

FEDERAL PROJECT NO. STPL-5176 (009)



**BOLINAS AVENUE AND SIR FRANCIS DRAKE BOULEVARD  
IMPROVEMENTS PROJECT  
FEDERAL PROJECT NO. STPL-5176 (009)**

**CONTRACT DOCUMENTS (VOLUME I) INCLUDING:  
BID BOOK:**

**NOTICE TO BIDDERS  
PROPOSAL**

For use in Connection with the project Plans, Special Provisions, Standard Specifications and Standard Plans of the California Department of Transportation, dated 2010, the Labor Surcharge and Equipment Rental Rates in effect on the date the work is accomplished, and the 2008 Marin Uniform Construction Standards.

DBE GOAL FOR THIS PROJECT IS: 7.02%

Contract No. 2016 OBAG

**Bid Opening:**

June 23, 2016 at 10:00 a.m.

Ross Town Hall

31 Sir Francis Drake Boulevard

Ross, CA 94939

## ATTENTION BIDDERS

### A. SUBCONTRACTOR EXPERIENCE

Subcontractors shall have experience and skill in performing their work. References from other Public Agencies for work of a similar scale and complexity may be required. The Town will reserve the right to reject any unqualified subcontractor. In addition, the striping subcontractor shall also currently hold a valid contractor's license of the following class or classes, C-32 issued by the Contractor's License Board under the provisions of Chapter 9 of Division 3 of the Business and Professions Code of the State of California and have been engaged in the contracting business for at least 1 year.

### B. COMPLETENESS OF BID

Bidders should take care to complete all details in a legible manner in the bid documents. Failure to do so may be cause for rejection of the bid.

### C. ENVIRONMENTAL CONTROL

The Contractor shall comply with all air pollution and environmental control rules, regulations, ordinances and statutes which apply to the project and any work performed pursuant to the contract.

### D. BID PROTESTS

All bid protest shall be in writing and delivered to **Town of Ross Public Works Director** within three (3) working days following the determination of the low bidder. If necessary, a hearing may be held to determine the position of all involved parties.

TOWN OF ROSS AND TOWN OF SAN ANSELMO  
**BOLINAS AVE AND SFD IMPROVEMENTS PROJECT**  
**CONTRACT DOCUMENTS**

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**TOWN OF ROSS  
DEPARTMENT OF PUBLIC WORKS  
ROSS, CALIFORNIA**

**INSTRUCTIONS TO BIDDERS**

A. INSPECTION OF PLANS: Plans and specifications may be obtained at Ross Town Hall, at **31 Sir Francis Drake Boulevard, Ross CA 94939**, and may be purchased for \$40.00 if picked up, \$50.00 if mailed, to cover printing and processing, which charge is NON-REFUNDABLE and plans need not be returned. Checks should be made payable to the Town of Ross.

B. ELIGIBILITY: All bidders must be contractors holding a valid license to perform the required work as provided by the Business and Professions Code, and may be required to submit evidence to the Town as to their ability, financial responsibility, and experience, in order to be eligible for consideration of their proposal. The Contractor shall possess a valid Class "A" License at the time contract is awarded. The subcontractor performing traffic control work must have a C31 -Construction Zone Traffic Control contractor license, and the subcontractor performing striping work must have a C32 -Parking & Highway Improvement contractor license.

C. PROPOSAL GUARANTY: All bids must be submitted on the proposal Form obtained from the Department of Public Works and shall be accompanied by a Proposal Guaranty of at least ten percent (10%) of the base bid. Guaranties shall be in the form of a certified or cashier's check or Bid Bond payable to the Town of Ross. Failure of the successful bidder to execute and return the contract, or to file acceptable bond, as required, within the time allotted shall be cause for the annulment of the award and forfeiture of the Proposal Guaranty.

D. BID BONDS: The bid bond of bidders, other than the successful bidder, may be retained by the Town of Ross for a period of thirty (30) days after award or until fifteen (15) days after the successful bidder executed the contract and furnished bonds, whichever occurs first. If a bidder to whom the contract is awarded fails, or refuses, to execute the contract within ten (10) days of notice of award, as herein provided, the Director of Public Works may award to the next lowest bidder and apply the bid bond of the bidder failing, or refusing, to execute contract as herein required, the bid bonds of bidders to whom no award was made will be returned upon request.

E. BIDS AND BID OPENING: Only the total amount bid will be read at the bid opening, and not specific items unless requested, in writing, at the time of the submission of proposals. Bidders will be at liberty to inspect and review bids at the Ross Town Hall, to which they will be removed for the purpose of checking after opening and reading of totals.

Bids are required for the entire work described herein, and neither partial nor contingent bids will be considered.

Disadvantaged Business Enterprise (DBE) Information for the prime contractor and his subcontractors shall be submitted with the bid. Failure to submit this information shall be considered as an incomplete bid and grounds for disqualification.

The Town shall have the authority to determine the good faith effort. Deviations and discrepancies related to the DBE information submitted may be waived by the Town's DBE coordinator.

F. ADDENDA: Every interpretation of the specifications, changes, additions or corrections will be in the form of an addendum to the contract documents and, when issued, will be on file at the Town of Ross, Town Hall at least one working day before bids are opened. In addition, all addenda will be faxed to each

person holding contract documents but it shall be the bidder's responsibility to make inquiry as to the addenda issued. All such addenda shall become part of the contract documents and all bidders shall be bound by such addenda whether or not received by the bidders.

G. BEGINNING OF WORK, TIME OF COMPLETION AND LIQUIDATED DAMAGES: Reference is made to Exhibit 12-G, Section 7, "Beginning of Work, Time of Completion and Liquidated Damages", see General and Special Provisions. The Contractor shall sufficiently obligate himself/herself to complete the work for the construction of the Improvement Project within forty (40) consecutive working days beginning on the fifteenth calendar day after approval of the contract.

H. LEGAL REQUIREMENTS: The attention of bidders is directed to the provisions of the specifications regarding legal relations and responsibility.

I. SPECIFICATIONS: Attention is directed to the correlation of the specifications with the Standard Specifications of the State of California, Business, Transportation and Housing Agency, Department of Transportation, dated 2010, as to materials, methods and workmanship.

J. BONDS: The Contractor whose bid is accepted shall furnish the following bonds to the Town (at no expense to Town), executed by a responsible surety in a form acceptable to the Town:

- a) Faithful Performance Bond b) Labor and Materials Bond
- b) Labor and Materials Bond
- c) Defective Material and Workmanship Bond

The Faithful Performance Bond shall be in an amount equal to one hundred percent (100%) of the total amount bid by the Contractor in his proposal.

The Labor and Materials Bond shall be in an amount equal to one hundred percent (100%) of the total amount bid by the Contractor in his proposal.

The Defective Material and Workmanship Bond shall be in an amount equal to not less than ten percent (10%) of the contract cost of work determined in the final pay estimated prepared by the Engineer.

The surety for such security shall be currently admitted to transact surety insurance by the California Department of Insurance and shall carry a Best's rating of no less than A.

K. EMPLOYEES AND NON-DISCRIMINATION: Attention is directed to the following Notice that is required by Chapter 5 of Division 4 of Title 2, California Code of Regulations.

