

CALTRANS  
STATE OF CALIFORNIA  
DEPARTMENT OF TRANSPORTATION  
BID FOR

12  
D-6

CONSTRUCTION ON STATE HIGHWAY IN  
ORANGE COUNTY IN ANAHEIM ON ROUTES 55, 57, 91 AT ROUTE 91/57 SEPARATION AND  
ROUTE 91/55 SEPARATION  
In District 12 on Route 55, 57, 91

UNDER

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Notice to Bidders and Special Provisions dated October 3, 2016  
Project plans approved August 1, 2016  
Standard Specifications dated 2015  
Standard Plans dated 2015

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Identified by

Contract No. 12-0M6104

12-Ora-55, 57, 91-17.5/17.9; 15.2/16.0; 5.8/6.8;

Project ID 1212000121

FEDERAL-AID PROJECT  
ACHSNH-X059(073)E

Bids open Wednesday, November 2, 2016

Dated October 3, 2016

AADD

STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION

Contract No.: 12-0M6104 Project ID: 1212000121

Bidder Name: Powell Coinstructors Inc

Bidder ID: VC0000101151

BID TO THE DEPARTMENT OF TRANSPORTATION

DES-OE-0102.1

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Name of Bidder Powell Coinstructors Inc  
Business Street Address 8555 Banana Avenue  
(Include even if P.O. Box is used)  
Business P.O. Box  
City, State, Zip Fontna, CA, 92335  
Telephone No: AREA CODE 909-356-8880  
Fax No: AREA CODE 909-356-1299  
Contractor License No. 845305 A  
Public Works Contractor Registration No. 1000006994  
Checksum 83F3637F

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 nonplant establishment work within the number of working days bid for nonplant establishment work.

2. Bidder has and acknowledges the following addenda:1  
10-26-16 Revise Project Plans, Notice to Bidders and Special Provisions,
3. Bidder submits this bid with one of the following forms of bidder's security equal to at least 10 percent of the bid: Bidder's Bond
4. Bidder's signature is an affirmation of the included certifications. Bidder is cautioned that making a false certification may result in one or more of the following:
  - 4.1 Criminal prosecution
  - 4.2 Rejection of the bid
  - 4.3 Rescission of the award
  - 4.4 Termination of the Contract

PRINTED NAME: MICHAEL B. POWELL AND  
TITLE OF PERSON SIGNING: PRESIDENT

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BY (Authorized signature)

DATE SIGNED ( Do not type)

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BID ITEM LIST

Item No.	Item Code	Item Description	Estimated Quantity Unit of Measure	Unit Price	Item Total
1	070030	LEAD COMPLIANCE PLAN	LUMP SUM LS	LUMP SUM	2,000.00
2	080050	PROGRESS SCHEDULE (CRITICAL PATH METHOD)	LUMP SUM LS	LUMP SUM	3,500.00
3	120090	CONSTRUCTION AREA SIGNS	LUMP SUM LS	LUMP SUM	25,000.00
4	120100	TRAFFIC CONTROL SYSTEM	LUMP SUM LS	LUMP SUM	250,000.00
5	120199	TRAFFIC PLASTIC DRUM	180.0 EA	70.00	12,600.00
6	128652	PORTABLE CHANGEABLE MESSAGE SIGN (LS)	LUMP SUM LS	LUMP SUM	30,000.00
7	129000	TEMPORARY RAILING (TYPE K)	4,840.0 LF	25.00	121,000.00
8	129100	TEMPORARY CRASH CUSHION MODULE	42.0 EA	250.00	10,500.00
9	032381	ALTERNATIVE TEMPORARY CRASH CUSHION	22.0 EA	4,500.00	99,000.00
10	130100	JOB SITE MANAGEMENT	LUMP SUM LS	LUMP SUM	15,000.00
11	130200	PREPARE WATER POLLUTION CONTROL PROGRAM	LUMP SUM LS	LUMP SUM	2,000.00
12	130620	TEMPORARY DRAINAGE INLET PROTECTION	13.0 EA	300.00	3,900.00

## STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION

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Bidder Name: Powell Coinstructors Inc

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## BID ITEM LIST

Item No.	Item Code	Item Description	Estimated Quantity Unit of Measure	Unit Price	Item Total
13	130640	TEMPORARY FIBER ROLL	100.0 LF	4.00	400.00
14	130900	TEMPORARY CONCRETE WASHOUT	LUMP SUM LS	LUMP SUM	8,500.00
15	141120	TREATED WOOD WASTE	124,000.0 LB	0.15	18,600.00
16	150661	REMOVE GUARDRAIL	9,510.0 LF	10.00	95,100.00
17	150685	REMOVE IRRIGATION FACILITY	LUMP SUM LS	LUMP SUM	10.00
18	150771	REMOVE ASPHALT CONCRETE DIKE	2,110.0 LF	10.00	21,100.00
19	150857	REMOVE ASPHALT CONCRETE SURFACING	860.0 SQFT	3.00	2,580.00
20	156585	REMOVE CRASH CUSHION	24.0 EA	30.00	720.00
21	160102	CLEARING AND GRUBBING (LS)	LUMP SUM LS	LUMP SUM	15,000.00
22	190107	ROADWAY EXCAVATION (TYPE Y-1) (AERIALY DEPOSITED LEAD)	36.0 CY	150.00	5,400.00
23	198010	IMPORTED BORROW (CY)	48.0 CY	1.00	48.00

BID ITEM LIST

Item No.	Item Code	Item Description	Estimated Quantity Unit of Measure	Unit Price	Item Total
24	204096	MAINTAIN EXISTING PLANTED AREAS	LUMP SUM LS	LUMP SUM	5,000.00
25	206400	CHECK AND TEST EXISTING IRRIGATION FACILITIES	LUMP SUM LS	LUMP SUM	3,500.00
26	206402	OPERATE EXISTING IRRIGATION FACILITIES	LUMP SUM LS	LUMP SUM	2,500.00
27	260200	AGGREGATE BASE	150.0 CY	300.00	45,000.00
28	390132	HOT MIX ASPHALT (TYPE A)	66.0 TON	200.00	13,200.00
29	394073	PLACE HOT MIX ASPHALT DIKE (TYPE A)	240.0 LF	11.00	2,640.00
30	394074	PLACE HOT MIX ASPHALT DIKE (TYPE C)	580.0 LF	11.00	6,380.00
31	394090	PLACE HOT MIX ASPHALT (MISCELLANEOUS AREA)	250.0 SQYD	60.00	15,000.00
32	510502	MINOR CONCRETE (MINOR STRUCTURE)	19.0 CY	1,800.00	34,200.00
33	032382	CONCRETE BARRIER MARKER	110.0 EA	20.00	2,200.00
34	820118	GUARD RAILING DELINEATOR	330.0 EA	30.00	9,900.00
35	832007	MIDWEST GUARDRAIL SYSTEM (WOOD POST)	4,530.0 LF	31.00	140,430.00

BID ITEM LIST

Item No.	Item Code	Item Description	Estimated Quantity Unit of Measure	Unit Price	Item Total
36	832015	MIDWEST GUARDRAIL SYSTEM (7' WOOD POST)	630.0 LF	33.00	20,790.00
37	832070	VEGETATION CONTROL (MINOR CONCRETE)	35.0 SQYD	250.00	8,750.00
38	839543	TRANSITION RAILING (TYPE WB-31)	16.0 EA	3,500.00	56,000.00
39	839576	END CAP (TYPE A)	3.0 EA	225.00	675.00
40	032383	BURIED POST END ANCHOR	3.0 EA	725.00	2,175.00
41	839581	END ANCHOR ASSEMBLY (TYPE SFT)	22.0 EA	675.00	14,850.00
42	839584	ALTERNATIVE IN-LINE TERMINAL SYSTEM	10.0 EA	3,475.00	34,750.00
43	839585	ALTERNATIVE FLARED TERMINAL SYSTEM	23.0 EA	2,475.00	56,925.00
44	032384	ALTERNATIVE CRASH CUSHION	2.0 EA	35,000.00	70,000.00
45	839700	CONCRETE BARRIER (TYPE 60F)	190.0 LF	340.00	64,600.00
46	839701	CONCRETE BARRIER (TYPE 60)	560.0 LF	100.00	56,000.00
47	839703	CONCRETE BARRIER (TYPE 60C)	920.0 LF	140.00	128,800.00

