

B-2  
B/C

CONTRACT NO. 12 - 0M2904

NAME OF BIDDER All American Asphalt  
BUSINESS P.O. BOX P.O. Box 2229  
CITY, STATE, ZIP Corona CA 92878-2229  
BUSINESS STREET ADDRESS 400 East Sixth Street  
(include even if P.O. Box used)  
CITY, STATE, ZIP Corona CA 92879  
TELEPHONE NO: AREA CODE (951) 736-7600  
FAX NO: AREA CODE (951) 739-4671  
CONTRACTOR LICENSE NO. #267073

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

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)



PRINTED NAME AND TITLE OF PERSON SIGNING

Robert Bradley, Vice President

DATE SIGNED (Do not type)

January 29, 2013

**BID ITEM LIST**  
**12-0M2904**

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	765-
2	120090	CONSTRUCTION AREA SIGNS	LS	LUMP SUM	LUMP SUM	13000-
3	120100	TRAFFIC CONTROL SYSTEM	LS	LUMP SUM	LUMP SUM	19700-
4	120165	CHANNELIZER (SURFACE MOUNTED)	EA	7	48-	336-
5	128652	PORTABLE CHANGEABLE MESSAGE SIGN (LS)	LS	LUMP SUM	LUMP SUM	20800-
6	130100	JOB SITE MANAGEMENT	LS	LUMP SUM	LUMP SUM	9000-
7	130200	PREPARE WATER POLLUTION CONTROL PROGRAM	LS	LUMP SUM	LUMP SUM	745-
8	150714	REMOVE THERMOPLASTIC TRAFFIC STRIPE	LF	4,620	1-	4620-
9	150715	REMOVE THERMOPLASTIC PAVEMENT MARKING	SQFT	220	2-	440-
10	150722	REMOVE PAVEMENT MARKER	EA	290	1-	290-
11	150730	REMOVE CHANNELIZERS	EA	7	5-	35-
12	153103	COLD PLANE ASPHALT CONCRETE PAVEMENT	SQYD	68,100	1.39	94659-
13	390132	HOT MIX ASPHALT (TYPE A)	TON	1,410	82-	115620-
14	390137	RUBBERIZED HOT MIX ASPHALT (GAP GRADED)	TON	4,500	97-	436500-
15	025144	RUBBERIZED HOT MIX ASPHALT (GAP GRADED TYPE 1)	TON	850	100-	85000-
16	397005	TACK COAT	TON	19	600-	11400-
17	560248	FURNISH SINGLE SHEET ALUMINUM SIGN (0.063"-UNFRAMED)	SQFT	120	16-	1920-
18	568017	INSTALL ROADSIDE SIGN PANEL ON EXISTING POST	EA	11	90-	990-
19	820118	GUARD RAILING DELINEATOR	EA	200	20-	4000-
20	820134	OBJECT MARKER (TYPE P)	EA	6	147-	882-

Item No.	Item Code	Item Description	Unit of Measure	Estimated Quantity	Unit Price	Item Total
21	840504	4" THERMOPLASTIC TRAFFIC STRIPE	LF	31,600	.65	20540-
22	840506	8" THERMOPLASTIC TRAFFIC STRIPE	LF	8,090	1-	8090-
23	840508	8" THERMOPLASTIC TRAFFIC STRIPE (BROKEN 12-3)	LF	450	1-	450-
24	840515	THERMOPLASTIC PAVEMENT MARKING	SQFT	5,090	4.60	23414-
25	840521	4" THERMOPLASTIC TRAFFIC STRIPE (BROKEN 6-1)	LF	80	.40	32-
26	840525	4" THERMOPLASTIC TRAFFIC STRIPE (BROKEN 36-12)	LF	11,700	.40	4680-
27	840526	4" THERMOPLASTIC TRAFFIC STRIPE (BROKEN 17-7)	LF	370	.40	148-
28	850101	PAVEMENT MARKER (NON-REFLECTIVE)	EA	980	1-	980-
29	850111	PAVEMENT MARKER (RETROREFLECTIVE)	EA	1,140	3-	3420-
30	860090	MAINTAINING EXISTING TRAFFIC MANAGEMENT SYSTEM ELEMENTS DURING CONSTRUCTION	LS	LUMP SUM	LUMP SUM	540-
31	860807	INDUCTIVE LOOP DETECTOR (LS)	LS	LUMP SUM	LUMP SUM	5400-