**NOTICE OF REQUIREMENT FOR NONDISCRIMINATION PROGRAM (GOV. CODE, SECTION 12990)**

Your attention is called to the Nondiscrimination Clause," set forth in Section 7-1.01A(4), "Labor Nondiscrimination," of the Standard Specifications, which is applicable to all nonexempt state contracts and subcontracts, and to the "Standard California Nondiscrimination Construction Contract Specifications" set forth therein. The Specifications are applicable to all nonexempt state construction contracts and subcontracts of \$5,000 or more.

Contractor shall not discriminate against any employee or applicant because of race, religion, color or national origin. This shall include employment, demotion or transfer, recruitment or recruitment advertisement, layoff or termination, rates of pay or other compensation, and selection for training and apprenticeship. Contractor shall post, in conspicuous places during the period of contract and available to applicants for employment, notices setting forth the provisions of this clause. Contractor shall insert the foregoing provisions in all subcontracts thereunder, except subcontracts for standard commercial supplies or raw materials. The hiring

of all labor for work shall be in accordance with applicable directives of the Fair Employment Practices Commission of the State of California. The Contractor shall forfeit, as a penalty, in addition to any other penalty provided by law, to County, the sum of \$25.00 for each calendar day, or portion thereof, during which the Contractor knowingly allows any conditions of discrimination to exist in connection with the work, provided, however, that such penalty shall not be imposed without a full investigation and determination by the Fair Employment Practices Commission.

Contractor shall cooperate fully with the Town of Ross, Town of San Anselmo, and affected Unions to promote and insure the maximum employment of blacks and Spanish speaking minorities, with particular emphasis on residents of Ross and San Anselmo, in all phases and at all levels of the work.

L. APPRENTICESHIP: Attention is directed to the provisions in Sections 1777.5 (Chapter 1411, Statutes of 1968) and 1777.6 of the Labor Code concerning the employment of apprentices by the Contractor or any subcontractor under him.

Section 1777.5, as amended required the Contractor or subcontractor employing tradesmen in any apprenticeable occupation to apply to the joint apprenticeship committee nearest the site of the public works project and which administers the apprenticeship program in that trade for a certificate of approval. The certificate will also fix the ratio of apprentices to journeymen that will be used in the performance of the contract. The ratio of apprentices to journeymen in such cases shall not be less than one to five except:

1. When unemployment in the area of coverage by the joint apprenticeship committee has exceeded an average of 15 percent in the 90 days prior to the request for certificate, or
2. When the number of apprentices in training in the area exceeds a ratio of one to five, or
3. When the trade can show that it is replacing at least 1 /30th of its membership through apprenticeship training on an annual basis statewide or locally, or
4. When the Contractor provides evidence that he employs registered apprentices on all of his contracts on an annual average of not less than one apprentice to eight journeymen.

The Contractor is required to make contributions to funds established for the administration of apprenticeship program if he employs registered apprentices or journeymen in any apprenticeable trade on such contracts and if other contractors on the public works site are making such contributions. The Contractor and any subcontractor under him shall comply with the requirements of Sections 1777.5 and 1777.6 in the employment of apprentices.

Information relative to apprenticeship standards, wage schedules, and other requirements may be obtained from the Director of Industrial Relations, ex officio the Administrator of Apprenticeship, Standards and its branch office.

M. PREVAILING WAGES: In compliance with the provisions of Section 1777.6 of the Labor Code of the State of California, as amended, the Contractor and each of his Subcontractors shall keep an accurate payroll record, showing the name, address, social security number, work classifications, straight time and overtime hours worked each day and week, and the actual per diem wages paid to each journeyman, apprentice or worked employed by them in connection with the Project. Said records shall be available for inspection at all reasonable hours, and copies shall be made available to the employer or his authorized representative, the State Division of Labor Standards Enforcement, the State Division of Apprenticeship Standards, and the Town.

Attention is directed to Section 7-1.01A(2), "Prevailing Wage," of the Standard Specifications. The general prevailing wage rates determined by the Director of Industrial Relations, for Town of Ross where the work is to be completed, are available at the Labor Compliance Office at the offices of the District Director for Caltrans District IV. These wage rates are not included in the Proposal and Contract for the project. Changes, if any, to the general prevailing wage rates will be available at the same location.

N. DISADVANTAGED BUSINESS ENTERPRISE (DBE): Reference is made to Exhibit 12-G; Section 1, “Disadvantaged Business Enterprise (DBE),” of the Required Federal Aid Contract Language, see General and Special Provisions.

**TOWN OF ROSS  
DEPARTMENT OF PUBLIC WORKS**

**NOTICE TO BIDDERS**  
**INVITING SEALED PROPOSALS OF BIDS**

Sealed Proposals will be received by the Town of Ross, Town Clerk, 31 Sir Francis Drake Boulevard, Ross, California 94939, until 10:00 a.m., June 23, 2016 at which time they will be publicly opened and read, for construction in accordance with the project plans and specifications to which special reference is made, as follows:

**BOLINAS AVENUE AND SIR FRANCIS DRAKE BOULEVARD IMPROVEMENTS PROJECT  
FEDERAL PROJECT NO. STPL-5176 (009)**

The work to be performed under this contract consists of improving existing traffic signal systems and pedestrian routes which will meet Federal, State, County, and Town requirements. Improvements shall, where possible, conform to Americans with Disabilities Act (ADA) requirements. The project will repave to improve and reconstruct the roadway on Sir Francis Drake Boulevard from Winship Avenue to through the 100 block and on Bolinas Avenue from Sir Francis Drake Boulevard to Shady Lane. The project includes work on the roadway islands, traffic signals, crosswalks, curb and gutter, sidewalks and curb ramps.

Work shall be done in accordance with official plans and specifications, which may be inspected at the Town Hall, Town of Ross, 31 Sir Francis Drake Boulevard, Ross, California, and may be purchased for \$50.00 per set (non-refundable) if picked up. If mailed by standard USPS, an additional nonrefundable fee of \$25 is required. Next day delivery service is available for a nonrefundable processing fee of \$20, and requires a recipient account number. Make checks payable to the Town of Ross. Mailed requests shall be addressed to the Town Clerk, Town of Ross, 31 Sir Francis Drake Boulevard, Ross, California 94939. For questions regarding the project, plans and specifications, etc. - please call (415) 453-1453, Option 4.

For additional information or technical questions concerning this project, please call **John Moe, Director of Public Works** at (415) 453-1453, Option 4. Inquiries or questions based on patent ambiguity of the plans, specifications, contract documents or estimate must be communicated in writing prior to 10:00 A.M. on June 16, 2016, and the Town will provide a written response.

No pre-bid meeting is scheduled for this project.

Proposals will be opened and read at 10:00 A.M., in Town Hall, Town of Ross, 31 Sir Francis Drake Boulevard, Ross, on the day specified above. Bids are required for the entire work described in the Bid Book and Contract Documents. Bidders should take care to complete all details in a legible manner in the bid documents. Failure to do so may be cause for rejection of the bid. Only the total amount of the bid will be read at the bid opening, unless requested, in writing, at the time of the submission of bids. Bidders can inspect bids at the Department of Public Works, to which they will be removed for the purpose of checking after reading of totals. Bids are required for the entire work described herein, and neither partial nor contingent bids will be considered.

The Contractor shall possess a valid Class A License or a combination of Class C-8, C-12, C-32, and C-34 licenses at the time contract is awarded, and any subcontractor shall be licensed for the classification of work to be performed. The Contractor shall also obtain a Town of Ross and Town of San Anselmo business license.

This contract is subject to state contract nondiscrimination and compliance requirements pursuant to Government Code, Section 12990.

