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Caltrans®

STATE OF CALIFORNIA
DEPARTMENT OF TRANSPORTATION

# BID

**FOR CONSTRUCTION ON STATE HIGHWAY IN ORANGE COUNTY IN RANCHO SANTA MARGARITA, MISSION VIEJO, LAKE FOREST, AND IRVINE FROM ANTONIO PARKWAY OVERCROSSING TO PORTOLA PARKWAY NORTH OVERCROSSING**

**In District 12 On Route 241**

**Under**

| | |
|---|---|
| ***Notice to Bidders and Special Provisions*** **dated April 21, 2014** | ***Standard Specifications*** **dated 2010** |
| **Project plans approved February 3, 2014** | ***Standard Plans*** **dated 2010** |

**Identified by**
**Contract No. 12-0M7104**
**12-Ora-241-17.3/25.0 PM**
**Project ID 1212000160**

**Federal-Aid Project**
**ACNH-P241(004)E**

Bids open Thursday, May 15, 2014

Dated April 21, 2014
AADD

STATE OF CALIFORNIA • DEPARTMENT OF TRANSPORTATION

# BID TO THE DEPARTMENT OF TRANSPORTATION

DES-OE-0102.1 (REV. 3/2011)

A-2

CONTRACT NO. 12 - 0M7104

NAME OF BIDDER PALP, INC. DBA EXCEL PAVING COMPANY

BUSINESS P.O. BOX

CITY, STATE, ZIP

BUSINESS STREET ADDRESS 2230 LEMON AVENUE LONG BEACH, CA 90806 *(Include even if P.O. Box used)*

CITY, STATE, ZIP

TELEPHONE NO: AREA CODE ( ) (562) 599-5841

FAX NO: AREA CODE ( ) FAX (562) 591-7485

CONTRACTOR LICENSE NO. STATE LIC. 688659 "A"

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:

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

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

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

5.1. Criminal prosecution

5.2. Rejection of the bid

5.3. Rescission of the award

5.4. Termination of the Contract

| BY *(Authorized Signature)* | DATE SIGNED *(Do not type)* |
|---|---|
| PRINTED NAME AND TITLE OF PERSON SIGNING C.P. BROWN, PRESIDENT | MAY 15 2014 |

**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.

## BID ITEM LIST

| Item No. | Item Code | Item Description | Unit of Measure | Estimated Quantity | Unit Price | Item Total |
|---|---|---|---|---|---|---|
| 1 | 070030 | LEAD COMPLIANCE PLAN | LS | LUMP SUM | LUMP SUM | 3000.- |
| 2 | 120090 | CONSTRUCTION AREA SIGNS | LS | LUMP SUM | LUMP SUM | 30 000.- |
| 3 | 120100 | TRAFFIC CONTROL SYSTEM | LS | LUMP SUM | LUMP SUM | 210 000.- |
| 4 | 120149 | TEMPORARY PAVEMENT MARKING (PAINT) | SQFT | 3,440 | 0.70 | 2408.- |
| 5 | 120159 | TEMPORARY TRAFFIC STRIPE (PAINT) | LF | 253,000 | 0.05 | 12650.- |
| 6 | 120165 | CHANNELIZER (SURFACE MOUNTED) | EA | 36 | 50.- | 1800.- |
| 7 | 128651 | PORTABLE CHANGEABLE MESSAGE SIGN (EA) | EA | 4 | 6500.- | 26000.- |
| 8 | 130100 | JOB SITE MANAGEMENT | LS | LUMP SUM | LUMP SUM | 20000.- |
| 9 | 130200 | PREPARE WATER POLLUTION CONTROL PROGRAM | LS | LUMP SUM | LUMP SUM | 5000.- |
| 10 | 141103 | REMOVE YELLOW THERMOPLASTIC TRAFFIC STRIPE (HAZARDOUS WASTE) | LF | 95,000 | 0.25 | 23750.- |
| 11 | 150714 | REMOVE THERMOPLASTIC TRAFFIC STRIPE | LF | 206,000 | 0.20 | 41200.- |
| 12 | 150715 | REMOVE THERMOPLASTIC PAVEMENT MARKING | SQFT | 4,170 | 2.60 | 10842.- |
| 13 | 150722 | REMOVE PAVEMENT MARKER | EA | 20,300 | 0.35 | 7105.- |
| 14 | 027347 | ADJUST IN-LINE PULL BOX | EA | 27 | 140.- | 3780.- |
| 15 | 153103 | COLD PLANE ASPHALT CONCRETE PAVEMENT | SQYD | 117,000 | 2.30 | 269100 |
| 16 | 390011 | PREPAVING INERTIAL PROFILER | LS | LUMP SUM | LUMP SUM | 5000.- |
| 17 | 390020 | PREPAVING GRINDING DAY | EA | 4 | 5700.- | 22800.- |
| 18 | 390134 | HOT MIX ASPHALT (OPEN GRADED) | TON | 660 | 73.- | 48180.- |
| 19 | 390138 | RUBBERIZED HOT MIX ASPHALT (OPEN GRADED) | TON | 33,300 | 90.- | 2,997,000.- |
| 20 | 397005 | TACK COAT | TON | 250 | 720.- | 180000.- |