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**TOTAL BID:**

\$888,396.00

**SUBCONTRACTOR LIST**

DES-OE-0102.2 (REV 3/2011)

Bidder Name: All American Asphalt

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
Global environmental network <del>Fountain Valley, AB</del> fountain valley	5,7	100%	CMS Rental & repair w/PCP
Menarie traffic control <del>Fremont, AB</del> Temecula	2,4 17,18	100%	Contractor signs, traffic control, channelizer, aluminum sign, and Roadside sign
Smithason electric Orange	30,31	100%	electrical
Cul Stripe inc Colton	1,8-10, 21-29	100%	Led compliance plan, remove striping, striping and marking

**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.

DH

**REQUEST FOR SMALL BUSINESS PREFERENCE OR NON-SMALL BUSINESS PREFERENCE**

DES-OE-0102.7 (REV 02/2010)

CONTRACT NO. 12 - 0M2904

Complete one of the following:

• **Small Business Preference**

The undersigned requests small business preference and certifies, under penalty of perjury, that the firm meets the requirements of 2 CA Code of Regs § 1896 et seq. and is certified as a small business at the time and day of bid opening or has submitted a complete application to the Department of General Services (DGS) and is subsequently certified. The complete application and any required substantiating documentation must be received by DGS by 5:00 p.m. on bid opening date.

Small Business Certification (Reference) Number: \_\_\_\_\_

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

Signature: \_\_\_\_\_

• **Non-Small Business Preference**

The undersigned requests non-small business preference and notifies the Department on the Certified Small Business Listing for the Non-Small Business Preference form that it commits to subcontract at least 25 percent of its bid amount with one or more firms that meets the requirements of 2 CA Code of Regs § 1896 et seq. and the firms are certified as small businesses at the time and day of bid opening or have submitted a complete application and are subsequently certified by the Department of General Services (DGS). The complete application and any required substantiating documentation must be received by DGS by 5:00 p.m. on bid opening date. List these firms on the Certified Small Business Listing for the Non-Small Business Preference form.

Date: January 29, 2013

Signature:   
Robert Bradley, Vice President

**CALIFORNIA COMPANY PREFERENCE**

DES-OE-0102.9 (REV 11/2008)

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

**The undersigned certifies that it is a "California company" as defined in Pub Cont Code § 6107 and meets one of the following (check appropriate box and enter requested information):**

I am a California company which has its principal place of business in California.

or

I am a California company which has its principal place of business in a state in which there is no local contractor preference on construction contracts.

Name of State: \_\_\_\_\_.

or

I am a California company which has its principal place of business in a state in which there is a local contractor preference and my company has paid not less than \$5,000 in sales or use taxes to California for construction related activity for each of the 5 years immediately preceding the submission of the bid.

Name of State: \_\_\_\_\_.

California Sales or Use Tax No.: \_\_\_\_\_.

or

**The undersigned certifies that it is not a "California company." (Check box and enter requested information.)**

I am not a California company. My principal place of business is in \_\_\_\_\_.  
(Enter state or country)

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

\_\_\_\_\_

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

Date: January 29, 2013

Signature of Bidder: \_\_\_\_\_

*Robert Bradley*  
Robert Bradley, Vice President

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

DES-OE-0102.12A (REV. 8/2012)

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

Bidder's Name: \_\_\_\_\_ Contract No. \_\_\_\_ - \_\_\_\_\_

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

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

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**CERTIFICATIONS**

**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 Riverside

Robert Bradley, being first duly sworn, deposes and says that he ~~or she~~ is Vice President of All American Asphalt 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.

