

FEDERAL AID PROJECT NO. **ER-32LO(426) & ER-32LO(427)**
SAN BENITO COUNTY PROJECT NO. **PWB-1910**

COVER SHEET

COUNTY OF SAN BENITO

RESOURCE MANAGEMENT AGENCY

PUBLIC WORKS DIVISION

FEDERAL AID PROJECT NO. **ER-32LO(426) & ER-32LO(427)**

COUNTY PROJECT NO. **PWB-1910**

**CIENEGA ROAD PM 13.92 & CIENEGA ROAD PM 14.08
ROADWAY EMBANKMENT RECONSTRUCTION**

INVITATION FOR BIDS
BOOK TWO OF THREE
BID FORM

**BIDDERS ARE TO COMPLETE BOOK TWO AND SUBMIT IN ITS ENTIRETY.
DO NOT SEPARATE.**

BIDS DUE: DECEMBER 19, 2019 AT 2:00 PM

Bid Opening Date: _____

Notice to bidders and Special Provisions dated: _____
Project Plans approved: _____
Standard Specifications dated: _____
Standard Plans dated: _____

NAME OF BIDDER: _____

<p>APPROVED AS TO LEGAL FORM:</p> <p>BARBARA THOMPSON SAN BENITO COUNTY COUNSEL</p> <p>By: _____ G. Michael Ziman, Deputy County Counsel Date: _____</p>	<p>APPROVED FOR USE IN INVITATION TO BID:</p> <p>SAN BENITO COUNTY BOARD OF SUPERVISORS</p> <p>By: _____ Mark Medina, CHAIR Date: _____</p>
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**FEDERAL AID PROJECT NO. [ER-32LO\(426\)](#) & [ER-32LO\(427\)](#)
SAN BENITO COUNTY PROJECT NO. [PWB-1910](#)**

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FEDERAL AID PROJECT NO. ER-32LO(426) & ER-32LO(427)
SAN BENITO COUNTY PROJECT NO. PWB-1910

(DO NOT DETACH)

**PROPOSAL TO THE COUNTY OF SAN BENITO RESOURCE MANAGEMENT
AGENCY**

**PUBLIC WORKS DIVISION
CONTRACT NO. - PWB-1910**

NAME OF BIDDER _____

BUSINESS P.O. BOX _____

CITY, STATE, ZIP _____

BUSINESS STREET ADDRESS _____

(Please include even if P.O. Box used)

CITY, STATE, ZIP _____

TELEPHONE NO: _____ **AREA CODE ()**

FAX NO: _____ **AREA CODE ()** _____

CONTRACTOR LICENSE NO. _____

The work for which this proposal is submitted is for construction in conformance with the special provisions (including the payment of not less than the State general prevailing wage rates or Federal minimum wage rates), the project plans described below, including any addenda thereto, the contract annexed hereto, and also in conformance with Current California Department of Transportation Standard Plans, Standard Specifications, and the Labor Surcharge and Equipment Rental Rates in effect on the date the work is accomplished.

**FEDERAL AID PROJECT NO. ER-32LO(426) & ER-32LO(427)
SAN BENITO COUNTY PROJECT NO. PWB-1910**

The special provisions for the work to be done are dated October 13, 2019 and are entitled:

**COUNTY OF SAN BENITO
RESOURCE MANAGEMENT AGENCY
PUBLIC WORKS DIVISION
NOTICE TO CONTRACTORS AND SPECIAL PROVISIONS FOR

FEDERAL AID PROJECT NO. ER-32LO(426) & ER-32LO(427)
COUNTY PROJECT NO. PWB-1910
CIENEGA ROAD PM 13.92 & CIENEGA ROAD PM 14.08
ROADWAY EMBANKMENT RECONSTRUCTION**

IN

COUNTY OF SAN BENITO

The project plans for the work to be done were approved October 17, 2019 and are entitled:

**COUNTY OF SAN BENITO
PROJECT PLANS FOR ROADWAY EMBANKMENT RECONSTRUCTION
CIENEGA ROAD
FEDERAL PROJECT NO. ER-32LO(426) & ER-32LO(427)
COUNTY PROJECT NO. PWB-1910**

PROJECT PLANS FOR

**COUNTY OF SAN BENITO
RESOURCE MANAGEMENT AGENCY
PUBLIC WORKS DIVISION
FEDERAL AID PROJECT NO. ER-32LO(426) & ER-32LO(427)
COUNTY PROJECT NO. PWB-1910

CIENEGA ROAD PM 13.92 & CIENEGA ROAD PM 14.08
ROADWAY EMBANKMENT RECONSTRUCTION**

IN

COUNTY OF SAN BENITO

FEDERAL AID PROJECT NO. ER-32LO(426) & ER-32LO(427)
SAN BENITO COUNTY PROJECT NO. PWB-1910

Bids are to be submitted for the entire work. The amount of the bid for comparison purposes will be the total of all items.

The bidder shall set forth for each unit basis item of work a unit price and a total for the item, and for each lump sum item a total for the item, all in clearly legible figures in the respective spaces provided for that purpose. In the case of unit basis items, the amount set forth under the "Item Total" column shall be the product of the unit price bid and the estimated quantity for the item.

In case of discrepancy between the unit price and the total set forth for a unit basis item, the unit price shall prevail, except as provided in (a) or (b), as follows:

- (a) If the amount set forth as a unit price is unreadable or otherwise unclear, or is omitted, or is the same as the amount of the entry in the item total column, then the amount set forth in the item total column for the item shall prevail and shall be divided by the estimated quantity for the item and the price thus obtained shall be the unit price;
- (b) (Decimal Errors) If the product of the entered unit price and the estimated quantity is exactly off by a factor of ten, one hundred, etc., or one-tenth, or one-hundredth, etc. from the entered total, the discrepancy will be resolved by using the entered unit price or item total, whichever most closely approximates percentage-wise the unit price or item total in the *COUNTY OF SAN BENITO*'s Final Estimate of cost.