BID ITEM LIST

Item No.	Item Code	Item Description	Estimated Quantity Unit of Measure	Unit Price	Item Total
48	032385 (TYPE 9)	CONCRETE BARRIER	78.0 LF	230.00	17,940.00
49	839706 (TYPE 60G)	CONCRETE BARRIER	16.0 LF	280.00	4,480.00
50	839723 (TYPE 732B)	CONCRETE BARRIER	340.0 LF	180.00	61,200.00
51 (F)	839745 TRANSITION	CONCRETE BARRIER	272.0 LF	450.00	122,400.00
52	872130 EXISTING ELECTRICAL SYSTEM	MODIFYING	LUMP SUM LS	LUMP SUM	2,175,000.00
53	999990	MOBILIZATION	LUMP SUM LS	LUMP SUM	410,000.00
Total Bid					\$4,327,243.00

Bidding Firm: Powell Coinstructors Inc

List this sub? Yes

- 1) Business Name FERREIRA CONSTRUCTION COMPANY INC  
Location City CHINO State CA  
California Contractor License Number 985180  
Public Works Contractor Registration Number 1000001634  
Portion of Work Subcontracted:

Item %	Description
15 100	TREATED WOOD WASTE
16 57	REMOVE GUARDRAIL
34 74	GUARD RAILING DELINEATOR
35 74	MIDWEST GUARDRAIL SYSTEM (WOOD POST)
36 90	MIDWEST GUARDRAIL SYSTEM (7' WOOD POST)

List this sub? Yes

- 2) Business Name FERREIRA CONSTRUCTION COMPANY INC  
Location City CHINO State CA  
California Contractor License Number 985180  
Public Works Contractor Registration Number 1000001634  
Portion of Work Subcontracted:

Item %	Description
38 92	TRANSITION RAILING (TYPE WB-31)
39 100	END CAP (TYPE A)
40 70	BURIED POST END ANCHOR
41 85	END ANCHOR ASSEMBLY (TYPE SFT)
42 78	ALTERNATIVE IN-LINE TERMINAL SYSTEM

List this sub? Yes

- 3) Business Name FERREIRA CONSTRUCTION COMPANY INC  
Location City CHINO State CA  
California Contractor License Number 985180  
Public Works Contractor Registration Number 1000001634  
Portion of Work Subcontracted:

Item %	Description
43 93	ALTERNATIVE FLARED TERMINAL SYSTEM

Bidding Firm: Powell Coinstructors Inc

List this sub? Yes

4) Business Name ROUCH REBAR  
Location City LAKEWOOD State CA  
California Contractor License Number 954751  
Public Works Contractor Registration Number 1000005520  
Portion of Work Subcontracted:

Item %	Description
45 4.5	CONCRETE BARRIER (TYPE 60F)
46 9.5	CONCRETE BARRIER (TYPE 60)
47 16.25	CONCRETE BARRIER (TYPE 60C)
48 19	CONCRETE BARRIER (TYPE 9)
49 12	CONCRETE BARRIER (TYPE 60G)

List this sub? Yes

5) Business Name ROUCH REBAR  
Location City LAKEWOOD State CA  
California Contractor License Number 954751  
Public Works Contractor Registration Number 1000005520  
Portion of Work Subcontracted:

Item %	Description
50 24	CONCRETE BARRIER (TYPE 732B)
51 10	CONCRETE BARRIER TRANSITION
52 2.8	MODIFYING EXISTING ELECTRICAL SYSTEM

List this sub? Yes

6) Business Name ACL CONSTRUCTION COMPANY  
Location City CHINO HILLS State CA  
California Contractor License Number 468840  
Public Works Contractor Registration Number 1000008098  
Portion of Work Subcontracted:

Item %	Description
45 78	CONCRETE BARRIER (TYPE 60F)
46 41	CONCRETE BARRIER (TYPE 60)
47 27	CONCRETE BARRIER (TYPE 60C)
50 28	CONCRETE BARRIER (TYPE 732B)



STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION

Contract No.: 12-0M6104 Project ID: 1212000121

Bidder Name: Powell Coinstructors Inc

Bidder ID: VC0000101151

OPT OUT OF PAYMENT ADJUSTMENTS FOR PRICE INDEX FLUCTUATIONS

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

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

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

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

Date: Bidder's Name:

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

STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION

Contract No.: 12-0M6104 Project ID: 1212000121

Bidder Name: Powell Coinstructors Inc

Bidder ID: VC0000101151

SMALL BUSINESS STATUS

DES-OE-0102.4 (REV 3/2008)

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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?:

YES/NO: No Certification number? :

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

STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION

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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.

STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION

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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.

STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION

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DISCLOSURE OF LOBBYING ACTIVITIES

Approved by OMB 0348-0046

Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352 No

1. Type of Federal Action:

2. Status of Federal Action:

3. Report Type:

For Material Change Only:

Year

Quarter

Date of last report

4. Name and Address of Reporting Entity:

Tier ,if known

Congressional District, if known:

5. If Reporting Entity in No. 4 is Subawardee Enter Name and Address of Prime:

Congressional District, if known:

6. Federal Department/Agency:

7. Federal Program Name/Description:

CFDA Number, if applicable

8. Federal Action Number, if known:

9. Award amount, if known (\$):

10. a. Name and Address of Lobby Registrant (if individual, last name, first name, MI):

b. Individuals Performing Services (including address if different from No. 10a) (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: \_\_\_\_\_

Print Name:

Title:

Telephone No.:

DATE:

Authorized for Local Reproduction  
Standard Form - LLL(Rev. 7-97)

Federal Use Only:

EQUAL EMPLOYMENT OPPORTUNITY REGULATION CERTIFICATION

Bidder POWELL CONSTRUCTORS INC, proposed subcontractor , certifies that he has 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.

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.

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UNDOCUMENTED ALIENS EMPLOYMENT

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

NONCOLLUSION

NONCOLLUSION AFFIDAVIT TO BE EXECUTED BY BIDDER AND SUBMITTED WITH BID  
Under PCC 7106 and 23 USC 112, the bidder declares as follows:

State of CA County of SAN BERNARDINO

Name MICHAEL B. POWELL,

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

PRESIDENT of

POWELL CONSTRUCTORS INC

the party making the foregoing bid that the bid is not made in the interest of, or on behalf of, any undisclosed person, partnership, company, association, organization, or corporation; that the bid is genuine and not collusive or sham; that the bidder has not directly or indirectly induced or solicited any other bidder to put in a false or sham bid, and has not directly or indirectly colluded, conspired, connived, or agreed with any bidder or anyone else to put in a sham bid, or that anyone shall refrain from bidding; that the bidder has not in any manner, directly or indirectly, sought by agreement, communication, or conference with anyone to fix the bid price of the bidder or any other bidder, or to fix any overhead, profit, or cost element of the bid price, or of that of any other bidder, or to secure any advantage against the public body awarding the contract of anyone interested in the proposed contract; that all statements contained in the bid are true; and, further, that the bidder has not, directly or indirectly, submitted his or her bid price or any breakdown thereof, or the contents thereof, or divulged information or data relative thereto, or paid, and will not pay, any fee to any corporation, partnership, company association, organization, bid depository, or to any member or agent thereof to effectuate a collusive or sham bid.