### ANTITRUST LAW

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

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

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

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

### BIDDER RESPONSIBILITY QUESTIONNAIRE

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

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

### END CERTIFICATIONS

We All American Asphalt

\_\_\_\_\_ as Principal, and  
Fidelity and Deposit Company of Maryland

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

**THE CONDITION OF THIS OBLIGATION IS SUCH, THAT:**

WHEREAS, the Principal is submitting a bid to the Obligee, for FOR CONSTRUCTION ON STATE HIGHWAY IN DANA POINT AND SAN JUAN CAPISTRANO FROM  
*(Copy here the exact description of work, including location, as it appears on the proposal)*  
ROUTE 5 CAMINO LAS RAMBLAS OFF-RAMP TO SAN JUAN CREEK BRIDGE IN DISTRICT 12 ON ROUTE 1 PROJECT ID NO. 1212000040  
for which bids are to be opened at 3347 Michelson Drive, Suite 100 Irvine, CA  
*(Insert place where bids will be opened)*  
on January 31, 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: January 18, 2013.

Correspondence or claims relating to this bond should be sent to the surety at the following address: Fidelity and Deposit Company of Maryland  
777 S. Figueroa Street, Ste. 3900  
Los Angeles, CA 90017

All American Asphalt  
*Robert Bradley*  
Robert Bradley, Vice President  
Fidelity and Deposit Company of Maryland  
Surety  
By *Rebecca Haas-Bates*  
Attorney-in-Fact Rebecca Haas-Bates

**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

State of California }  
County of \_\_\_\_\_ } **\*\* Please 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.

(SEAL)

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

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**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

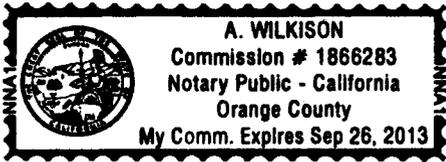
State of California }  
 County of Orange

On 01/18/2013 before me, A. Wilkison, Notary Public  
Date Here Insert Name and Title of the Officer  
 personally appeared Rebecca Haas-Bates  
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.



Place Notary Seal Above

Signature *A. Wilkison*  
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 this form to another document.*

**Description of Attached Document**

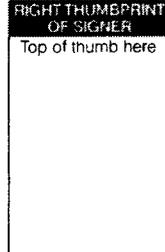
Title or Type of Document: Bid Bond  
 Document Date: 01/18/2013 Number of Pages: One (1)  
 Signer(s) Other Than Named Above: All American Asphalt

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

Signer's Name: Rebecca Haas-Bates  
 Individual  
 Corporate Officer — Title(s): \_\_\_\_\_  
 Partner —  Limited  General  
 Attorney in Fact  
 Trustee  
 Guardian or Conservator  
 Other: \_\_\_\_\_  
 Signer Is Representing: \_\_\_\_\_  
 Fidelity and Deposit Company of Maryland



Signer's Name: \_\_\_\_\_  
 Individual  
 Corporate Officer — Title(s): \_\_\_\_\_  
 Partner —  Limited  General  
 Attorney in Fact  
 Trustee  
 Guardian or Conservator  
 Other: \_\_\_\_\_  
 Signer Is Representing: \_\_\_\_\_



# CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Riverside

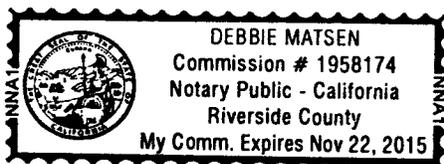
On January 29, 2013 before me, Debbie Matsen, Notary Public,  
Date Here Insert Name and Title of the Officer

personally appeared Robert Bradley  
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: Debbie Matsen  
Signature of Notary Public

Place Notary Seal and/or Stamp Above

## 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: Bidder's Bond, Department of Transportation

Document Date: January 18, 2013 Number of Pages: 1

Signer(s) Other Than Named Above: Fidelity and Deposit Company of Maryland

### Capacity(ies) Claimed by Signer(s)

Signer's Name: Robert Bradley Signer's Name: \_\_\_\_\_

Corporate Officer — Title(s): Vice President  Corporate Officer — Title(s): \_\_\_\_\_

- Individual
- Partner —  Limited  General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: \_\_\_\_\_