If both the unit price and the item total are unreadable or otherwise unclear, or are omitted, the bid may be deemed irregular. Likewise if the item total for a lump sum item is unreadable or otherwise unclear, or is omitted, the bid may be deemed irregular unless the project being bid has only a single item and a clear, readable total bid is provided.

Symbols such as commas and dollar signs will be ignored and have no mathematical significance in establishing any unit price or item total or lump sums. Written unit prices, item totals and lump sums will be interpreted according to the number of digits and, if applicable, decimal placement. Cents symbols also have no significance in establishing any unit price or item total since all figures are assumed to be expressed in dollars and/or decimal fractions of a dollar. Bids on lump sum items shall be item totals only; if any unit price for a lump sum item is included in a bid and it differs from the item total, the item total shall prevail.

The foregoing provisions for the resolution of specific irregularities cannot be so comprehensive as to cover every omission, inconsistency, error or other irregularity which may occur in a bid. Any situation not specifically provided for will be determined in the discretion of the *COUNTY OF SAN BENITO*, and that discretion will be exercised in the manner deemed by the *COUNTY OF SAN BENITO* to best protect the public interest in the prompt and economical completion of the work. The decision of the *COUNTY OF SAN BENITO* respecting the amount of a bid, or the existence or treatment of an irregularity in a bid, shall be final.

If this proposal shall be accepted and the undersigned shall fail to enter into the contract and furnish the 2 bonds in the sums required by the State Contract Act, with surety satisfactory to the *COUNTY OF SAN BENITO*, within 8 days, not including Saturdays, Sundays and legal holidays, after the bidder has received notice from the *COUNTY OF SAN BENITO* that the contract has been awarded, the *COUNTY OF SAN BENITO* 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 the security accompanying this proposal shall operate and the same shall be the property of the *COUNTY OF SAN BENITO*.

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 corporation; that he has carefully examined the location of the proposed work, the annexed

FEDERAL AID PROJECT NO. ER-32LO(426) & ER-32LO(427)
SAN BENITO COUNTY PROJECT NO. PWB-1910

proposed form of contract, and the plans therein referred to; and he proposes, and agrees if this proposal is accepted, that he will contract with the *COUNTY OF SAN BENITO*, in the form of the copy of the contract annexed hereto, 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 the contract, in the manner and time therein prescribed, and according to the requirements of the Engineer as therein set forth, and that he will take in full payment therefore the following prices, to wit:

**FEDERAL AID PROJECT NO. ER-32LO(426) & ER-32LO(427)
SAN BENITO COUNTY PROJECT NO. PWB-1910**

BID ITEM LIST

**To the Clerk of the Board
San Benito County Board of Supervisors
Ladies and Gentlemen:**

The undersigned as bidder declares that he or she has carefully examined the location of the proposed work, the plans and specifications and the proposed contract annexed thereto and agrees that if this bid is accepted, to contract with San Benito County, in the form of the copy of the contract attached to the specifications, to provide all the materials (except those specifically mentioned to be furnished by the San Benito County), necessary machinery, tools, apparatus, and other means of construction and do all the work specified in the contract in the manner and time set forth for the improvement of the specified work entitled: **COUNTY PROJECT NO. PWB-1910**

Construction shall be in strict conformity with the plans and specifications prepared by the San Benito County Engineer, copies of which are on file in the office of the San Benito County Public Works Division, and which plans and specifications are hereby made a part hereof.

The bidder proposes and agrees to contract with San Benito County to perform all of the work, including subsidiary obligations as defined in said specifications for the following prices to wit:

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COUNTY PROJECT NO. PWB-1910

**CIENEGA ROAD PM 13.92 & CIENEGA ROAD PM 14.08
ROADWAY EMBANKMENT RECONSTRUCTION**

**FEDERAL AID PROJECT NO. [ER-32LO\(426\)](#) & [ER-32LO\(427\)](#)
SAN BENITO COUNTY PROJECT NO. [PWB-1910](#)**

BID SCHEDULE “A” – LOCATION 1-PM 13.92

Item	Item Code		Description	Unit	Quantity	Unit Price	Item Total
1	05XXXX		Construction Survey	LS	1		
2	120090		Construction Area Signs	LS	1		
3	120100		Traffic Control System	LS	1		
4	130200		Prepare Water Pollution Control Program	LS	1		
5	146002		Contractor-Supplied Biologist	LS	1		
6			Environmental Sensitive Area Fence	LF	80		
7	150770		Remove Existing Pavement	SQFT	1310		
8	1501274		Salvage Temporary Concrete Barrier	LF	40		
9	151536		Reconstruct Fence (Type BW)	LF	80		
10	190101		Roadway Excavation	CY	50		
11	198010		Imported Borrow	CY	30		
12	210430		Erosion Control (Hydroseed)	SQFT	750		
13	260202		Class 2 Aggregate Base	CY	50		
14	390132		Hot Mix Asphalt, Type A	TON	36		
15	397005		Tack Coat	TON	1		
16	723095		Rock Slope Protection (20 LB, Class 1, Method B)	CY	10		
17	729011		Rock Slope Protection (Class 8)	SQYD	10		
18	840504		Thermoplastic Traffic Stripe (Caltrans Detail 21)	LF	125		
19	840504		Thermoplastic Traffic Stripe (Caltrans Detail 27B)	LF	125		
20	999990		Mobilization	LS	1		
BID SCHEDULE “A” – LOCATION 1 (SUBTOTAL)							