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CHILD SUPPORT COMPLIANCE ACT

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

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

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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? No

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

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ANTITRUST LAW

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

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

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

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

BIDDER RESPONSIBILITY QUESTIONNAIRE

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

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

No

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

No

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

No

4. If the answer 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

Bond No. \_\_\_\_\_

We \_\_\_\_\_  
\_\_\_\_\_ as Principal, and

\_\_\_\_\_ 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 ANAHEIM ON ROUTES 55, 57, 91 AT ROUTE 91/57 SEPARATION AND ROUTE 91/55 SEPARATION  
In District 12 on Route 55, 57, 91  
for which bids are to be opened at 1727 30th Street, Sacramento CA 95816 on 11-02-16.

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 judgement 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: \_\_\_\_\_, 20\_\_\_\_.

Principal: \_\_\_\_\_

Surety: \_\_\_\_\_

Address of Surety: \_\_\_\_\_

(for correspondence or claims)

By \_\_\_\_\_

Attorney-in-Fact

CALIFORNIA ALL-PURPOSE ACKNOWLEDGEMENT

---

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

---

State of California

County of \_\_\_\_\_

On this \_\_\_\_\_ before me, \_\_\_\_\_

Date Here insert Name and Title of the Officer

personally appeared \_\_\_\_\_

Name(s) of Signer(s)

---

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

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

WITNESS my hand and official seal

SIGNATURE \_\_\_\_\_

Signature of Notary Public

(SEAL)

We Powell Constructors, Inc.

as Principal, and

Fidelity and Deposit Company of Maryland

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

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

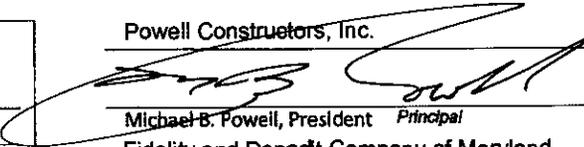
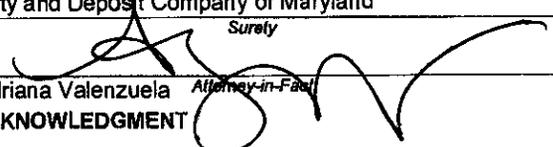
WHEREAS, the Principal is submitting a bid to the Obligee, for Construction on State Highway in Orange County in Anaheim on  
*(Copy here the exact description of work, including location, as it appears on the proposal)*  
Routes 55, 57, 91 at Route 91/57 Separation and Route 91/55 Separation. (12-Ora-55, 57, 91-17.5/17.9; 15.2/16.0; 5.8/6.8; 8.7/R9.5)  
for which bids are to be opened at Sacramento, CA  
*(Insert place where bids will be opened)*  
on November 2, 2016  
*(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: October 21, 2016

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

Powell Constructors, Inc.  
  
Michael B. Powell, President *Principal*  
Fidelity and Deposit Company of Maryland  
*Surety*  
By Adriana Valenzuela *Attorney-in-Fact*  


**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

State of California }  
County of \_\_\_\_\_ }  
On this \_\_\_\_\_ before me, \_\_\_\_\_  
*Date* *Here Insert Name and Title of the Officer*  
personally appeared \_\_\_\_\_  
*Name(s) of Signer(s)*

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

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

*See Attached*

WITNESS my hand and official seal.