| Item No. | Item Code | Item Description | Unit of Measure | Estimated Quantity | Unit Price | Item Total |
|---|---|---|---|---|---|---|
| 21 | 560248 | FURNISH SINGLE SHEET ALUMINUM SIGN (0.063"-UNFRAMED) | SQFT | 62 | 15.- | 930.- |
| 22 | 560249 | FURNISH SINGLE SHEET ALUMINUM SIGN (0.080"-UNFRAMED) | SQFT | 260 | 17.- | 4420.- |
| 23 | 560251 | FURNISH SINGLE SHEET ALUMINUM SIGN (0.063"-FRAMED) | SQFT | 120 | 17.- | 2040.- |
| 24 | 566011 | ROADSIDE SIGN - ONE POST | EA | 5 | 300.- | 1500.- |
| 25 | 568017 | INSTALL ROADSIDE SIGN PANEL ON EXISTING POST | EA | 27 | 80.- | 2160.- |
| 26 | 840504 | 4" THERMOPLASTIC TRAFFIC STRIPE | LF | 191,000 | 0.50 | 95500.- |
| 27 | 840506 | 8" THERMOPLASTIC TRAFFIC STRIPE | LF | 25,100 | 0.90 | 22590.- |
| 28 | 840508 | 8" THERMOPLASTIC TRAFFIC STRIPE (BROKEN 12-3) | LF | 9,330 | 0.65 | 6064.50 |
| 29 | 840515 | THERMOPLASTIC PAVEMENT MARKING | SQFT | 4,170 | 2.60 | 10842.- |
| 30 | 840525 | 4" THERMOPLASTIC TRAFFIC STRIPE (BROKEN 36-12) | LF | 133,000 | 0.15 | 19950.- |
| 31 | 840526 | 4" THERMOPLASTIC TRAFFIC STRIPE (BROKEN 17-7) | LF | 1,560 | 0.15 | 234.- |
| 32 | 027348 | 4" THERMOPLASTIC TRAFFIC STRIPE (BROKEN 16-8) | LF | 7,360 | 0.15 | 1104.- |
| 33 | 850101 | PAVEMENT MARKER (NON-REFLECTIVE) | EA | 12,200 | 1.10 | 13420.- |
| 34 | 850111 | PAVEMENT MARKER (RETROREFLECTIVE) | EA | 8,130 | 2.35 | 19105.50 |
| 35 | 860090 | MAINTAINING EXISTING TRAFFIC MANAGEMENT SYSTEM ELEMENTS DURING CONSTRUCTION | LS | LUMP SUM | LUMP SUM | 750.- |
| 36 | 860806 | INDUCTIVE LOOP DETECTOR (EA) | EA | 260 | 205.- | 53300.- |
| 37 | 999990 | MOBILIZATION | LS | LUMP SUM | LUMP SUM | 290000.- |

**TOTAL BID:** $ 4,463,525.-

STATE OF CALIFORNIA • DEPARTMENT OF TRANSPORTATION

# SUBCONTRACTOR LIST

DES-OE-0102.2 (REV 3/2011)

**Bidder Name:** PALP, INC.DBA EXCEL PAVING 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 |
|---|---|---|---|
| PRS Mira Loma CA | 15 | 100% | Cold Plane |
| KRC CA Visalia | 3 | 100% | Traffic Control |
| Global Road Steel Garden Grove CA | 35, 36 | 100% | ELECTRICAL |
| CAL Stripe San Bernadino CA | 1, 4, 5, 10-13, 26-34 | 100 | Striping |
| Arrow Sign & Traffic Temecula CA | 2, 21-25 | 100 | Const. Area Signs / Signs |

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STATE OF CALIFORNIA • DEPARTMENT OF TRANSPORTATION

**BIDDER'S BOND**

DES-OE-0102 3 (REV 3/2008)