RIGHT THUMBPRINT OF SIGNER

Top of thumb here

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

All American Asphalt

- Individual
- Partner —  Limited  General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: \_\_\_\_\_

RIGHT THUMBPRINT OF SIGNER

Top of thumb here

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

**Power of Attorney  
FIDELITY AND DEPOSIT COMPANY OF MARYLAND**

KNOW ALL MEN BY THESE PRESENTS: That the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, a corporation of the State of Maryland, by FRANK E. MARTIN JR., Vice President, and ERIC D. BARNES, Assistant Secretary, in pursuance of authority granted by Article VI, Section 2, of the By-Laws of said Company, which are set forth on the reverse side hereof and are hereby certified to be in full force and effect on the date hereof, do hereby nominate, constitute and appoint **William SYRKIN, Rebecca HAAS-BATES, Sergio D. PECHARA, Richard ADAIR and P. BAUER, all of Glendale, California, EACH** its true and lawful agent and Attorney-in-Fact, to make, execute, seal and deliver, for, and on its behalf as surety, and as its act and deed, ~~any and all bonds and undertakings,~~ and the execution of such bonds or undertakings in pursuance of these presents, shall be as binding upon said Company, as fully and amply, to all intents and purposes, as if they had been duly executed and acknowledged by the regularly elected officers of the Company at its office in Baltimore, MD, in their own proper persons. This power of attorney revokes that issued on behalf of Richard ADAIR, P. BAUER, dated February 25, 2010.

The said Assistant Secretary does hereby certify that the extract set forth on the reverse side hereof is a true copy of Article VI, Section 2, of the By-Laws of said Company, and is now in force.

IN WITNESS WHEREOF, the said Vice-President and Assistant Secretary have hereunto subscribed their names and affixed the Corporate Seal of the said FIDELITY AND DEPOSIT COMPANY OF MARYLAND, this 27th day of June, A.D. 2011.

ATTEST:

**FIDELITY AND DEPOSIT COMPANY OF MARYLAND**



*Eric D. Barnes*

Eric D. Barnes      Assistant Secretary

*Frank E. Martin Jr.*

By: Frank E. Martin Jr.      Vice President

State of Maryland }  
City of Baltimore } ss:

On this 27th day of June, A.D. 2011, before the subscriber, a Notary Public of the State of Maryland, duly commissioned and qualified, came FRANK E. MARTIN JR., Vice President, and ERIC D. BARNES, Assistant Secretary of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, to me personally known to be the individuals and officers described in and who executed the preceding instrument, and they each acknowledged the execution of the same, and being by me duly sworn, severally and each for himself deposed and saith, that they are the said officers of the Company aforesaid, and that the seal affixed to the preceding instrument is the Corporate Seal of said Company, and that the said Corporate Seal and their signatures as such officers were duly affixed and subscribed to the said instrument by the authority and direction of the said Corporation.

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



*Constance A. Dunn*

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

**EXTRACT FROM BY-LAWS OF FIDELITY AND DEPOSIT COMPANY OF MARYLAND**

“Article VI, Section 2. The Chairman of the Board, or the President, or any Executive Vice-President, or any of the Senior Vice-Presidents or Vice-Presidents specially authorized so to do by the Board of Directors or by the Executive Committee, shall have power, by and with the concurrence of the Secretary or any one of the Assistant Secretaries, to appoint Resident Vice-Presidents, Assistant Vice-Presidents and Attorneys-in-Fact as the business of the Company may require, or to authorize any person or persons to execute on behalf of the Company any bonds, undertakings, recognizances, stipulations, policies, contracts, agreements, deeds, and releases and assignments of judgements, decrees, mortgages and instruments in the nature of mortgages,...and to affix the seal of the Company thereto.”

**CERTIFICATE**

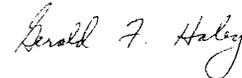
I, the undersigned, Assistant Secretary of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, do hereby certify that the foregoing Power of Attorney is still in full force and effect on the date of this certificate; and I do further certify that the Vice-President who executed the said Power of Attorney was one of the additional Vice-Presidents specially authorized by the Board of Directors to appoint any Attorney-in-Fact as provided in Article VI, Section 2, of the By-Laws of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND.