FEDERAL AID PROJECT NO. ER-32LO(426) & ER-32LO(427)
SAN BENITO COUNTY PROJECT NO. PWB-1910

BID SCHEDULE “B” – LOCATION 2-PM 14.08

Item	Item Code		Description	Unit	Quantity	Unit Price	Item Total
1	05XXXX		Construction Survey	LS	1		
2	120090		Construction Area Signs	LS	1		
3	120100		Traffic Control System	LS	1		
4	130200		Prepare Water Pollution Control Program	LS	1		
5	146002		Contractor-Supplied Biologist	LS	1		
6	150770		Remove Existing Pavement	SQFT	310		
7	151536		Reconstruct Fence (Type BW)	LF	60		
8	190101		Roadway Excavation	CY	20		
9	198010		Imported Borrow	CY	10		
10	210430		Erosion Control (Hydroseed)	SQFT	560		
11	260202		Class 2 Aggregate Base	CY	12		
12	390132		Hot Mix Asphalt, Type A	TON	10		
13	397005		Tack Coat	TON	0.5		
14	840504		Thermoplastic Traffic Stripe (Caltrans Detail 21)	LF	60		
15	840504		Thermoplastic Traffic Stripe (Caltrans Detail 27B)	LF	60		
16	999990		Mobilization	LS	1		
BID SCHEDULE “B” – LOCATION 2 (SUBTOTAL)							

BID SCHEDULES “A”AND “B” TOTAL: _____

CONTRACTOR: _____
(Please Type or Print Business Name)

BY: _____ **Date:** _____
(Signature)

NAME _____
(Please Type or Print):

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The quantities are approximate only, being given as a basis for the comparison of bids; and the Public Works Division does not, expressly or by implication, agree that the actual amounts of work will correspond therewith, but reserves the right to increase or decrease the amount of any class or portion of the work as may be deemed necessary or expedient by the Engineer. All bids are to be compared on the bid sheet of the quantities to be done.

HARRY MAVROGENES, RMA DIRECTOR
COUNTY OF SAN BENITO
STATE OF CALIFORNIA

**FEDERAL AID PROJECT NO. [ER-32LO\(426\)](#) & [ER-32LO\(427\)](#)
SAN BENITO COUNTY PROJECT NO. [PWB-1910](#)**

The Bidder shall list the name and address, Contractor license number, and description of portion of work subcontracted of each subcontractor to whom the Bidder proposes to subcontract portions of the work, as required by the provisions of the Standard Specifications and of the special provisions

LIST OF SUBCONTRACTORS

Business Name and Location	California Contractor License Number	Description of Portion of Work	Bid Items Numbers	Percentage of Bid Item Subcontracted

*(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)*

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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.

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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.

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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 COUNTY of SAN BENITO
RESOURCE MANAGEMENT AGENCY
PUBLIC WORKS DIVISION

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 Non-collusion Affidavit is part of the Proposal. Signing this Proposal on the signature portion thereof shall also constitute signature of this Non-collusion Affidavit.

Bidders are cautioned that making a false certification may subject the certifier to criminal prosecution.

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AFFIDAVIT CONCERNING EMPLOYMENT OF UNDOCUMENTED ALIENS
TO BE SUBMITTED WITH BID

(Public Contract Code section 6101)

Public Contract Code section 6101 provides that,

"No state agency or department, as defined in [Public Contract Code] Section 10335.7, that is subject to this code, shall award a public works or purchase contract to a bidder or contractor, nor shall a bidder or contractor be eligible to bid for or receive a public works or purchase contract, who has, in the preceding five years, been convicted of violating a state or federal law respecting the employment of undocumented aliens.

_____(Name), being first duly sworn, deposes and says (1) that he or she is the _____(Title) of _____(DBA), the party making the foregoing Bid; and (2) that the party making the foregoing Bid has not, within the preceding five (5) years, been convicted of violating a state or federal law respecting the employment of undocumented aliens.

Dated: _____

Bidder's Business Name

By:_____

Print Name:_____

Title:_____

FEDERAL AID PROJECT NO. ER-32LO(426) & ER-32LO(427)
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CONTRACTOR'S CERTIFICATE AS TO WORKER'S COMPENSATION

(Labor Code section 1861)

Labor Code section 3700 provides, in relevant part:

"Every employer except the state shall secure the payment of compensation in one or more of the following ways:

(a) By being insured against liability to pay compensation in one or more insurers duly authorized to write compensation insurance in this state.

(b) By securing from the Director of Industrial Relations a certificate of consent to self-insure, either as an individual employer, or as one employer in a group of employers, which may be given upon furnishing proof satisfactory to the Director of Industrial Relations of ability to self-insure and to pay any compensation that may become due to his or her employees."

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 Worker's Compensation or to undertake self-insurance in accordance with the provisions of that Code, and I will comply with such provisions before commencing the performance of the work of this contract.

Dated: _____

Bidder's Business Name

By: _____

Print Name: _____

Title: _____

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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.

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DISCLOSURE OF LOBBYING ACTIVITIES

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

1. Type of Federal Action: <input type="checkbox"/> a. contract <input type="checkbox"/> b. grant c. cooperative agreement d. loan e. loan guarantee f. loan insurance	2. Status of Federal Action: <input type="checkbox"/> a. bid/offer/application b. initial award c. post-award	3. Report Type: <input type="checkbox"/> a. initial b. material change For Material Change Only: year _____ quarter _____ date of last report _____
4. Name and Address of Reporting Entity <input type="checkbox"/> Prime <input type="checkbox"/> Subawardee 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 Entity (If individual, last name, first name, MI)		b. Individuals Performing Services (including address if different from No. 10a) (last name, first name, MI)
(attach Continuation Sheet(s) if necessary)		
11. Amount of Payment (check all that apply) \$ _____ <input type="checkbox"/> actual <input type="checkbox"/> planned	13. Type of Payment (check all that apply) <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 _____	
12. Form of Payment (check all that apply): <input type="checkbox"/> a. cash <input type="checkbox"/> b. in-kind; specify: nature _____ value _____		
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: (attach Continuation Sheet(s) if necessary)		
15. Continuation Sheet(s) attached: Yes <input type="checkbox"/> No <input type="checkbox"/>		
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.		
Signature: _____ Print Name: _____ Title: _____ Telephone No.: _____ Date: _____		Authorized for Local Reproduction Standard Form - LLL

Federal Use Only:

**FEDERAL AID PROJECT NO. [ER-32LO\(426\)](#) & [ER-32LO\(427\)](#)
SAN BENITO COUNTY PROJECT NO. [PWB-1910](#)**

**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 influenced 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)

FEDERAL AID PROJECT NO. ER-32LO(426) & ER-32LO(427)
SAN BENITO COUNTY PROJECT NO. PWB-1910

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.