Contract No 12-0M7104

Bond No n/a

We PALP Inc. dba Excel Paving Company

as Principal, and

Federal 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 ORANGE COUNTY IN RANCHO SANTA

*(Copy here the exact description of work, including location, as it appears on the proposal)*

MARGARITA, MISSION VIEJO, LAKE FOREST, AND IRVINE FROM ANTONIO PARKWAY OVERCROSSING TO PORTOLA PARKWAY NORTH OVERCROSSING

for which bids are to be opened at Irvine, CA

*(Insert place where bids will be opened)*

on May 15, 2014

*(Insert date of bid opening)*

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

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

Dated May 2, 2014

Correspondence or claims relating to this bond should be sent to the surety at the following address Federal Insurance Company
15 Mountain View Rd.
Warren, NJ 07059

PALP Inc. dba Excel Paving Company

Principal

C.P. BROWN
PRESIDENT

Federal Insurance Company

Surety

By

Attorney-in-Fact

Timothy D. Rapp

**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

State of California }

County of

On this Date before me, 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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## ACKNOWLEDGMENT

State of California
County of Orange )

On 05/02/2014 before me, Debra Swanson, Notary Public
(insert name and title of the officer)

personally appeared Timothy D. Rapp,
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.

RRS2 DEBRA SWANSON COMM. # 1997119 NOTARY PUBLIC-CALIFORNIA ORANGE COUNTY MY COMM. EXP. NOV 10, 2016 RRS2

Signature _____ (Seal)

| Chubb Surety | POWER OF ATTORNEY | Federal Insurance Company<br>Vigilant Insurance Company<br>Pacific Indemnity Company | Attn: Surety Department<br>15 Mountain View Road<br>Warren, NJ 07059 |
|---|---|---|---|

**Know All by These Presents,** That **FEDERAL INSURANCE COMPANY**, an Indiana corporation, **VIGILANT INSURANCE COMPANY**, a New York corporation, and **PACIFIC INDEMNITY COMPANY**, a Wisconsin corporation, do each hereby constitute and appoint **Douglas A. Rapp and Timothy D. Rapp of Aliso Viejo, California**----------

each as their true and lawful Attorney- in- Fact to execute under such designation in their names and to affix their corporate seals to and deliver for and on their behalf as surety thereon or otherwise, bonds and undertakings and other writings obligatory in the nature thereof (other than bail bonds) given or executed in the course of business, and any instruments amending or altering the same, and consents to the modification or alteration of any instrument referred to in said bonds or obligations.

**In Witness Whereof,** said **FEDERAL INSURANCE COMPANY, VIGILANT INSURANCE COMPANY,** and **PACIFIC INDEMNITY COMPANY** have each executed and attested these presents and affixed their corporate seals on this **16th** day of **December, 2011.**

Kenneth C. Wendel, Assistant Secretary

David B. Norris, Jr., Vice President

STATE OF NEW JERSEY
County of Somerset ss.

On this **16th** day of **December, 2011** before me, a Notary Public of New Jersey, personally came Kenneth C. Wendel, to me known to be Assistant Secretary of FEDERAL INSURANCE COMPANY, VIGILANT INSURANCE COMPANY, and PACIFIC INDEMNITY COMPANY, the companies which executed the foregoing Power of Attorney, and the said Kenneth C. Wendel, being by me duly sworn, did depose and say that he is Assistant Secretary of FEDERAL INSURANCE COMPANY, VIGILANT INSURANCE COMPANY, and PACIFIC INDEMNITY COMPANY and knows the corporate seals thereof, that the seals affixed to the foregoing Power of Attorney are such corporate seals and were thereto affixed by authority of the By- Laws of said Companies; and that he signed said Power of Attorney as Assistant Secretary of said Companies by like authority; and that he is acquainted with David B. Norris, Jr., and knows him to be Vice President of said Companies; and that the signature of David B. Norris, Jr., subscribed to said Power of Attorney is in the genuine handwriting of David B. Norris, Jr., and was thereto subscribed by authority of said By-Laws and in deponent's presence.