(SEAL)

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

**ZURICH AMERICAN INSURANCE COMPANY  
COLONIAL AMERICAN CASUALTY AND SURETY COMPANY  
FIDELITY AND DEPOSIT COMPANY OF MARYLAND  
POWER OF ATTORNEY**

KNOW ALL MEN BY THESE PRESENTS: That the ZURICH AMERICAN INSURANCE COMPANY, a corporation of the State of New York, the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, a corporation of the State of Maryland, and the FIDELITY AND DEPOSIT COMPANY OF MARYLAND a corporation of the State of Maryland (herein collectively called the "Companies"), by **GERALD F. HALEY, Vice President**, in pursuance of authority granted by Article V, Section 8, of the By-Laws of said Companies, which are set forth on the reverse side hereof and are hereby certified to be in full force and effect on the date hereof, do hereby nominate, constitute, and appoint **Lourdes LANDA, Mark ROSSKOPF, Adriana VALENZUELA and Lisa SAUMUR, all of Anaheim, California**, EACH its true and lawful agent and Attorney-in-Fact, to make, execute, seal and deliver, for, and on its behalf as surety, and as its act and deed: **any and all bonds and undertakings**, and the execution of such bonds or undertakings in pursuance of these presents, shall be as binding upon said Companies, as fully and amply, to all intents and purposes, as if they had been duly executed and acknowledged by the regularly elected officers of the ZURICH AMERICAN INSURANCE COMPANY at its office in New York, New York., the regularly elected officers of the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY at its office in Owings Mills, Maryland., and the regularly elected officers of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND at its office in Owings Mills, Maryland., in their own proper persons.

The said Vice President does hereby certify that the extract set forth on the reverse side hereof is a true copy of Article V, Section 8, of the By-Laws of said Companies, and is now in force.

IN WITNESS WHEREOF, the said Vice-President has hereunto subscribed his/her names and affixed the Corporate Seals of the said **ZURICH AMERICAN INSURANCE COMPANY, COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, and FIDELITY AND DEPOSIT COMPANY OF MARYLAND**, this 19th day of February, A.D. 2016.

ATTEST:

**ZURICH AMERICAN INSURANCE COMPANY  
COLONIAL AMERICAN CASUALTY AND SURETY COMPANY  
FIDELITY AND DEPOSIT COMPANY OF MARYLAND**



By: *Eric D. Barnes*

*Gerald F. Haley*

*Secretary  
Eric D. Barnes*

*Vice President  
Gerald F. Haley*

State of Maryland  
County of Baltimore

On this 19th day of February, A.D. 2016, before the subscriber, a Notary Public of the State of Maryland, duly commissioned and qualified, **GERALD F. HALEY, Vice President, and ERIC D. BARNES, Secretary**, of the Companies, to me personally known to be the individuals and officers described in and who executed the preceding instrument, and acknowledged the execution of same, and being by me duly sworn, deposed and saith, that he/she is the said officer of the Company aforesaid, and that the seals affixed to the preceding instrument are the Corporate Seals of said Companies, and that the said Corporate Seals and the signature as such officer were duly affixed and subscribed to the said instrument by the authority and direction of the said Corporations.

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

*Constance A. Dunn*



Constance A. Dunn, Notary Public  
My Commission Expires: July 9, 2019

**EXTRACT FROM BY-LAWS OF THE COMPANIES**

"Article V, Section 8, Attorneys-in-Fact. The Chief Executive Officer, the President, or any Executive Vice President or Vice President may, by written instrument under the attested corporate seal, appoint attorneys-in-fact with authority to execute bonds, policies, recognizances, stipulations, undertakings, or other like instruments on behalf of the Company, and may authorize any officer or any such attorney-in-fact to affix the corporate seal thereto; and may with or without cause modify or revoke any such appointment or authority at any time."

**CERTIFICATE**

I, the undersigned, Vice President of the ZURICH AMERICAN INSURANCE COMPANY, the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, and the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, do hereby certify that the foregoing Power of Attorney is still in full force and effect on the date of this certificate; and I do further certify that Article V, Section 8, of the By-Laws of the Companies is still in force.

This Power of Attorney and Certificate may be signed by facsimile under and by authority of the following resolution of the Board of Directors of the ZURICH AMERICAN INSURANCE COMPANY at a meeting duly called and held on the 15th day of December 1998.