FEDERAL AID PROJECT NO. ER-32LO(426) & ER-32LO(427)
SAN BENITO COUNTY PROJECT NO. PWB-1910

BID PROPOSAL

Accompanying this proposal is _____

*(NOTICE: INSERT THE WORDS "CASH(\$ _____)," "CASHIER'S CHECK,"
"CERTIFIED CHECK," OR "BIDDER'S BOND," AS THE CASE MAY BE.)*

in amount equal to at least ten 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 copartnership, 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 conformance 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 addenda numbers if addenda have been received and insert, in this
Proposal, any Engineer's Estimate sheets that were received as part of the
addenda.)*

FEDERAL AID PROJECT NO. ER-32LO(426) & ER-32LO(427)
SAN BENITO COUNTY PROJECT NO. PWB-1910

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, 10232 and 10285.1 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 Noncollusion 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: _____



Signature and Title of Bidder

Business Address _____

Place of Business _____

Place of Residence _____

FEDERAL AID PROJECT NO. **ER-32LO(426) & ER-32LO(427)**
SAN BENITO COUNTY PROJECT NO. **PWB-1910**

COUNTY OF SAN BENITO
RESOURCE MANAGEMENT AGENCY
PUBLIC WORKS DIVISION

BIDDER'S BOND

We, _____

_____ as Principal, and

_____ as Surety are bound unto the County of *SAN BENITO*, State of California, 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 submitted to the Obligee, for _____

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

for which bids are to be opened at _____ on _____
(Insert place where bids will be opened) (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 conformance with the bid, and files two bonds with the Obligee, one to guarantee faithful performance 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 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: _____, 20 ____ .

Principal

Surety

By _____

Attorney-in-fact

FEDERAL AID PROJECT NO. **ER-32LO(426) & ER-32LO(427)**
SAN BENITO COUNTY PROJECT NO. **PWB-1910**

CERTIFICATE OF ACKNOWLEDGEMENT

State of California

County of _____ SS

On this ____ day of _____ in the year 20____ before me

_____, personally appeared _____,

Attorney-in-fact

personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to this instrument as the attorney-in-fact of _____, and acknowledged to me that he (she) subscribed the name of the said company thereto as surety, and his (her) own name as attorney-in-fact.

(SEAL)

Notary Public

FEDERAL AID PROJECT NO. ER-32LO(426) & ER-32LO(427)
SAN BENITO COUNTY PROJECT NO. PWB-1910

EXHIBIT 15-G CONSTRUCTION CONTRACT DBE COMMITMENT

Insert completed

[Exhibit 15-G Local Agency Bidder DBE Commitment (Construction Contracts)] here.

EXHIBIT 15-G CONSTRUCTION CONTRACT DBE COMMITMENT

1. Local Agency: _____ 2. Contract DBE Goal: _____
 3. Project Description: _____
 4. Project Location: _____
 5. Bidder's Name: _____ 6. Prime Certified DBE: ☐ 7. Bid Amount: _____
 8. Total Dollar Amount for **ALL** Subcontractors: _____ 9. Total Number of **ALL** Subcontractors: _____

10. Bid Item Number	11. Description of Work, Service, or Materials Supplied	12. DBE Certification Number	13. DBE Contact Information (Must be certified on the date bids are opened)	14. DBE Dollar Amount
Local Agency to Complete this Section				
21. Local Agency Contract Number: _____ 22. Federal-Aid Project Number: _____ 23. Bid Opening Date: _____ 24. Contract Award Date: _____ Local Agency certifies that all DBE certifications are valid and information on this form is complete and accurate.				\$
25. Local Agency Representative's Signature _____ 26. Date _____ 27. Local Agency Representative's Name _____ 28. Phone _____ 29. Local Agency Representative's Title _____				%
15. TOTAL CLAIMED DBE PARTICIPATION IMPORTANT: Identify all DBE firms being claimed for credit, regardless of tier. Names of the First Tier DBE Subcontractors and their respective item(s) of work listed above must be consistent, where applicable with the names and items of the work in the "Subcontractor List" submitted with your bid. Written confirmation of each listed DBE is required.				
16. Preparer's Signature _____ 17. Date _____ 18. Preparer's Name _____ 19. Phone _____ 20. Preparer's Title _____				

DISTRIBUTION: 1. Original – Local Agency
 2. Copy – Caltrans District Local Assistance Engineer (DLAE). Failure to submit to DLAE within 30 days of contract execution may result in de-obligation of federal funds on contract. Include additional copy with award package.

ADA Notice: For individuals with sensory disabilities, this document is available in alternate formats. For information call (916) 654-6410 or TDD (916) 654-3880 or write Records and Forms Management, 1120 N Street, MS-89, Sacramento, CA 95814.