Notarial Seal

KATHERINE J. ADELAAR NOTARY PUBLIC NEW JERSEY

KATHERINE J. ADELAAR
NOTARY PUBLIC OF NEW JERSEY
No. 2316685
Commission Expires July 14, 2014

Notary Public

## CERTIFICATION

Extract from the By- Laws of FEDERAL INSURANCE COMPANY, VIGILANT INSURANCE COMPANY, and PACIFIC INDEMNITY COMPANY:

"All powers of attorney for and on behalf of the Company may and shall be executed in the name and on behalf of the Company, either by the Chairman or the President or a Vice President or an Assistant Vice President, jointly with the Secretary or an Assistant Secretary, under their respective designations. The signature of such officers may be engraved, printed or lithographed. The signature of each of the following officers: Chairmen, President, any Vice President, any Assistant Vice President, any Secretary, any Assistant Secretary and the seal of the Company may be affixed by facsimile to any power of attorney or to any certificate relating thereto appointing Assistant Secretaries or Attorneys- in- Fact for purposes only of executing and attesting bonds and undertakings and other writings obligatory in the nature thereof, and any such power of attorney or certificate bearing such facsimile signature or facsimile seal shall be valid and binding upon the Company and any such power so executed and certified by such facsimile signature and facsimile seal shall be valid and binding upon the Company with respect to any bond or undertaking to which it is attached."

I, Kenneth C. Wendel, Assistant Secretary of FEDERAL INSURANCE COMPANY, VIGILANT INSURANCE COMPANY, and PACIFIC INDEMNITY COMPANY (the "Companies") do hereby certify that

(i) the foregoing extract of the By- Laws of the Companies is true and correct,
(ii) the Companies are duly licensed and authorized to transact surety business in all 50 of the United States of America and the District of Columbia and are authorized by the U.S. Treasury Department; further, Federal and Vigilant are licensed in Puerto Rico and the U.S. Virgin Islands, and Federal is licensed in American Samoa, Guam, and each of the Provinces of Canada except Prince Edward Island; and
(iii) the foregoing Power of Attorney is true, correct and in full force and effect.

Given under my hand and seals of said Companies at Warren, NJ this 2nd day of May, 2014

FEDERAL INSURANCE COMPANY INDIANA

VIGILANT INSURANCE COMPANY NEW YORK

Kenneth C. Wendel, Assistant Secretary

IN THE EVENT YOU WISH TO NOTIFY US OF A CLAIM, VERIFY THE AUTHENTICITY OF THIS BOND OR NOTIFY US OF ANY OTHER MATTER, PLEASE CONTACT US AT ADDRESS LISTED ABOVE, OR BY Telephone (908) 903- 3493 Fax (908) 903- 3656
e-mail: surety@chubb.com

# CALIFORNIA ALL-PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

State of California

County of Los Angeles

On MAY 1 [illegible] 2014 before me, C. Phillips, Notary Public
(Here insert name and title of the officer)

personally appeared C.P. Brown

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 of Notary Public

(Notary Seal)

C. PHILLIPS
COMM. #1996177
Notary Public-California
LOS ANGELES COUNTY
My Comm. Expires Oct. 29, 2016

FRS3

## ADDITIONAL OPTIONAL INFORMATION

DESCRIPTION OF THE ATTACHED DOCUMENT

(Title or description of attached document)

(Title or description of attached document continued)

Number of Pages _____ Document Date_____

(Additional information)

CAPACITY CLAIMED BY THE SIGNER

- ☐ Individual (s)
- ☐ Corporate Officer

(Title)

- ☐ Partner(s)
- ☐ Attorney-in-Fact
- ☐ Trustee(s)
- ☐ Other _____

INSTRUCTIONS FOR COMPLETING THIS FORM

*Any acknowledgment completed in California must contain verbiage exactly as appears above in the notary section or a separate acknowledgment form must be properly completed and attached to that document. The only exception is if a document is to be recorded outside of California. In such instances, any alternative acknowledgment verbiage as may be printed on such a document so long as the verbiage does not require the notary to do something that is illegal for a notary in California (i.e. certifying the authorized capacity of the signer). Please check the document carefully for proper notarial wording and attach this form if required.*

- State and County information must be the State and County where the document signer(s) personally appeared before the notary public for acknowledgment.
- Date of notarization must be the date that the signer(s) personally appeared which must also be the same date the acknowledgment is completed.
- The notary public must print his or her name as it appears within his or her commission followed by a comma and then your title (notary public).
- Print the name(s) of document signer(s) who personally appear at the time of notarization.
- Indicate the correct singular or plural forms by crossing off incorrect forms (i.e. ~~he~~/~~she~~/~~they~~,~~-~~ is /~~are~~ ) or circling the correct forms. Failure to correctly indicate this information may lead to rejection of document recording.
- The notary seal impression must be clear and photographically reproducible. Impression must not cover text or lines. If seal impression smudges, re-seal if a sufficient area permits, otherwise complete a different acknowledgment form.
- Signature of the notary public must match the signature on file with the office of the county clerk.
  - ❖ Additional information is not required but could help to ensure this acknowledgment is not misused or attached to a different document.
  - ❖ Indicate title or type of attached document, number of pages and date.
  - ❖ Indicate the capacity claimed by the signer. If the claimed capacity is a corporate officer, indicate the title (i.e. CEO, CFO, Secretary).
- Securely attach this document to the signed document

