State:ca

Description of Subcontracted Work:  
Masonry

No.:72 %: 90  
No.:73 %: 97  
No.: %:  
No.: %:  
No.: %:

Multiple item numbers and percentages can be separated by a space

SUBCONTRACTOR LIST (cont'd)

- 4) Firm Name:CNJ List this subcontractor? Yes  
City:Scottsdale State:AZ  
Description of Subcontracted Work:  
Anti Graffiti Coating  
No.:76 %: 100  
No.: %:  
No.: %:  
No.: %:  
No.: %:  
Multiple item numbers and percentages can be separated by a space
- 5) Firm Name:Hydro Sprout List this subcontractor? Yes  
City:Escondido State:Ca  
Description of Subcontracted Work:  
Hydroseed  
No.:10 %: 100  
No.:11 %: 100  
No.:66 %: 100  
No.: %:  
No.: %:  
Multiple item numbers and percentages can be separated by a space
- 6) Firm Name: Curtis Drilling List this subcontractor? Yes  
City:San Marcos State:ca  
Description of Subcontracted Work:  
Cidh  
No.:69 %: 100  
No.:75 %: 2  
No.: %:  
No.: %:  
No.: %:  
Multiple item numbers and percentages can be separated by a space
- 7) Firm Name:Fence Corp List this subcontractor? Yes  
City:Riverside State:ca  
Description of Subcontracted Work:  
Fencing  
No.:19 %: 100  
No.:20 %: 100  
No.:23-26 %: 100  
No.:74 %: 100  
No.:87-91 %: 100  
Multiple item numbers and percentages can be separated by a space

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REQUEST FOR SMALL BUSINESS PREFERENCE OR NON-SMALL BUSINESS PREFERENCE

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Small Business Preference

The undersigned 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 applied for certification and is subsequently certified by the

Department of General Services. To further verify its small business status, the undersigned attaches a copy of its small business certification letter.

Example: mm/dd/yyyy

Date: 05032013

Certification Number: 13355

#### Non-Small Business Preference

The undersigned non-small business preference and notifies the Department on the Certified Small Business Listing for the Non-Small Business Preference form that it commits to subcontract at least 25 percent of its bid amount with one or more firms that meets the requirements of 2 CA Code of Regs ♦ 1896 et seq. and the firms are certified as small businesses at the time and day of bid opening or have applied for certification and are subsequently certified by the Department of General Services. List these firms on the Certified Small Business Listing for the Non-Small Business Preference form.

Example: mm/dd/yyyy

Date: 05032013

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CALIFORNIA COMPANY PREFERENCE

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This form must be completed and signed by all bidders. Failure of a non-California company to fill out and sign this form may be cause for rejection of its bid. Eligibility for a reciprocal preference for a California company is waived if the California company fails to complete and sign this form under penalty of perjury. The undersigned certifies that it is a "California company" as defined in Pub Cont Code ♦ 6107 and meets one of the following (enter requested information):

1. I am a California company which has its principal place of business in California.
2. I am not a California company which has its principal place of business in a state in which there is no local contractor preference on construction contracts.  
Name of State:
3. I 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.:

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

4. I a California company.  
My principal place of business is in:  
Describe any and all bid preferences provided to your company by the state or country in which your company has its principal place of business. (Attach additional sheets if necessary.)  
Describe:

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

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OPT OUT OF PAYMENT ADJUSTMENTS FOR PRICE INDEX FLUCTUATIONS

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

I opt out of the payment adjustments for price index fluctuations

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

Date:      Name:

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CERTIFICATIONS

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

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

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UNDOCUMENTED ALIENS EMPLOYMENT

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

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NONCOLLUSION

"NONCOLLUSION AFFIDAVIT TO BE EXECUTED BY BIDDER AND SUBMITTED WITH BID"

Under PCC 7106 and 23 USC 112, the bidder declares as follows:

State of ca County of : San Diego

Name: Brian J Wier

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

Company Title: Vice President of

Company Name: Wier 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."

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CERTIFICATIONS (cont'd)

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CHILD SUPPORT COMPLIANCE ACT

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

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

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VIOLATION OF LAW OR A SAFETY REGULATION

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

Has the Bidder, any officer of the Bidder, or any employee of the Bidder who has a proprietary interest in the Bidder, ever been disqualified, removed, or otherwise prevented from bidding on, or completing a federal, state, or local government project because of a violation of law or a safety regulation? No

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

Explanation: n/a

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NATIONAL LABOR RELATIONS BOARD

Under Pub Cont Code ♦ 10232, the contractor, swears under penalty of perjury, that no more than one final unappealable finding of contempt of court by a federal court has been issued against the contractor within the immediately preceding two year period because of the contractor's failure to comply with an order of a federal court which orders the contractor to comply with an order of the National Labor Relations Board.