Bids shall be accompanied by one of the following forms of bidder's security equal to at least 10 percent of the bid and made out to Town of Ross: Certified Check, Cashier's Check, Bidder's Bond. If using a bidder's bond, use the form in the Bid Book or a form containing the same information.

Failure of the successful bidder to execute and return the contract, or to file acceptable bond, as required, within the time allotted shall be cause for the annulment of the award and forfeiture of the bidder's security. The bidder's security of unsuccessful bidders may be retained by the Town of Ross for a period of 30 days after award. If a bidder to whom the contract is awarded fails, or refuses, to execute the contract within 10 days of notice of award, as herein provided, the Director of Public Works may award to the next lowest bidder and apply the bidder's security of the bidder failing, or refusing, to execute contract as herein required. The bidder's security of bidders to whom no award was made will be returned upon request.

All bid protests shall be in writing and delivered to the Town of Ross Director of Public Works within five (5) working days following the determination of the lowest responsible bidder. If necessary, a hearing may be held to determine the position of all involved parties.

When issued, addenda will be on file at the Town of Ross, Town Hall at least 72 hours before bids are opened. In addition, all addenda will be faxed or e-mailed to persons on the Town's Bid Holder's List; however, it shall be the bidder's responsibility to ensure that the contact information is correct and to make inquiry as to the addenda issued. All such addenda shall become part of the contract documents and all bidders shall be bound by such addenda whether or not received by the bidders. Bidders who acquire project bid documents from sources other than directly from the Town of Ross are not on the Town's bid holder's list, and are solely responsible for inquiring about and acquiring all addenda. If the Town issues any addendum that results in a material change to the invitation for bids, the date and time for submitting bids will be extended by at least 72 hours and the revised bid opening date will be noted on the addendum.

The Contractor whose bid is accepted shall furnish the following bonds to the Town (at no expense to Town), executed by an admitted surety insurer in a form acceptable to the Town: Performance Bond, Payment Bond, and Defective Material and Workmanship Bond.

The Performance Bond shall be in an amount equal to one hundred percent (100%) of the total amount bid by the Contractor in his proposal. The Payment Bond shall be in an amount equal to one hundred percent (100%) of the total amount bid by the Contractor in his proposal. The Defective Material and Workmanship Bond shall be in an amount equal to not less than ten percent (10%) of the contract cost of work determined in the final pay estimated prepared by the Engineer.

The surety for such security shall be currently admitted to transact surety insurance by the California Department of Insurance and shall carry a Best's rating of no less than A.

The Town of Ross hereby notifies all bidders that in any contract entered into pursuant to this advertisement, minority and woman owned business enterprises must be afforded full opportunity to submit bids in response to this invitation and must not be discriminated against on the grounds of race, color, gender or national origin in consideration for an award.

This project has a goal of 7.02 percent DBE participation. DBE participation information must be submitted with the bid.

Award of contract, if awarded, will be to the lowest responsible bidder whose proposal complies with prescribed requirements, and will be within thirty (30) days after receipt of proposals. The Town of Ross reserves the right to reject any or all bids.

The provisions of Chapter 866, Statutes of 1981 adding Government Code 4590, regarding substitution of DEPARTMENT OF PUBLIC WORKS securities for monies withheld to ensure performance shall apply to this contract.

This project is subject to the “Buy America” provisions of the Surface Transportation assistance Act of 1982 as amended by the Intermodal Surface Transportation Efficiency Act of 1991.

The Town of Ross hereby notifies all bidders that it will affirmatively insure that in any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full opportunity to submit bids in response to this invitation.

Pursuant to Section 1773 of the Labor Code, the general prevailing wage rates in the county, or counties, in which the work is to be done have been determined by the Director of the California Department of Industrial Relations. These wages are set forth in the General Prevailing Wage Rates for this project, available at the Labor Compliance Office at the offices of the District Director of Transportation for the district in which the work is situated. The Federal minimum wage rates for this project as predetermined by the United States Secretary of Labor are set forth in the books issued for bidding purposes entitled “Proposal and Contract,” and in copies of this book that may be examined at the offices described above where project plans, special provisions, and proposal forms may be seen. Addenda to modify the Federal minimum wage rates which have been predetermined and are on file with the California Department of Industrial Relations are referenced but not printed in the general prevailing wage rates.

Attention is direct to the Federal minimum wage rate requirements in the books entitled “Proposal and Contract.” If there is a difference between the minimum wage rates predetermined by the Secretary of Labor and the general prevailing wage rates determined by the Director of the California Department of Industrial Relations for similar classifications of labor, the Contractor and subcontractors shall pay not less than the higher wage rate. The Department will not accept lower State wage rates not specifically included in the Federal minimum wage determinations. This includes “helper” (or other classifications based on hours of experience) or any other classification not appearing in the Federal wage determinations. Where Federal wage determinations do not contain the State wage rate determination otherwise available for use by the Contractor and subcontractors, the Contractor and subcontractors shall pay not less than the Federal minimum wage rate which most closely approximates the duties of the employees in question.

The U.S. Department of Transportation (DOT) provides a toll-free “hotline” service to report bid rigging activities. Bid rigging activities can be reported Mondays through Fridays, between 8:00 a.m. and 5:00 p.m., Eastern Time, Telephone No. 1-800-424-9071. Anyone with knowledge of possible bid, bidder collusion, or other fraudulent activities should use the “hotline” to report these activities. The “hotline” is part of the DOT’s continuing effort to identify and investigate highway construction fraud and abuse and is operated under the direction of the DOT Inspector General. All information will be treated confidentially and call anonymity will be respected.

If a bidder has any problems understanding or accepting any of the terms and/or conditions specified in the bid documents, said bidder should contact the Ross Director of Public Works at (415) 453-1453, Option 4, prior to submitting the bid.

By submitting a bid in response to this notice inviting bids, the bidder shall be conclusively deemed to have read, understood and agreed with all of the information and materials contained in the bid documents,

including but not limited to the contract, the Bid Book, the General and Special Provisions, the Project Plans, the 2010 State Standard Plans and Specifications, the required indemnification obligation, the required nature and amount of insurance and endorsements and certificates evidencing such insurance.

If a bidder has any problems understanding or accepting any of the terms and/or conditions specified in the bid documents, said bidder should contact the Director of Public Works at [publicworks@townofross.org](mailto:publicworks@townofross.org) prior to submitting the bid. The deadline for submitting questions about this project is 10:00 A.M. on June 16, 2016.

Date: May 26, 2016

A handwritten signature in black ink that reads "John Moe". The signature is written in a cursive style with a horizontal line underneath it.

John Moe, P.E.  
Town Engineer

**PROPOSAL**

TO THE DIRECTOR OF PUBLIC WORKS ROSS  
ROSS, CALIFORNIA

**FOR: BOLINAS AVENUE AND SIR FRANCIS DRAKE BOULEVARD  
IMPROVEMENTS PROJECT  
FEDERAL PROJECT NO. STPL-5176 (009)**

Work consists of improving existing routes which will meet Federal, State, County, and Town requirements. Improvements shall, where possible, conform to Americans with Disabilities Act (ADA) requirements. The project will repave to improve and reconstruct the roadway on Sir Francis Drake Boulevard from Winship Avenue to through the 100 block and on Bolinas Avenue from Sir Francis Drake Boulevard to Shady Lane. The project includes work on the roadway islands, traffic signals, crosswalks, curb and gutter, sidewalks and curb ramps.