N/A

STATE OF CALIFORNIA • DEPARTMENT OF TRANSPORTATION

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

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

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

Bidder's Name: _____ Contract No. ___ - _____

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

Date: _____ Signature: _____

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STATE OF CALIFORNIA • DEPARTMENT OF TRANSPORTATION

# SMALL BUSINESS STATUS

DES-OE-0102.4 (REV 3/2008)

**CONTRACT NO.** 12 - 0M7104

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

☐ Yes: Certification number? _____ ☑ No

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

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## CERTIFICATIONS

### FEDERAL-AID PROJECTS DISCLOSURE OF LOBBYING ACTIVITIES CERTIFICATION

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

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form LLL, "Disclosure of Lobbying Activities," in conformance with its instructions.

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

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

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

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

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

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

## DISCLOSURE OF LOBBYING ACTIVITIES

Approved by OMB

0348-0046

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

| 1. Type of Federal Action: | 2. Status of Federal Action: | 3. Report Type: |
|---|---|---|
| [A] a. contract | [A] a. bid/offer/application | [A] a. initial |
| b. grant | b. initial award | b. material change |
| c. cooperative agreement | c. post-award | For Material Change Only: |
| d. loan | | year _____ quarter _____ |
| e. loan guarantee | | date of last report _____ |
| f. loan insurance | | |

| 4. Name and Address of Reporting Entity: | 5. If Reporting Entity in No. 4 is Subawardee Enter Name and Address of Prime: |
|---|---|
| [✓] Prime [ ] Subawardee<br>Tier_____, *if known*<br>Congressional District, *if known*:<br>PALP, INC. DBA EXCEL PAVING COMPANY<br>2230 LEMON AVENUE<br>LONG BEACH, CA 90806 | Congressional District, *if known:* |
| **6. Federal Department/Agency:** | **7. Federal Program Name/Description:**<br>CFDA Number, if applicable _____ |
| **8. Federal Action Number, *if known*:** | **9. Award Amount, *if known*:**<br>$ |
| **10 a. Name and Address of Lobby Registrant**<br>(*if individual, last name, first name, MI*): | **b. Individuals Performing Services (*including address if different from No. 10a*)**<br>(*last name, first name, MI*): |

**11.** Information requested through this form is authorized by Title 31 U.S.C. Section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

Signature: C.P. Brown

Print Name: C.P. BROWN, PRESIDENT

Title: _____

Telephone No.: (562) 599-5841 Date: MAY 15 2014

**Federal Use Only:**

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Standard Form - LLL (Rev. 7-97)

## EQUAL EMPLOYMENT OPPORTUNITY REGULATION CERTIFICATION

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

Notes:

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

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

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

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

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

N/A

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 LOS ANGELES

C.P. BROWN, being first duly sworn, deposes and says that he or she is PRESIDENT of PALP. INC.DBA EXCEL PAVING 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.

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

**END CERTIFICATIONS**

A-7

**DEPARTMENT OF TRANSPORTATION**
DIVISION OF ENGINEERING SERVICES
OFFICE ENGINEER
1727 30th Street MS-43
P.O. BOX 168041
SACRAMENTO, CA 95816-8041
FAX (916) 227-6214
www.dot.ca.gov/hq/esc/oe

*Serious Drought.*
*Help save water!*

May 2, 2014

12-Ora-241-17.3/25.0 PM
12-0M7104
Project ID 1212000160
ACNH-P241(004)E

**Addendum No. 1**

Dear Contractor:

This addendum is being issued to the contract for CONSTRUCTION ON STATE HIGHWAY IN ORANGE COUNTY IN RANCHO SANTA MARGARITA, MISSION VIEJO, LAKE FOREST, AND IRVINE FROM ANTONIO PARKWAY OVERCROSSING TO PORTOLA PARKWAY NORTH OVERCROSSING.

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, May 15, 2014.

This addendum is being issued to revise the Federal Minimum Wages with Modification Number 6 dated 4/25/2014.

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.

12-Ora-241-17.3/25.0 PM
12-0M7104
Project ID 1212000160
ACNH-P241(004)E

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/12/12-0M7104**

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,

MOHSEN SULTAN
Chief, Office of Plans, Specifications & Estimates
Office Engineer
Division of Engineering Services