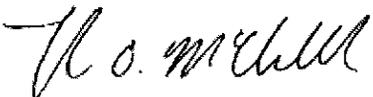
RESOLVED: "That the signature of the President or a Vice President and the attesting signature of a Secretary or an Assistant Secretary and the Seal of the Company may be affixed by facsimile on any Power of Attorney...Any such Power or any certificate thereof bearing such facsimile signature and seal shall be valid and binding on the Company."

This Power of Attorney and Certificate may be signed by facsimile under and by authority of the following resolution of the Board of Directors of the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY at a meeting duly called and held on the 5th day of May, 1994, and the following resolution of the Board of Directors of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND at a meeting duly called and held on the 10th day of May, 1990.

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

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed the corporate seals of the said Companies, this 21<sup>st</sup> day of October, 2016.



  
Thomas O. McClellan, Vice President

# California All-Purpose Certificate of Acknowledgment

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of Orange s.s.

On 10/21/2016 before me, Lisa Marie Saumur, Notary Public  
Name of Notary Public

personally appeared Adriana Valenzuela  
Name of Signer

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.

*Lisa Marie Saumur*  
Signature of Notary Public



### OPTIONAL INFORMATION

*Although the information in this section is not required by law, it could prevent fraudulent removal and reattachment of this acknowledgment to an unauthorized document and may prove useful to persons relying on the attached document.*

### Description of Attached Document

The preceding Certificate of Acknowledgment is attached to a document titled/for the purpose of \_\_\_\_\_

containing \_\_\_\_\_ pages, and dated \_\_\_\_\_

The signer(s) capacity or authority is/are as:

- Individual(s)
- Attorney-in-fact
- Corporate Officer(s) \_\_\_\_\_
- Guardian/Conservator
- Partner - Limited/General
- Trustee(s)
- Other: \_\_\_\_\_

representing: \_\_\_\_\_

### Additional Information

#### Method of Signer Identification

Proved to me on the basis of satisfactory evidence:

- form(s) of identification
- credible witness(es)

Notarial event is detailed in notary journal on:

Page # \_\_\_\_\_ Entry # \_\_\_\_\_

Notary contact: \_\_\_\_\_

#### Other

- Additional Signer
- Signer(s) Thumbprints(s)
- \_\_\_\_\_

# California All-Purpose Certificate of Acknowledgment

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California }  
 County of San Bernardino } s.s.

On October 31, 2016 before me, Sherri Evans, Notary Public  
Name of Notary Public, Title

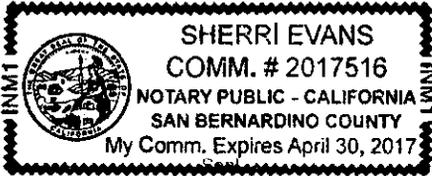
personally appeared Michael B. Powell  
Name of Signer (1)

Name of Signer (2)

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



**OPTIONAL INFORMATION**

*Although the information in this section is not required by law, it could prevent fraudulent removal and reattachment of this acknowledgment to an unauthorized document and may prove useful to persons relying on the attached document.*

**Description of Attached Document**

The preceding Certificate of Acknowledgment is attached to a document titled/for the purpose of \_\_\_\_\_

containing \_\_\_\_\_ pages, and dated \_\_\_\_\_.

The signer(s) capacity or authority is/are as:

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

representing: \_\_\_\_\_  
Name(s) of Person(s) Entity(ies) Signer is Representing

Additional Information	
<b>Method of Signer Identification</b>	
Proved to me on the basis of satisfactory evidence:	
<input type="checkbox"/> form(s) of identification	<input type="checkbox"/> credible witness(es)
Notarial event is detailed in notary journal on:	
Page # _____	Entry # _____
Notary contact: _____	
Other	
<input type="checkbox"/> Additional Signer	<input type="checkbox"/> Signer(s) Thumbprints(s)
<input type="checkbox"/> _____	