FEDERAL AID PROJECT NO. ER-32LO(426) & ER-32LO(427)
SAN BENITO COUNTY PROJECT NO. PWB-1910

Construction Contract DBE Commitment

INSTRUCTIONS – CONSTRUCTION CONTRACT DBE COMMITMENT

CONTRACTOR SECTION

1. **Local Agency** - Enter the name of the local or regional agency that is funding the contract.
2. **Contract DBE Goal** - Enter the contract DBE goal percentage as it appears on the project advertisement.
3. **Project Location** - Enter the project location as it appears on the project advertisement.
4. **Project Description** - Enter the project description as it appears on the project advertisement (Bridge Rehab, Seismic Rehab, Overlay, Widening, etc).
5. **Bidder's Name** - Enter the contractor's firm name.
6. **Prime Certified DBE** - Check box if prime contractor is a certified DBE.
7. **Bid Amount** - Enter the total contract bid dollar amount for the prime contractor.
8. **Total Dollar Amount for ALL Subcontractors** – Enter the total dollar amount for all subcontracted contractors. SUM = (DBEs + all Non-DBEs). Do not include the prime contractor information in this count.
9. **Total number of ALL subcontractors** – Enter the total number of all subcontracted contractors. SUM = (DBEs + all Non-DBEs). Do not include the prime contractor information in this count.
10. **Bid Item Number** - Enter bid item number for work, services, or materials supplied to be provided.
11. **Description of Work, Services, or Materials Supplied** - Enter description of work, services, or materials to be provided. Indicate all work to be performed by DBEs including work performed by the prime contractor's own forces, if the prime is a DBE. If 100% of the item is not to be performed or furnished by the DBE, describe the exact portion to be performed or furnished by the DBE. See LAPM Chapter 9 to determine how to count the participation of DBE firms.
12. **DBE Certification Number** - Enter the DBE's Certification Identification Number. All DBEs must be certified on the date bids are opened.
13. **DBE Contact Information** - Enter the name, address, and phone number of all DBE subcontracted contractors. Also, enter the prime contractor's name and phone number, if the prime is a DBE.
14. **DBE Dollar Amount** - Enter the subcontracted dollar amount of the work to be performed or service to be provided. Include the prime contractor if the prime is a DBE. See LAPM Chapter 9 for how to count full/partial participation.
15. **Total Claimed DBE Participation - \$:** Enter the total dollar amounts entered in the "DBE Dollar Amount" column. **%:** Enter the total DBE participation claimed ("Total Claimed DBE Participation Dollars" divided by item "Bid Amount"). If the total % claimed is less than item "Contract DBE Goal," an adequately documented Good Faith Effort (GFE) is required (see Exhibit 15-H DBE Information - Good Faith Efforts of the LAPM).
16. **Preparer's Signature** - The person completing the DBE commitment form on behalf of the contractor's firm must sign their name.
17. **Date** - Enter the date the DBE commitment form is signed by the contractor's preparer.
18. **Preparer's Name** - Enter the name of the person preparing and signing the contractor's DBE commitment form.
19. **Phone** - Enter the area code and phone number of the person signing the contractor's DBE commitment form.
20. **Preparer's Title** - Enter the position/title of the person signing the contractor's DBE commitment form.

LOCAL AGENCY SECTION

21. **Local Agency Contract Number** - Enter the Local Agency contract number or identifier.
22. **Federal-Aid Project Number** - Enter the Federal-Aid Project Number.
23. **Bid Opening Date** - Enter the date contract bids were opened.
24. **Contract Award Date** - Enter the date the contract was executed.
25. **Local Agency Representative's Signature** - The person completing this section of the form for the Local Agency must sign their name to certify that the information in this and the Contractor Section of this form is complete and accurate.
26. **Date** - Enter the date the DBE commitment form is signed by the Local Agency Representative.
27. **Local Agency Representative's Name** - Enter the name of the Local Agency Representative certifying the contractor's DBE commitment form.
28. **Phone** - Enter the area code and phone number of the person signing the contractor's DBE commitment form.
29. **Local Agency Representative Title** - Enter the position/title of the Local Agency Representative certifying the contractor's DBE commitment form.

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July 23, 2015

**FEDERAL AID PROJECT NO. [ER-32LO\(426\)](#) & [ER-32LO\(427\)](#)
SAN BENITO COUNTY PROJECT NO. [PWB-1910](#)**

EXHIBIT 15-H DBE INFORMATION – GOOD FAITH EFFORTS

Insert completed

[\[Exhibit 15-H DBE Information —Good Faith Efforts\]](#) here.

Federal-aid Project No. 32LO(426) & 32LO(427)_ Bid Opening Date _____

The County of San Benito established a Disadvantaged Business Enterprise (DBE) NO Goal 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>

FEDERAL AID PROJECT NO. ER-32LO(426) & ER-32LO(427)
SAN BENITO COUNTY PROJECT NO. PWB-1910

- 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:

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

- 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:

FEDERAL AID PROJECT NO. ER-32LO(426) & ER-32LO(427)
SAN BENITO COUNTY PROJECT NO. PWB-1910

- 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:

- 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
-----------------------------	------------------------	---------

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

NOTE: USE ADDITIONAL SHEETS OF PAPER IF NECESSARY.

**FEDERAL AID PROJECT NO. ER-32LO(426) & ER-32LO(427)
SAN BENITO COUNTY PROJECT NO. PWB-1910**

Exhibit 12-B Bidder's List of subcontractor (DBE and Non-DBE) Part 1

Local Assistance Procedures Manual

Exhibit 12-B
Bidder's List of Subcontractors (DBE and NON-DBE)

**Exhibit 12-B Bidder's List of subcontractor (DBE and Non-DBE)
Part 1**

As of March 1, 2015 Contractors (and sub-contractors) wishing to bid on public works contracts shall be registered with the State Division of Industrial Relations and certified to bid on Public Works contracts. Please register at: <https://efiling.dir.ca.gov/PWCR/ActionServlet?action=displayPWCRRegistrationForm>

In accordance with Title 49, Section 26.11 of the Code of Federal Regulations, and Section 4104 of the Public Contract Code of the State of California, as amended, the following information is required for each sub-contractor who will perform work amounting to more than one half of one percent (0.5%) of the Total Base Bid or \$10,000 (whichever is greater). **Photocopy this form for additional firms.** Federal Project Number: _____