Name of Bidder \_\_\_\_\_

Business Address \_\_\_\_\_

Place of Residence \_\_\_\_\_

**TO THE TOWN ENGINEER OF ROSS**

The undersigned, as bidder, declares that the only persons or parties interested in this proposal as principals are those named herein; that this proposal is made without collusion with any other person, firm or corporations; that he has carefully examined the location of the proposed work, plans and specifications; and he proposes and agrees, if this proposal is accepted, that he will contract with the Town of Ross to provide all necessary machinery, tools, apparatus, and other means of construction, and to do all the work and furnish all the materials specified in this contract in the manner and time prescribed, and according to the requirements of the Engineer as therein set forth; and that he will take in full payment therefore, the following unit prices, to-wit:

## SCHEDULE OF BID ITEMS

**NOTE:** In the event of error or conflict in the prices set forth below, the "Unit Price" will govern. In the event the "Unit Price" is illegible or indistinguishable it shall be established by dividing the total price by the number of units

	NO. DESCRIPTION	QUANTITY		UNIT	TOTAL PRICE
<b>BASE BID ITEMS</b>					
1.	Mobilization	1	LS	@	_____
2.	Traffic Control System	1	LS	@	_____
3.	Removals	1	LS	@	_____
4.	Cold Plane AC Pavement	5,456	SY	@	_____
5.	Hot Mix Asphalt (Type A)	757	TON	@	_____
6.	Construct Type A Curb (UCS #105)	106	LF	@	_____
7.	Construct Type B Curb (UCS #105)	66	LF	@	_____
8.	Construct Concrete Sidewalk/Median Island	2,490	SF	@	_____
9.	Construct Caltrans Case A Curb Ramp	4	EA	@	_____
10.	Construct Caltrans Case B Curb Ramp	2	EA	@	_____
11.	Construct Caltrans Case F Curb Ramp	2	EA	@	_____
12.	Construct Caltrans Type A Island Passageway	1	EA	@	_____
13.	Relocate Fire Hydrant	1	EA	@	_____
14.	Raise Drain Inlet to Finish Grade	1	EA	@	_____
15.	Relocate Drain Inlet	1	EA	@	_____
16.	Thermoplastic Pavement Markings	298	SF	@	_____
17.	12" White Thermoplastic Line	175	SF	@	_____
18.	24" Wide Continental Crosswalk (Paint)	1,196	SF	@	_____
19.	Striping and Markers	1,254	LF	@	_____
20.	Curb Paint	617	LF	@	_____
21.	Roadside Signs	3	EA	@	_____
22.	Traffic Signal Modifications	1	LS	@	_____
	<b>TOTAL : BASE BID ITEMS</b>			\$	_____

Accompanying this proposal is \_\_\_\_\_

(Notice: Insert the words "Cash (\$ \_\_\_\_\_)", "Cashier's Check", "Certified Check," or "Bidder's Bond")

in amount equal to at least 10 percent of the total of the bid.

The names of all persons interested in the foregoing proposal as principals are as follows:

IMPORTANT NOTICE: If bidder or other interested person is a corporation, state legal name of corporation, also names of the president, secretary, treasurer, and manager thereof; if a co-partnership, state true name of firm, also names of all individual copartners composing firm; if bidder or other interested person is an individual, state first and last names in full.

\_\_\_\_\_  
\_\_\_\_\_

Licensed in accordance with an act providing for the registration of Contractors.

License No. \_\_\_\_\_ Classification(s) \_\_\_\_\_

ADDENDA: This Proposal is submitted with respect to the changes to the contract included in addenda number(s).

\_\_\_\_\_ (Fill in any addenda numbers if addenda have been received.)

By my signature on this proposal I certify, under penalty of perjury under the laws of the State of California, that the foregoing questionnaire and statements of Public Contract Code Sections 10162, 1023210285.1 are true and correct and that the bidder has complied with the requirements of Section 8103 of the Fair Employment and Housing Commission Regulations (Chapter 5, Title 2 of the California Administrative Code). By my signature on this proposal I further certify, under penalty of perjury under the laws of the State of California and the United States of America, that the Non-Collusion Affidavit required by Title 23 United States Code, Section 112 and Public Contract Code Section 7106; and the Title 49 Code of Federal Regulations, Part 29 Debarment and Suspension Certification are true and correct.

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

SIGN HERE:

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

Business address: \_\_\_\_\_ Place of business: \_\_\_\_\_

Telephone number: \_\_\_\_\_ Place of residence: \_\_\_\_\_

The award of contract, if awarded, shall be based on budget requirements and shall be made to the lowest responsive bidder based on the total base bid amount alone.

It is understood and agreed that the quantities of work under each item are approximate only, being given for a basis of comparison of proposals, and the right is reserved to the Town to increase or decrease the amount of work under any item as may be required, in accordance with provisions set forth in the specifications for this project.

It is further understood and agreed that the total amount of money set forth for each item of work or as the total amount bid for the project does not constitute an agreement to pay a lump sum for the work unless it specifically so states.

If this proposal shall be accepted and the undersigned shall fail to contract as aforesaid and to give the faithful performance and labor and materials bonds in the sums to be determined as aforesaid with surety satisfactory to the Director of Public Works within three (3) working days of notice of award, the Town Council may, at its option, determine that the bidder has abandoned the contract, and thereupon this proposal and the acceptance thereof shall be null and void and the forfeiture of such security accompanying this proposal shall operate and the same shall be the property of the Town of Ross.

It is hereby agreed that the undersigned, as bidder, shall furnish a faithful performance bond of the total amount of this proposal and a labor and materials bond in the amount of one hundred percent (100%) of the total amount of this proposal to the Town of Ross and at no expense to said Town, in the event that this proposal is accepted by said Town of Ross.

#### SUBCONTRACTS

The striping subcontractor shall have experience and skill in performing their work. References from other Public Agencies for work of a similar scale and complexity may be required. The Town will reserve the right to reject any unqualified subcontractor. In addition, the striping subcontractor shall also currently hold a valid contractor's license of the following class or classes, C-32 issued by the Contractor's License Board under the provisions of Chapter 9 of Division 3 of the Business and Professions Code of the State of California and have been engaged in the contracting business for at least 2 years.

The following "Specialty Item" of work is hereby exempted from percentage requirements of work performed by the Contractor's own organization and workmen under his immediate supervision:

NONE

Pursuant to the provisions in Section 1777.1 of the Labor Code, the Labor Commissioner publishes and distributes a list of contractors ineligible to perform work as a subcontractor on a public works project. This list of debarred contractors is available from the Department of Industrial Relations web site at <http://www.dir.ca.gov/dir/Labor-law/DLSE/Debar.html>.

Each subcontract and any lower tier subcontract that may in turn be made shall include the "Required Federal-Aid Construction Contract Language".

This requirement shall be enforced as follows:

- A. Noncompliance shall be corrected. Payment for subcontracted work involved will be withheld from progress payments due, or to become due, until correction is made. *Failure* to comply may *result* in termination of the contract.  
In conformance with the Federal DBE regulations Sections 26.53(f)(1) and 26.53(f)(2) Part 26, Title 49 CFR:
- B. The Contractor shall not terminate for convenience a DBE subcontractor listed in response to Section 2-1.02B, "Submission of DBE Information," and then perform that work with its own forces, or those of an affiliate without the written consent of the Department, and
- C. If a DBE subcontractor is terminated or fails to complete its work for any reason, the Contractor will be required to make good faith efforts to substitute another DBE subcontractor for the original DBE subcontractor, to the extent needed to meet the contract goal.