ANTITRUST LAW

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

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

Explanation:

BIDDER RESPONSIBILITY QUESTIONNAIRE

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

1. Within the past 10 years, has the Bidder been found to be a nonresponsive bidder by any public entity, including federal, State, local, or regional entities?

No

2. Within the past 10 years, have any of the Bidder's officers or employees with a proprietary interest in the Bidder been determined to be a nonresponsive bidder by a public entity, including federal, State, local or regional entities?

No

3. Is there any officer or employee of the Bidder who now has or has had any proprietary interest in another company that bid or bids on public works projects whose company has been determined to be a nonresponsive bidder by any public entity, including federal, State, local, or regional entities?

No

4. If the answer is to any of the 3 preceding questions is yes, disclose all pertinent details of the determination of nonresponsibility, including:

4.1. Date of each nonresponsibility determination

4.2. Name of each public agency issuing the nonresponsibility determination and a contact person at that agency who would have information about the determination

4.3. Contract number for each nonresponsibility determination

Explanation:

# LETTER OF TRANSMITTAL

## WIER CONSTRUCTION CORPORATION

License #481419  
 2255 Barham Drive  
 Escondido, CA 92029  
 (760) 743-6776 fax (760) 746-5224

DATE 5/2/2013 PROJECT

ATTENTION Office Engineer

TO: 
**MSC43**  
**Office Engineer**  
**Dept. of Transportation**  
**1727 30th St.**  
**Sacramento, CA 95816-7005**

RE: 
**Bid Bond for Contract**  
**11-2T1834 Construct Sound Wall**

We are sending:

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> Attached<br><input type="checkbox"/> Shop Drawings<br><input type="checkbox"/> Copy of Letter<br><input type="checkbox"/> Prints<br><input type="checkbox"/> Change Order | <input type="checkbox"/> Under separate cover via _____ the following items<br><input type="checkbox"/> Plans<br><input type="checkbox"/> Samples<br><input type="checkbox"/> Specifications<br><input checked="" type="checkbox"/> Wier Construction's Exceptions to the Final Estimate |
|---|--|

Copies	Date	No.	Description
1	5/2/2013	1	Bld Bond for 11-2T1834 Construct Soundwall

These are transmitted as checked below:

- |  |  |
|--|--|
| <input type="checkbox"/> For approval<br><input checked="" type="checkbox"/> For your use<br><input type="checkbox"/> As requested<br><input type="checkbox"/> For review and comment<br><input type="checkbox"/> Approved as submitted<br><input type="checkbox"/> For bids due _____ 19 ____ | <input type="checkbox"/> Approved as noted<br><input type="checkbox"/> Returned for corrections<br><input type="checkbox"/> Resubmit _____ copies for approval<br><input type="checkbox"/> Submit _____ copies for distribution<br><input type="checkbox"/> Return _____ corrected prints<br><input type="checkbox"/> Prints returned after loan to us |
|--|--|

Remarks:

Copies to : \_\_\_\_\_

Signed

\_\_\_\_\_  
**Erik Mitchell, Wier Construction Corp.**

If enclosures are not as noted, kindly notify us at once.

We Wier Construction Corporation  
\_\_\_\_\_ as Principal, and  
Philadelphia Indemnity 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 Contract 11-2T1834 Construct Sound Walls  
*(Copy here the exact description of work, including location, as it appears on the proposal)*

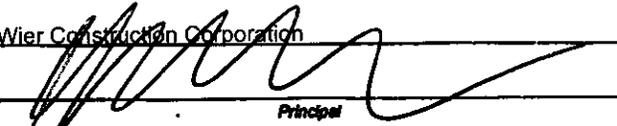
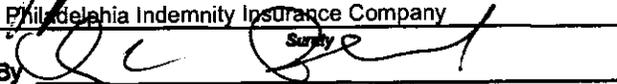
for which bids are to be opened at Irvine, California  
*(insert place where bids will be opened)*  
on May 3, 2013  
*(insert date of bid opening)*

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

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

Dated: May 1, 2013

Correspondence or claims relating to this bond should be sent to the surety at the following address:  
251 S. Lake Ave., Suite 360  
Pasadena, CA 91101

Wier Construction Corporation  
  
Principal  
Philadelphia Indemnity Insurance Company  
  
Surety  
By   
Attorney-in-Fact Cyndi Beilman

**CERTIFICATE OF ACKNOWLEDGMENT**

State of California  
County of \_\_\_\_\_ SS  
On this \_\_\_\_\_ day of \_\_\_\_\_ in the year 20 \_\_\_\_\_ before me, a notary public in and for the county and state aforesaid, personally appeared \_\_\_\_\_, known to me to be the person whose name is subscribed to the within instrument and known to me to be the Attorney-in-Fact of \_\_\_\_\_ and acknowledged to me that he (she) subscribed the name of the said company thereto as surety, and his (her) own name as Attorney-in-Fact.