Subcontractor Name and Location	Line Item & Description	Subcontract Amount	Percentage of Bid Item Sub-contracted	Contractor License Number DIR Reg Number	DBE (Y/N)	DBE Cert Number	Annual Gross Receipts
Name:							<input type="checkbox"/> <\$1 million
City, State:							<input type="checkbox"/> <\$5 million
							<input type="checkbox"/> <\$10 million
							<input type="checkbox"/> <\$15 million
							Age of Firm: ____ yrs.
Name:							<input type="checkbox"/> <\$1 million
City, State:							<input type="checkbox"/> <\$5 million
							<input type="checkbox"/> <\$10 million
							<input type="checkbox"/> <\$15 million
							Age of Firm: ____ yrs.
Name:							<input type="checkbox"/> <\$1 million
City, State:							<input type="checkbox"/> <\$5 million
							<input type="checkbox"/> <\$10 million
							<input type="checkbox"/> <\$15 million
							Age of Firm: ____ yrs.
Name:							<input type="checkbox"/> <\$1 million
City, State:							<input type="checkbox"/> <\$5 million
							<input type="checkbox"/> <\$10 million
							<input type="checkbox"/> <\$15 million
							Age of Firm: ____ yrs.
Name:							<input type="checkbox"/> <\$1 million
City, State:							<input type="checkbox"/> <\$5 million
							<input type="checkbox"/> <\$10 million
							<input type="checkbox"/> <\$15 million
							Age of Firm: ____ yrs.

Distribution: 1) Original-Local Agency File 2) Copy-DLAE w/ Award Package

**FEDERAL AID PROJECT NO. ER-32LO(426) & ER-32LO(427)
SAN BENITO COUNTY PROJECT NO. PWB-1910**

Exhibit 12-B Bidder's List of subcontractor (DBE and Non-DBE) Part 2

Local Assistance Procedures Manual

Exhibit 12-B

Bidder's List of Subcontractors (DBE and NON-DBE)

Exhibit 12-B Bidder's List of subcontractor (DBE and Non-DBE)

Part 2

In accordance with Title 49, Section 26 of the Code of Federal Regulations, the Bidder shall list all subcontractor who provide a quote or bid but were not selected to participate as a subcontractor on this project. Photocopy this form for additional firms.

Subcontractor Name and Location	Line Item & Description	Subcontract Amount	Percentage of Bid Item Sub-contracted	Contractor License Number DIR Reg Number	DBE (Y/N)	DBE Cert Number	Annual Gross Receipts
Name:							<input type="checkbox"/> <\$1 million
City, State:							<input type="checkbox"/> <\$5 million
							<input type="checkbox"/> <\$10 million
							<input type="checkbox"/> <\$15 million
							Age of Firm: ____ yrs.
Name:							<input type="checkbox"/> <\$1 million
City, State:							<input type="checkbox"/> <\$5 million
							<input type="checkbox"/> <\$10 million
							<input type="checkbox"/> <\$15 million
							Age of Firm: ____ yrs.
Name:							<input type="checkbox"/> <\$1 million
City, State:							<input type="checkbox"/> <\$5 million
							<input type="checkbox"/> <\$10 million
							<input type="checkbox"/> <\$15 million
							Age of Firm: ____ yrs.
Name:							<input type="checkbox"/> <\$1 million
City, State:							<input type="checkbox"/> <\$5 million
							<input type="checkbox"/> <\$10 million
							<input type="checkbox"/> <\$15 million
							Age of Firm: ____ yrs.
Name:							<input type="checkbox"/> <\$1 million
City, State:							<input type="checkbox"/> <\$5 million
							<input type="checkbox"/> <\$10 million
							<input type="checkbox"/> <\$15 million
							Age of Firm: ____ yrs.
Name:							<input type="checkbox"/> <\$1 million
City, State:							<input type="checkbox"/> <\$5 million
							<input type="checkbox"/> <\$10 million
							<input type="checkbox"/> <\$15 million
							Age of Firm: ____ yrs.

Distribution: 1) Original-Local Agency File 2) Copy-DLAE w/ Award Package

FEDERAL AID PROJECT NO. ER-32LO(426) & ER-32LO(427)
SAN BENITO COUNTY PROJECT NO. PWB-1910

SAMPLE CONTRACT



COUNTY OF SAN BENITO
STATE OF CALIFORNIA

THIS CONTRACT, made and entered into this ___ day of ___, 2020 between County of San Benito, a political subdivision of the State of California, hereinafter referred to as County, and _____, hereinafter referred to as Contractor;

WHEREAS, the San Benito County Board of Supervisors caused plans and specifications for the work hereinafter mentioned to be prepared, and approved and adopted the BID and specifications; and

WHEREAS, the San Benito County Board of Supervisors caused to be noticed for the time and in the manner required by law a Notice inviting sealed BIDS for the performance of the work described in the adopted BID and specifications; and

WHEREAS, Contractor, in response to the Notice, submitted a sealed BID for the performance of the work specified in the adopted BID and specifications to the San Benito County Board of Supervisors within the time and in the manner specified in the Notice; and

WHEREAS, in the manner provided by law, the San Benito County Board of Supervisors received, publicly opened and canvassed the BIDS submitted in response to the Notice, including the BID submitted by Contractor; and

WHEREAS, Contractor was the lowest responsive, responsible BIDDER for the performance of said work, and the San Benito County Board of Supervisors, as a result of the canvass of BIDS submitted, determined and declared Contractor to be the lowest responsive, responsible Bidder for the work and awarded to it a contract therefore.