The requirement in Section Y, "Disadvantaged Business Enterprise (DBE)," of these special provisions that DBEs must be certified on the date bids are opened does not apply to DBE substitutions after award of the contract.

**BIDDER'S BOND**  
**TOWN OF ROSS**

**BOLINAS AVENUE AND SIR FRANCIS DRAKE BOULEVARD IMPROVEMENTS PROJECT**  
**FEDERAL PROJECT NO. STPL-5176 (009)**

KNOW ALL PERSONS BY THESE PRESENTS, that the TOWN OF ROSS ("Town"), a municipal corporation located in the County of Marin, State of California, has received a Proposal from

\_\_\_\_\_ hereinafter designated as Principal, whereby Principal agrees to enter into a Contract with the Town for the improvements more particularly described in all documents forming the complete Contract entitled "BOLINAS AVENUE AND SIR FRANCIS DRAKE BOULEVARD IMPROVEMENTS PROJECT; FEDERAL PROJECT NO. STPL-5176 (009)", which said complete Contract is hereby referred to and made a part hereof; and

WHEREAS, said Principal is required to furnish a bond in connection and with said Proposal, provided that if said Principal fails or refuses to enter into said Contract, the Surety of this bond will pay the Town the amount hereinafter set forth.

NOW, THEREFORE, we the Principal and \_\_\_\_\_, as Surety, are held and firmly bound unto the TOWN OF ROSS in the penal sum of \$\_\_\_\_\_, lawful money of the United States, being not less than ten percent (10%) of the estimated Contract cost of the work, for the payment of which sum well and truly to be made, we bind ourselves, our heirs, executors, administrators and successors, jointly and severally, firmly by these presents.

THE CONDITIONS OF THIS OBLIGATION IS SUCH that if said Principal, his/her/its heirs, executors, administrators, successors or assigns, shall fail to enter into said Contract, then said Surety will pay the same in or to an amount not exceeding the amount hereinabove set forth, and also will pay in case suit is brought upon this bond a reasonable attorney's fee in such suit, which fee shall be fixed by the Court.

AS FURTHER TERMS OF THIS BOND, IT IS UNDERSTOOD AS FOLLOWS:

- (a) If said Proposal shall be rejected, or in the alternative;
- (b) If said Proposal shall be accepted and the Principal shall execute and deliver a contract in the Form of Contract attached hereto (properly completed in accordance with said Proposal) and shall furnish a bond for his/her/its faithful performance of said contract, and for the payment of all persons performing labor or furnishing materials in connection therewith, and shall in all other respects perform the agreement created by the acceptance of said Proposal;

then, this obligation shall be void, otherwise the same shall remain in force and effect; it being expressly understood and agreed that the liability of the Surety for any and all claims hereunder shall, in no event, exceed the penal amount of this obligation as herein stated.

The Surety, for value received, hereby stipulates and agrees that the obligations of said Surety and its bond shall be in no way impaired or affected by any extension of the time within which the Town may accept such Proposal; and said Surety does hereby waive notice of any such extension.

PROVIDED FURTHER, that no final settlement between the Town and Principal shall abridge the right of any beneficiary hereunder, whose claim may be unsatisfied.

NOTE: To be signed by Principal and Surety and acknowledgment and notarial seal attached.

(SEAL)

PRINCIPAL

By: \_\_\_\_\_

Title: \_\_\_\_\_

SURETY

By: \_\_\_\_\_

Title: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(Address of Surety)

**EXPERIENCE AND FINANCIAL QUALIFICATIONS**

The following statement as to experience and financial qualifications of the Bidder are submitted in conjunction with the proposal, as a part thereof and the truthfulness and accuracy of the information is guaranteed by the bidder.

The Bidder has been engaged in the contracting business under the present business name for \_\_\_\_\_ years. Experience in work of a nature similar to that covered in the proposal extends over a period of \_\_\_\_\_ years.

The Bidder currently holds a valid Contractor's License of the following Class or Classes, \_\_\_\_\_ issued by the Contractors License Board under the provision of Chapter 9 of Division 3 of the Business and Professions Code of the State of California.

The Bidder, as a contractor, has never failed to satisfactorily complete a contract awarded to him, except as follows: (Name any and all exceptions and reasons therefor).

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

In the last 10 years, have you or your firm been a party to arbitration, lawsuit or any other proceeding involving work that you or your firm performed? Yes \_\_\_\_ No \_\_\_\_

If so, please provide the following information as to each such proceeding:

- (I) the name, address and telephone numbers of all parties to the proceeding;
- (II) the general nature of the claims being made against or by your firm;
- (III) the outcome of the proceeding.

Have you or your firm ever requested payment of more money than any of your clients have been willing to pay? Yes \_\_\_\_ No \_\_\_\_

As to each such request, please state:

- (I) the name, address and telephone number of the client;
- (II) the amount and nature of your claim;
- (III) the nature of the client's position;
- (IV) the outcome of your claim.

The following contracts have been satisfactorily completed in the last three years for the person or authority indicated, and to whom reference is made. (Name five contracts.)

<u>Year</u>	<u>Type of Work</u>	<u>Contract Amount</u>	<u>Location and for Whom Performed</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Following is a list of plant and equipment owned by the Bidder, and which is definitely available for use on the proposed work as required.

<u>Quality</u>	<u>Name, Type &amp; Capacity</u>	<u>Condition</u>	<u>Location</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

**Local Assistance Procedures Manual**

***BIDDER'S LIST OF SUBCONTRACTORS (DBE and NON-DBE)- PART I***

The bidder shall list all subcontractors (both DBE and non-DBE) in accordance with Section 2-1.054 of the Standard Specifications and per Title 49, Section 26.11 of the Code of Federal Regulations. This listing is required in addition to listing DBE Subcontractors elsewhere in the proposal. **Photocopy this form for additional firms.**

Firm Name/ Address/ City, State, ZIP	Phone/ Fax	Annual Gross Receipts	Description of Portion of Work to be Performed	Local Agency Use Only (Certified DBE?)
<i>Name</i>	<i>Phone</i>	<input type="checkbox"/> < \$1 million		<input type="checkbox"/> YES
<i>Address</i>		<input type="checkbox"/> < \$5 million		<input type="checkbox"/> NO
<i>City State ZIP</i>	<i>Fax</i>	<input type="checkbox"/> < \$10 million		<i>If YES list DBE #:</i>
		<input type="checkbox"/> < \$15 million		Age of Firm (Yrs.)
		<input type="checkbox"/> > \$15 million		
<i>Name</i>	<i>Phone</i>	<input type="checkbox"/> < \$1 million		<input type="checkbox"/> YES
<i>Address</i>		<input type="checkbox"/> < \$5 million		<input type="checkbox"/> NO
<i>City State ZIP</i>	<i>Fax</i>	<input type="checkbox"/> < \$10 million		<i>If YES list DBE #:</i>
		<input type="checkbox"/> < \$15 million		Age of Firm (Yrs.)
		<input type="checkbox"/> > \$15 million		
<i>Name</i>	<i>Phone</i>	<input type="checkbox"/> < \$1 million		<input type="checkbox"/> YES
<i>Address</i>		<input type="checkbox"/> < \$5 million		<input type="checkbox"/> NO
<i>City State ZIP</i>	<i>Fax</i>	<input type="checkbox"/> < \$10 million		<i>If YES list DBE #:</i>
		<input type="checkbox"/> < \$15 million		Age of Firm (Yrs.)
		<input type="checkbox"/> > \$15 million		
<i>Name</i>	<i>Phone</i>	<input type="checkbox"/> < \$1 million		<input type="checkbox"/> YES
<i>Address</i>		<input type="checkbox"/> < \$5 million		<input type="checkbox"/> NO
<i>City State ZIP</i>	<i>Fax</i>	<input type="checkbox"/> < \$10 million		<i>If YES list DBE #:</i>
		<input type="checkbox"/> < \$15 million		Age of Firm (Yrs.)
		<input type="checkbox"/> > \$15 million		