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

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

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed the corporate seal of the said Company,

this 18th day of January, 2013.



*Assistant Secretary*

**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

*Flex your power!  
Be energy efficient!*

January 17, 2013

12-Ora-1-R0.0/R1.1  
12-0M2904  
Project ID 1212000040

Addendum No. 1

Dear Contractor:

This addendum is being issued to the contract for CONSTRUCTION ON STATE HIGHWAY IN ORANGE COUNTY IN DANA POINT AND SAN JUAN CAPISTRANO FROM ROUTE 5 CAMINO LAS RAMBLAS OFF-RAMP TO SAN JUAN CREEK BRIDGE.

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 31, 2013.

This addendum is being issued to revise the Notice to Bidders and Special Provisions and the Bid book.

In the Notice to Bidders and Special Provisions, in the "SPECIAL NOTICES," the following Special Notice is added:

"Funding for this project depends on passage of the 2013-2014 FY Budget Act. See section 8-1.04G for special requirements."

In the Special Provisions, Section 8, "PROSECUTION AND PROGRESS," subsection "8-1.04F," is deleted.

In the Special Provisions, Section 8, "PROSECUTION AND PROGRESS," subsection "8-1.04G," is added as attached.

In the Bid book, in the "Bid Item List," Item 15 is revised as attached.

To Bid book holders:

Replace page 3 of the "Bid Item List" in the Bid book with the attached revised page 3 of the Bid Item List. The revised Bid Item List is to be used in the bid.

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.

Addendum No. 1  
Page 2  
January 17, 2013

12-Ora-1-R0.0/R1.1  
12-0M2904  
Project ID 1212000040

This addendum and attachments are available for the Contractors' download on the Web site:

**[http://www.dot.ca.gov/hq/esc/oe/project\\_ads\\_addenda/12/12-0M2904](http://www.dot.ca.gov/hq/esc/oe/project_ads_addenda/12/12-0M2904)**

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,



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

Attachments

**Replace section 8-1.04G with:**

**8-1.04G Potential Budget Impasse Start**

The 1st paragraph of section 8-1.04B does not apply.

Within 10 days after receiving notice that the Contract has been approved by the Attorney General or the attorney appointed and authorized to represent the Department or within 5 business days after the 2013-2014 FY Budget Act becomes law, whichever occurs later, submit a request for authorization to start job site activities. The request must include:

1. CPM baseline schedule
2. Date you plan to start job site activities

The Department does not allow changes to the request after it is authorized.

Except for measuring controlling field dimensions and locating utilities, do not start job site activities until your WPCP or SWPPP, whichever applies, is received and authorized and the following submittals are received:

1. *Notice of Materials To Be Used*
2. Contingency plan for reopening closures to public traffic

If you obtain authorization to start job site activities for the date you requested, start job site activities on the requested date. If you fail to submit a request for authorization to start job site activities as specified or if the request is not authorized, start job site activities within 15 days after Contract approval or 5 business days after the 2013-2014 FY Budget Act becomes law, whichever occurs later, except as specified below for the case of funds becoming available in the 2012-2013 FY Budget Act. Start work before March 15, 2014.

Do not start work before July 1, 2013 unless:

1. Funds become available in the 2012-2013 FY Budget Act
2. The Engineer and you agree on a start date after Contract approval

If the 2013-2014 FY Budget Act does not become law by August 1, 2013 and no work on the Contract has been performed, you may terminate the Contract at no cost to the State. This choice to terminate will not prejudice your performance and payment securities or your rights to participate in future bidding for the project. If you choose to terminate the Contract, you must submit notification of the termination by USPS certified mail with a return receipt and certificate of mailing to the Office Engineer.

The notification must be postmarked before the effective date of the 2013-2014 FY Budget Act.

The Department notifies you when the 2013-2014 FY Budget Act becomes law.

CONTRACT NO. 12-0M2904

ADDED PER ADDENDUM NO. 1 DATED JANUARY 17, 2013