(SEAL)

\*\*\* SEE ATTACHED ACKNOWLEDGEMENT \*\*\*

Notary Public

# CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

STATE OF CALIFORNIA

County of San Diego }

On May 1, 2013 before me, Pam Davis, Notary Public  
Date Here Insert Name and Title of the Officer

personally appeared Cyndi Beilman  
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 [Handwritten Signature]  
Signature of Notary Public Pam Davis

## 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 this 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: \_\_\_\_\_

**RIGHT THUMBPRINT OF SIGNER**

Top of thumb here

Signer Is Representing: \_\_\_\_\_

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

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

**RIGHT THUMBPRINT OF SIGNER**

Top of thumb here

Signer Is Representing: \_\_\_\_\_

**PHILADELPHIA INDEMNITY INSURANCE COMPANY**

231 St. Asaph's Rd., Suite 100  
Bala Cynwyd, PA 19004-0950

**Power of Attorney**

KNOW ALL PERSONS BY THESE PRESENTS: that **PHILADELPHIA INDEMNITY INSURANCE COMPANY** (the Company), a corporation organized and existing under the laws of the Commonwealth of Pennsylvania, does hereby constitute and appoint: **CYNDI BEILMAN, ANNE WRIGHT AND DANA MICHAELIS OF SURETY ASSOCIATES OF SOUTHERN CALIFORNIA INSURANCE SERVICES** its true and lawful Attorney(s) in fact with full authority to execute on its behalf bonds, undertakings, recognizances and other contracts of indemnity and writings obligatory in the nature thereof, issued in the course of its business and to bind the Company thereby, in an amount not to exceed \$5,000,000.00.

This Power of Attorney is granted and is signed and sealed by facsimile under and by the authority of the following Resolution adopted by the Board of Directors of **PHILADELPHIA INDEMNITY INSURANCE COMPANY** at a meeting duly called the 1<sup>st</sup> day of July, 2011.

**RESOLVED:** That the Board of Directors hereby authorizes the President or any Vice President of the Company to: (1) Appoint Attorney(s) in Fact and authorize the Attorney(s) in Fact to execute on behalf of the Company bonds and undertakings, contracts of indemnity and other writings obligatory in the nature thereof and to attach the seal of the Company thereto; and (2) to remove, at any time, any such Attorney-in-Fact and revoke the authority given. And, be it

**FURTHER RESOLVED:** That the signatures of such officers and the seal of the Company may be affixed to any such Power of Attorney or certificate relating thereto by facsimile, and any such Power of Attorney so executed and certified by facsimile signatures and facsimile seal shall be valid and binding upon the Company in the future with the respect to any bond or undertaking to which it is attached.

IN TESTIMONY WHEREOF, PHILADELPHIA INDEMNITY INSURANCE COMPANY HAS CAUSED THIS INSTRUMENT TO BE SIGNED AND ITS CORPORATE SEAL TO BE AFFIXED BY ITS AUTHORIZED OFFICE THIS 15<sup>TH</sup> DAY OF NOVEMBER 2012.

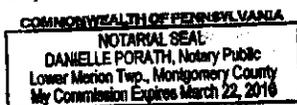


(Seal)

President

Sean S. Sweeney, President  
Philadelphia Indemnity Insurance Company

On this 15<sup>th</sup> day of November 2012, before me came the individual who executed the preceding instrument, to me personally known, and being by me duly sworn said that he is the therein described and authorized officer of the **PHILADELPHIA INDEMNITY INSURANCE COMPANY**; that the seal affixed to said instrument is the Corporate seal of said Company; that the said Corporate Seal and his signature were duly affixed.



Notary Public:

residing at:

Bala Cynwyd, PA

(Notary Seal)

My commission expires:

March 22, 2016

I, Craig P. Keller, Executive Vice President, Chief Financial Officer and Secretary of **PHILADELPHIA INDEMNITY INSURANCE COMPANY**, do hereby certify that the foregoing resolution of the Board of Directors and this Power of Attorney issued pursuant thereto are true and correct and are still in full force and effect. I do further certify that Sean S. Sweeney, who executed the Power of Attorney as President, was on the date of execution of the attached Power of Attorney the duly elected President of **PHILADELPHIA INDEMNITY INSURANCE COMPANY**,

In Testimony Whereof I have subscribed my name and affixed the facsimile seal of each Company this 1st day of May 2013.

  
Craig P. Keller, Executive Vice President, Chief Financial Officer & Secretary  
**PHILADELPHIA INDEMNITY INSURANCE COMPANY**