**EXHIBIT 12-B BIDDER'S LIST OF SUBCONTRACTORS (DBE AND NON-DBE)**

**PART II**

The bidder shall list all subcontractors who provided a quote or bid but were not selected to participate as a subcontractor on this project. This is required for compliance with Title 49, Section 26 of the Code of Federal Regulations. Photocopy this form for additional firms.

Firm Name/ Address/ City, State, ZIP	Phone/ Fax	Annual Gross Receipts	Description of Portion of Work to be Performed	Local Agency Use Only (Certified DBE?)
<i>Name</i>	<i>Phone</i>	<input type="checkbox"/> < \$1 million		<input type="checkbox"/> YES
<i>Address</i>		<input type="checkbox"/> < \$5 million		<input type="checkbox"/> NO
<i>City State ZIP</i>		<input type="checkbox"/> < \$10 million		<i>If YES list DBE #:</i>
	<i>Fax</i>	<input type="checkbox"/> < \$15 million		
		<input type="checkbox"/> > \$15 million		Age of Firm (Yrs.)
<i>Name</i>	<i>Phone</i>	<input type="checkbox"/> < \$1 million		<input type="checkbox"/> YES
<i>Address</i>		<input type="checkbox"/> < \$5 million		<input type="checkbox"/> NO
<i>City State ZIP</i>		<input type="checkbox"/> < \$10 million		<i>If YES list DBE #:</i>
	<i>Fax</i>	<input type="checkbox"/> < \$15 million		
		<input type="checkbox"/> > \$15 million		Age of Firm (Yrs.)
<i>Name</i>	<i>Phone</i>	<input type="checkbox"/> < \$1 million		<input type="checkbox"/> YES
<i>Address</i>		<input type="checkbox"/> < \$5 million		<input type="checkbox"/> NO
<i>City State ZIP</i>		<input type="checkbox"/> < \$10 million		<i>If YES list DBE #:</i>
	<i>Fax</i>	<input type="checkbox"/> < \$15 million		
		<input type="checkbox"/> > \$15 million		Age of Firm (Yrs.)
<i>Name</i>	<i>Phone</i>	<input type="checkbox"/> < \$1 million		<input type="checkbox"/> YES
<i>Address</i>		<input type="checkbox"/> < \$5 million		<input type="checkbox"/> NO
<i>City State ZIP</i>		<input type="checkbox"/> < \$10 million		<i>If YES list DBE #:</i>
	<i>Fax</i>	<input type="checkbox"/> < \$15 million		
		<input type="checkbox"/> > \$15 million		Age of Firm (Yrs.)

**Distribution:** 1) Original – Local Agency File

*(THE BIDDER'S EXECUTION ON THE SIGNATURE PORTION OF THIS PROPOSAL SHALL ALSO CONSTITUTE AN ENDORSEMENT AND EXECUTION OF THOSE CERTIFICATIONS WHICH ARE A PART OF THIS PROPOSAL)*

### **EQUAL EMPLOYMENT OPPORTUNITY CERTIFICATION**

The bidder \_\_\_\_\_, proposed subcontractor \_\_\_\_\_, hereby 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, where 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 applicable filing requirements.

**Note:** 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.

Proposed 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 that 41 CFR 60-1.7(b) (1) prevents the award of contracts and subcontracts unless such 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.

## PUBLIC CONTRACT CODE

### PUBLIC CONTRACT CODE SECTION 10285.1 STATEMENT

In conformance with Public Contract Code Section 10285.1 (Chapter 376, Stats. 1985), the bidder hereby 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 Public Contract Code Section 1101, with any public entity, as defined in Public Contract Code Section 1100, including the Regents of the University of California or the Trustees of the California State University. The term "bidder" is understood to include any partner, member, officer, director, responsible managing officer, or responsible managing employee thereof, as referred to in Section 10285.1.

Note: The bidder must place a checkmark after "has" or "has not" in one of the blank spaces provided. The above Statement is part of the Proposal. Signing this Proposal on the signature portion thereof shall also constitute signature of this Statement. Bidders are cautioned that making a false certification may subject the certifier to criminal prosecution.

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### PUBLIC CONTRACT CODE SECTION 10162 QUESTIONNAIRE

In conformance with Public Contract Code Section 10162, the Bidder shall 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.

**PUBLIC CONTRACT CODE 10232 STATEMENT**

In conformance with Public Contract Code Section 10232, the Contractor, hereby states 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.

Note: The above Statement and Questionnaire are part of the Proposal. Signing this Proposal on the signature portion thereof shall also constitute signature of this Statement and Questionnaire. Bidders are cautioned that making a false certification may subject the certifier to criminal prosecution.

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**Noncollusion Affidavit**

(Title 23 United States Code Section 112 and  
Public Contract Code Section 7106)

To the Town of Ross  
*DEPARTMENT OF PUBLIC WORKS.*

In conformance with Title 23 United States Code Section 112 and Public Contract Code 7106 the bidder declares 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.

Note: The above Noncollusion Affidavit is part of the Proposal. Signing this Proposal on the signature portion thereof shall also constitute signature of this Noncollusion Affidavit. Bidders are cautioned that making a false certification may subject the certifier to criminal prosecution.

## DEBARMENT AND SUSPENSION CERTIFICATION

TITLE 49, CODE OF FEDERAL REGULATIONS, PART 29

The bidder, under penalty of perjury, certifies that, except as noted below, he/she 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 judgment rendered against it by a court of competent jurisdiction in any matter involving fraud or official misconduct within the past 3 years.

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

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

Notes: Providing false information may result in criminal prosecution or administrative sanctions. The above certification is part of the Proposal. Signing this Proposal on the signature portion thereof shall also constitute signature of this Certification.

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## **NONLOBBYING CERTIFICATION FOR FEDERAL-AID CONTRACTS**

The prospective participant certifies, by signing and submitting this bid or proposal, to the best of his or her knowledge and belief, that:

- (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 Section 1352, Title 31, U.S. Code. 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.

The prospective participant also agrees by submitting his or her bid or proposal that he or she shall require that the language of this certification be included in all lower tier subcontracts, which exceed \$100,000 and that all such subrecipients shall certify and disclose accordingly.