NOW, THEREFORE, in consideration of the above, it is mutually agreed between the parties hereto as follows:

1. The CONTRACTOR will commence and complete the construction of the following public work project:

COUNTY PROJECT #PWP-1910
FEDERAL AID PROJECT NO. 32LO(426) & 32LO(427)

2. The CONTRACTOR shall do all of the work and furnish all of the materials, supplies, tools, equipment, labor, and other services necessary to construct and complete in a good, workmanlike and substantial manner and to the COUNTY'S satisfaction, the project as described in the Request for PROPOSAL package, including all of the CONTRACT DOCUMENTS.

FEDERAL AID PROJECT NO. ER-32LO(426) & ER-32LO(427)
SAN BENITO COUNTY PROJECT NO. PWB-1910

3. The CONTRACTOR will commence the work required by the CONTRACT DOCUMENTS within _____ calendar days after the date of the Notice To Proceed and will complete the same within _____ calendar days unless the period for completion is extended otherwise by the CONTRACT DOCUMENTS.
4. The CONTRACTOR agrees to perform all of the work described in the CONTRACT DOCUMENTS and comply with the terms therein for the sum of _____ Dollars and _____ Cents (\$).
5. The term "CONTRACT DOCUMENTS" means and includes the following, all of which documents are incorporated herein by reference:
 - a. REQUEST FOR PROPOSALS "THE PROPOSAL PACKAGE" INCLUDING BUT NOT LIMITED TO THE FOLLOWING:
 - (1) REQUEST FOR PROPOSALS INCLUDING BUT NOT LIMITED TO THE FOLLOWING:
 - (a) NOTICE TO CONTRACTORS: REQUEST FOR PROPOSALS
 - (b) BID SCHEDULE
 - (c) GENERAL PROVISIONS: SAN BENITO COUNTY PUBLIC WORKS AND ROADS PROJECTS
 - (d) SPECIAL PROVISIONS
 - (2) PLANS
 - (3) ADDENDA:
No. _____, dated _____, _____ No. _____, dated _____, _____
 - b. THE ACCEPTED BID INCLUDING BUT NOT LIMITED TO THE FOLLOWING:
 - (1) BIDDER'S BOND
 - (2) EQUAL EMPLOYMENT OPPORTUNITY CERTIFICATION
 - (3) PUBLIC CONTRACT CODE SECTION 10162 QUESTIONNAIRE
 - (4) PUBLIC CONTRACT CODE SECTION 10232 STATEMENT
 - (5) PUBLIC CONTRACT CODE SECTION 10285.1 STATEMENT (DEBARMENT AND SUSPENSION CERTIFICATION)
 - (6) NON-COLLUSION AFFIDAVIT
 - (7) CERTIFICATE AS TO WORKER'S COMPENSATION
 - (8) AFFIDAVIT CONCERNING EMPLOYMENT OF UNDOCUMENTED ALIENS
 - (9) BID SCHEDULE
 - (10) SIGNATURE SHEET
 - (11) LIST OF SUBCONTRACTORS

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(12) ADDENDUM ACKNOWLEDGEMENT

- c. NOTICE OF AWARD
- d. CONTRACT, SIGNED BY THE COUNTY AND THE CONTRACTOR
- e. PERFORMANCE BOND
- f. PAYMENT BOND
- g. NOTICE TO PROCEED
- h. FUTURE CHANGE ORDERS
- i. FEDERAL WAGE RATES ([beta.SAM.gov](#)) - **ATTACHMENT**
- j. FHWA-1273, REQUIRED CONTRACT PROVISIONS, FEDERAL-AID CONSTRUCTION CONTRACTS - **ATTACHMENT**

All CONTRACT DOCUMENTS are intended to cooperate, so that any work called for in one and not mentioned in another is to be executed the same as if mentioned in all. However, should there be any conflict between the terms of this instrument and the CONTRACTOR'S BID, then this instrument shall control. 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 CONTRACTOR'S BID, then this instrument shall control and nothing herein shall be considered as an acceptance of the said terms of the BID conflicting herewith. Where the specific terms and conditions in any of the referenced CONTRACT DOCUMENTS conflict with general terms and conditions in any referenced CONTRACT DOCUMENTS, the more specific terms and conditions shall be deemed to control. However, the general terms and conditions in any referenced CONTRACT DOCUMENTS shall remain in full force and effect, to the extent they do not conflict with the specific terms and conditions in any referenced CONTRACT DOCUMENTS.

- 6. The COUNTY will pay to the CONTRACTOR in the manner and at such times set forth in the CONTRACT DOCUMENTS such amounts as required by the CONTRACT DOCUMENTS.
- 7. In lieu of the COUNTY retaining a portion of progress payments due the CONTRACTOR, the CONTRACTOR may elect to deposit qualifying securities equivalent to the amount to be withheld. Upon such deposit under an escrow agreement substantially in the form specified in section 22300(e) of the Public Contracts Code, the funds shall be released.
- 8. Eight (8) hours of labor shall constitute a legal day's work, and the CONTRACTOR or any subcontractor under him, in the performance of the contract, shall not require more than eight (8) hours of labor in any calendar day, or more than forty (40) hours of labor in any calendar week, from any person employed by the CONTRACTOR in the performance of the work under this Contract, except as permitted under the provisions of Section 1815 of the Labor Code of the State of California. The CONTRACTOR shall forfeit, as penalty to the County, twenty-five dollars (\$25.00) for each worker employed by the CONTRACTOR or any subcontractor under the CONTRACTOR in the performance of the contract for each calendar day during which any worker is required or permitted to labor more than eight (8) hours and for each calendar week during which any worker is required or permitted to labor more than forty (40) hours, in violation of the provisions of such Labor Code.
- 9. The Contractor and subcontractors shall comply with the requirements of Labor Code 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, San Francisco, California, or from the Division of Apprenticeship Standards and its branch offices.