**DISCLOSURE OF LOBBYING ACTIVITIES**

COMPLETE THIS FORM TO DISCLOSE LOBBYING ACTIVITIES PURSUANT TO 31 U.S.C. 1352

<p><b>1. Type of Federal Action:</b></p> <p><input type="checkbox"/> a. contract  <input type="checkbox"/> b. grant  <input type="checkbox"/> c. cooperative agreement  <input type="checkbox"/> d. loan  <input type="checkbox"/> e. loan guarantee  <input type="checkbox"/> f. loan insurance</p>	<p><b>2. Status of Federal Action:</b></p> <p><input type="checkbox"/> a. bid/offer/application  <input type="checkbox"/> b. initial award  <input type="checkbox"/> c. post-award</p>	<p><b>3. Report Type:</b></p> <p><input type="checkbox"/> a. initial  <input type="checkbox"/> b. material change</p> <p style="text-align: right;"><b>For Material Change Only:</b>  year ____ quarter ____  date of last report _____</p>
<p><b>4. Name and Address of Reporting Entity</b></p> <p><input type="checkbox"/> Prime                      <input type="checkbox"/> Subawardee  Tier _____, if known</p> <p style="text-align: center;">Congressional District, if known</p>	<p><b>5. If Reporting Entity in No. 4 is Subawardee, Enter Name and Address of Prime:</b></p> <p style="text-align: center;">Congressional District, if known</p>	
<p><b>6. Federal Department/Agency:</b></p>	<p><b>7. Federal Program Name/Description:</b></p> <p style="text-align: right;">CFDA Number, if applicable _____</p>	
<p><b>8. Federal Action Number, if known:</b></p>	<p><b>9. Award Amount, if known:</b></p>	
<p><b>10. a. Name and Address of Lobby Entity</b>  (If individual, last name, first name, MI)</p>	<p><b>b. Individuals Performing Services</b> (including address if different from No. 10a)  (last name, first name, MI)</p>	
(attach Continuation Sheet(s) if necessary)		
<p><b>11. Amount of Payment (check all that apply)</b></p> <p>\$ _____ <input type="checkbox"/> actual    <input type="checkbox"/> planned</p>	<p><b>13. Type of Payment (check all that apply)</b></p> <p><input type="checkbox"/> a. retainer  <input type="checkbox"/> b. one-time fee  <input type="checkbox"/> c. commission  <input type="checkbox"/> d. contingent fee  <input type="checkbox"/> e. deferred  <input type="checkbox"/> f. other, specify _____</p>	
<p><b>12. Form of Payment (check all that apply):</b></p> <p><input type="checkbox"/> a. cash  <input type="checkbox"/> b. in-kind; specify: nature _____  value _____</p>		
<p><b>14. Brief Description of Services Performed or to be performed and Date(s) of Service, including officer(s), employee(s), or member(s) contacted, for Payment Indicated in Item 11:</b></p> <p style="text-align: center;">(attach Continuation Sheet(s) if necessary)</p>		
<p><b>15. Continuation Sheet(s) attached:    Yes    <input type="checkbox"/>    No    <input type="checkbox"/></b></p>		
<p><b>16. Information requested through this form is authorized by Title 31 U.S.C. Section 1352. This disclosure of lobbying reliance was placed by the tier above when his transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be reported to Congress semiannually and 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.</b></p>	<p>Signature: _____</p> <p>Print Name: _____</p> <p>Title: _____</p> <p>Telephone No.: _____ Date: _____</p>	
<p><b>Federal Use Only:</b></p>	<p>Authorized for Local Reproduction  Standard Form - LLL</p>	

**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 covered Federal action or a material change to previous filing pursuant to title 31 U.S.C. section 1352. The filing of a form is required for such payment or agreement to make payment to 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. Attach a continuation sheet for additional information if the space on the form is inadequate. 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 follow-up 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 first 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 organization 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 identification 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 entity 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. Enter the amount of compensation paid or reasonably expected to be paid by the reporting entity (item 4) to the lobbying entity (item 10). Indicate whether the payment has been made (actual) or will be made (planned). Check all boxes that apply. If this is a material change report, enter the cumulative amount of payment made or planned to be made.
12. Check the appropriate box. Check all boxes that apply. If payment is made through an in-kind contribution, specify the nature and value of the in-kind payment.
13. Check the appropriate box. Check all boxes that apply. If other, specify nature.
14. Provide a specific and detailed description of the services that the lobbyist has performed or will be expected to perform and the date(s) of any services rendered. Include all preparatory and related activity not just time spent in actual contact with Federal officials. Identify the Federal officer(s) or employee(s) contacted or the officer(s) employee(s) or Member(s) of Congress that were contacted.
15. Check whether or not a continuation sheet(s) is attached.
16. The certifying official shall sign and date the form, print his/her name title and telephone number.

Public reporting burden for this collection of information is estimated to average 30 minutes per response, including time for reviewing instruction, 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, D.C. 20503.

SF-LLL-Instructions Rev. 06-04-90«ENDIF»



## **INSTRUCTIONS - LOCAL AGENCY BIDDER DBE COMMITMENT (CONSTRUCTION CONTRACTS)**

### **ALL BIDDERS:**

**PLEASE NOTE:** This information may be submitted with your bid. If it is not, and you are the apparent low bidder or the second or third low bidder, it must be submitted and received as specified in the Special Provisions. Failure to submit the required DBE commitment will be grounds for finding the bid nonresponsive

The form requires specific information regarding the construction contract: Local Agency, Location, Project Description, Total Contract Amount, Bid Date, Bidder's Name, and Contract DBE Goal.

The form has a column for the Contract Item Number and Item of Work and Description or Services to be Subcontracted or Materials to be provided by DBEs. Prime contractors shall indicate all work to be performed by DBEs including, if the prime is a DBE, work performed by its own forces, if a DBE. The DBE shall provide a certification number to the Contractor and expiration date. Enter the DBE prime's and subcontractors' certification numbers. The form has a column for the Names of DBE contractors to perform the work (who must be certified on the date bids are opened and include the DBE address and phone number).

**IMPORTANT:** Identify **all** DBE firms participating in the project—including all DBEs listed on the DBE Commitment form (Exhibit 15G, regardless of tier. Names of the First-Tier DBE Subcontractors and their respective item(s) of work listed should be consistent, where applicable, with the names and items of work in the "List of Subcontractors" submitted with your bid.

There is a column for the DBE participation dollar amount. Enter the Total Claimed DBE Participation dollars and percentage amount of items of work submitted with your bid pursuant to the Special Provisions. (If 100% of item is not to be performed or furnished by the DBE, describe exact portion of time to be performed or furnished by the DBE.) See Section "Disadvantaged Business Enterprise (DBE)," of the Special Provisions (construction contracts), to determine how to count the participation of DBE firms.

Exhibit 15-G must be signed and dated by the person bidding. Also list a phone number in the space provided and print the name of the person to contact.

**Local agencies** should complete the Local Agency Contract Award, Federal-aid Project Number, Federal Share, Contract Award Date fields and verify that all information is complete and accurate before signing and filing.

**EXHIBIT 15-H DBE INFORMATION —GOOD FAITH EFFORTS**  
**DBE INFORMATION - GOOD FAITH EFFORTS**

Federal-aid Project No. STPL-5176 (009) Bid Opening Date June 23, 2016

The Town of Ross established a Disadvantaged Business Enterprise (DBE) goal of 7.02% for this project. The information provided herein shows that a good faith effort was made.

Lowest, second lowest and third lowest bidders shall submit the following information to document adequate good faith efforts. Bidders should submit the following information even if the “Local Agency Bidder DBE Commitment” form indicates that the bidder has met the DBE goal. This will protect the bidder’s eligibility for award of the contract if the administering agency determines that the bidder failed to meet the goal for various reasons, e.g., a DBE firm was not certified at bid opening, or the bidder made a mathematical error.

Submittal of only the “Local Agency Bidder DBE Commitment” form may not provide sufficient documentation to demonstrate that adequate good faith efforts were made.

The following items are listed in the Section entitled “Submission of DBE Commitment” of the Special Provisions:

- A. The names and dates of each publication in which a request for DBE participation for this project was placed by the bidder (please attach copies of advertisements or proofs of publication):

<u>Publications</u>	<u>Dates of Advertisement</u>
_____	_____
_____	_____
_____	_____

- B. The names and dates of written notices sent to certified DBEs soliciting bids for this project and the dates and methods used for following up initial solicitations to determine with certainty whether the DBEs were interested (please attach copies of solicitations, telephone records, fax confirmations, etc.):

<u>Names of DBEs Solicited</u>	<u>Date of Initial Solicitation</u>	<u>Follow Up Methods and Dates</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

- C. The items of work which the bidder made available to DBE firms including, where appropriate, any breaking down of the contract work items (including those items normally performed by the bidder with its own forces) into economically feasible units to facilitate DBE participation. It is the bidder's responsibility to demonstrate that sufficient work to facilitate DBE participation was made available to DBE firms.

Items of Work	Bidder Normally Performs Item (Y/N)	Breakdown of Items	Amount (\$)	Percentage Of Contract

- D. The names, addresses and phone numbers of rejected DBE firms, the reasons for the bidder's rejection of the DBEs, the firms selected for that work (please attach copies of quotes from the firms involved), and the price difference for each DBE if the selected firm is not a DBE:

Names, addresses and phone numbers of rejected DBEs and the reasons for the bidder's rejection of the DBEs:

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Names, addresses and phone numbers of firms selected for the work above:

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- E. Efforts made to assist interested DBEs in obtaining bonding, lines of credit or insurance, and any technical assistance or information related to the plans, specifications and requirements for the work which was provided to DBEs:

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**Local Assistance Procedures**

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F. Efforts made to assist interested DBEs in obtaining necessary equipment, supplies, materials or related assistance or services, excluding supplies and equipment the DBE subcontractor purchases or leases from the prime contractor or its affiliate:

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G. The names of agencies, organizations or groups contacted to provide assistance in contacting, recruiting and using DBE firms (please attach copies of requests to agencies and any responses received, i.e., lists, Internet page download, etc.):

Name of Agency/Organization	Method/Date of Contact	Results
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<hr/>		

H. Any additional data to support a demonstration of good faith efforts (use additional sheets if necessary):

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**NOTE:** USE ADDITIONAL SHEETS OF PAPER IF NECESSARY.

## **SUPPLEMENTAL INFORMATION TO BIDDERS FEDERAL REQUIREMENTS AND FORMS**

### **FEDERAL MINIMUM WAGE RATES**

The Federal minimum wage rates for this project, as predetermined by the United States Secretary of Labor, are available through the California Department of Transportation's Electronic Project Document Distribution Site on the Internet at <http://www.wdol.gov/>. Addenda to modify the Federal minimum wage rates, if necessary, will be issued to holders of the Contract Book. Future effective general prevailing wage rates which have been predetermined and are on file with the California Department of Industrial Relations are referenced but not printed in the general prevailing wage rates.

TOWN OF ROSS-CALIFORNIA

CONTRACT AGREEMENT

THIS AGREEMENT, made and concluded, on duplicate, this \_\_\_\_\_ day of \_\_\_\_\_, 2016, between the TOWN OF ROSS, party of the first part, and \_\_\_\_\_ CONTRACTOR, party of the second part.

ARTICLE I. WITNESSETH: That for and in consideration of the payments and agreements hereinafter mentioned, to be made and performed by the said party of the first part, and under the conditions expressed in the three (3) bonds, bearing even date with these presents, and hereunto annexed, the said party of the second part agrees with the said party of the first part, at his own proper cost and expense, to do all the work and furnish all the materials, except such as are mentioned in the specifications to be furnished by said party of the first part, necessary to construct and complete in a good, workmanlike and substantial manner and to the satisfaction of the Director of Public Works for:

BOLINAS AVENUE AND SIR FRANCIS DRAKE BOULEVARD IMPROVEMENTS PROJECT  
FEDERAL PROJECT NO. STPL-5176 (009)

In accordance with the Specifications and Contract Documents; and also in accordance with the Standard Plans, dated May 2006, and the Standard Specifications, dated May 2006, of the California Department of Transportation; which said Specifications and Contract Documents, Standard Plans and Standard Specifications, are hereby specially referred to and by such reference made a part hereof. The work to be done is shown upon the plans entitled,

BOLINAS AVENUE AND SIR FRANCIS DRAKE BOULEVARD IMPROVEMENTS PROJECT  
FEDERAL PROJECT NO. STPL-5176 (009)

Consisting of 13 sheets, which said project plans are hereby made a part of this contract.

ARTICLE II. The said party of the first part hereby promises and agrees with the said Contractor to employ, and does hereby employ, the said Contractor to provide the materials and to do the work according to the terms and conditions herein contained and referred to, for the prices hereinafter set forth, and hereby contracts to pay the same at the time, in the manner and upon conditions herein set forth; and the said parties for themselves, their heirs, executors, administrators, successors and assigns, do hereby agree to the full performance of the covenants herein contained.

ARTICLE III. The prevailing wages referenced in the Notice to Bidders are hereby specifically referred to and by this reference made a part of this contract. It is further expressly agreed by and between the parties hereto that should there be any conflict between the terms of this instrument and the bid or proposal of said Contractor, then this instrument shall control and nothing herein shall be considered as an acceptance of said proposal conflicting herewith.

ARTICLE IV. By my signature hereunder, as Contractor, I certify that I am aware of the provisions of Section 3700 of the Labor Code which require every employer to be insured against liability for workmen's compensation or to undertake self-insurance in accordance with the provisions of that code, and will comply with such provisions before commencing the performance of the work of this contract.

ARTICLE V. Contractor agrees to receive and accept the unit prices shown in Contractor's Accepted Proposal, attached hereto as Exhibit "A", as full compensation for furnishing all materials and for doing all the work contemplated and embraced in this agreement; also for all loss or damage, arising out of the nature of the work aforesaid, or from the action of the elements, or from any unforeseen difficulties or obstructions which may arise or be encountered in the prosecution of the work until its acceptance by the Department of Public Works, and for all risks of every description connected with the work; also for all expenses incurred by or in consequence of the suspension or discontinuance of work and for well and faithfully completing the work, and the whole thereof, in the manner and according to the plans and specifications, and the requirements of the Engineer under them.

ARTICLE VI. In the event of litigation or arbitration arising from this contract, the prevailing party shall be entitled to reasonable attorney and expert witness fees and the costs of the proceedings.

IN WITNESS WHEREOF, the Parties of these presents have hereunto set their hands the year and date first above written.

TOWN OF ROSS  
A MUNICIPAL CORPORATION

By: \_\_\_\_\_  
Joe Chinn, Town Manager

ATTEST:

By: \_\_\_\_\_  
Linda Lopez, Town Clerk

CONTRACTOR (SEAL)

By: INFORMATION ONLY (NOT TO BE  
SUBMITTED WITH BID  
\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Print Name)

\_\_\_\_\_  
(Title)

\_\_\_\_\_  
(Company Name)

APPROVED AS TO FORM AND PROCEDURE

By: \_\_\_\_\_  
Gregory Stepanicich, Town Attorney

**BB.**