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10. Pursuant to Section 1770 et seq. of the California Labor Code, the CONTRACTOR shall pay not less than the prevailing rate of per diem wages as determined by the Director of the California Department of Industrial Relations. The statement of prevailing wages appearing in the General Prevailing Wage Rates, as established by the California Department of Industrial Relations, is hereby specifically referred to and by this reference is made a part of this contract. Copies of the Prevailing Wage Scale are available at the following website: http://www.dir.ca.gov/DLSR/statistics_research.html#PWD. Those copies shall be made available to any interested party upon request. Failure to pay such prevailing wages shall subject the employer to the penalties set forth in Labor Code section 1775. The difference between such prevailing wage rates and the amount paid to each worker for each calendar day or portion thereof for which the worker was paid less than the prevailing wage rate shall be paid to each worker by the CONTRACTOR or subcontractor. An error on the part of the COUNTY does not relieve the CONTRACTOR or any subcontractor from responsibility for payment of the prevailing rate of per diem wages and penalties pursuant to Labor Code sections 1770 through 1775.
11. The CONTRACTOR and each subcontractor must keep accurate payroll records of employees on public contracts and certify these records upon request, pursuant to Section 1776 of the California Labor Code and implementing regulations set forth in Title 8, Division 1, Chapter 8, Subchapter 3, sections 16000 and 16400 through 16404 of the California Code of Regulations. Payroll records must be made available for inspection by employees, the County, and the Division of Labor Standards Enforcement. The CONTRACTOR shall be responsible for compliance by the CONTRACTOR'S subcontractors.
12. The CONTRACTOR shall be subject to the examination and audit of the State auditor, at the request of the County or as part of any audit of the County, for a period of three (3) years after final payment under the contract.
13. During the performance of this Contract, Contractor agrees as follows:
 - a. During the performance of this Contract, Contractor and its subcontractors shall not unlawfully discriminate against any employee or applicant for employment because of race, religion, color, national origin, ancestry, physical disability, medical condition (cancer related), marital status, pregnancy, age (over 18), sex, sexual orientation, veteran's status or any other non-merit factor unrelated to job duties. Contractor and subcontractors shall insure that the evaluation and treatment of their employees and applicants for employment are free of such discrimination. The Contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this non-discrimination clause.
 - b. The Contractor shall, in all solicitations or advertisements for employees by or on behalf of the Contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, national origin, ancestry, physical or mental disability, medical condition (cancer related), marital status, pregnancy, sex, sexual orientation, age (over 18), veteran status, or any other non-merit factor unrelated to job duties.
 - c. The Contractor shall include the nondiscrimination and compliance provisions of this clause in all subcontracts to perform work under this Contract.
14. The CONTRACTOR offers and agrees to assign to the COUNTY all rights, title, and interest in and to all causes of action it may have under Section 4 of the Clayton Act (15 U.S.C. Section 15) or under the Cartwright Act (Chapter 2 (commencing with Section 16700) of Part 2 of Division 7 of the California Business and Professions Code), arising from purchases of goods, services, or materials pursuant to this CONTRACT. This assignment shall be made and become effective at the time the COUNTY tenders final payment to the CONTRACTOR, without further acknowledgment by the parties.
15. This CONTRACT shall be binding upon all parties hereto and their respective heirs, executors, administrators, successors, and assigns.

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16. The following individuals are the parties CONTRACT Administrators:

COUNTY'S Contract Administrator:

Name: _____

Title: _____

Address: _____

Phone: _____

Fax: _____

E-mail: _____

CONTRACTOR'S Contract Administrator:

Name: _____

Title: _____

Address: _____

Phone: _____

Fax: _____

E-mail: _____

This CONTRACT shall not be effective unless and until approved by a duly authorized representative of County of San Benito and San Benito County Counsel.

IN WITNESS WHEREOF, County of San Benito and Contractor have caused this Agreement to be signed as of the day and year first above written.

CONTRACTOR (FIRM)

Date _____

Address: _____

Phone: _____

Fax: _____

COUNTY OF SAN BENITO

Date _____

APPROVED AS TO LEGAL FORM:

San Benito County Counsel's Office

Date _____

G. Michael Ziman, Deputy County Counsel

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COUNTY OF SAN BENITO
RESOURCE MANAGEMENT AGENCY
PUBLIC WORKS DIVISION

SAMPLE PAYMENT BOND

(Section 3247, Civil Code)

WHEREAS, The County of *SAN BENITO*, acting by and through the Resource Management Agency, Public Works Division, hereafter referred to as "Obligee", has awarded to Contractor _____, hereafter designated as the "Principal", a contract for the work described as follows:

AND WHEREAS, said Principal is required to furnish a bond in connection with said contract, to secure the payment of claims of laborers, mechanics, materialmen and other persons as provided by law.

NOW, THEREFORE, we the undersigned Principal and Surety are bound unto the Obligee in the sum of _____ dollars (\$ _____), for which payment, we bind ourselves, jointly and severally.

THE CONDITION OF THIS OBLIGATION IS SUCH,

That if said Principal or its subcontractors shall fail to pay any of the persons named in Civil Code Section 3181, or amounts due under the Unemployment Insurance Code with respect to work or labor performed by such claimant, or any amounts required to be deducted, withheld, and paid over to the Franchise Tax Board for the wages of employees of the Principal and his subcontractors pursuant to Section 18806 of the Revenue and Taxation Code, with respect to such work and labor, that the surety herein will pay for the same in an amount not exceeding the sum specified in this bond, otherwise the above obligation shall be void. In case suit is brought upon this bond, the surety will pay a reasonable attorney's fee to be fixed by the court.

This bond shall inure to the benefit of any of the persons named in Civil Code Section 3181 as to give a right of action to such persons or their assigns in any suit brought upon this bond.

Dated: _____, 20 ____

Correspondence or claims relating to this bond _____

should be sent to the surety at the following _____

address: _____

Principal

Surety (SEAL)

By : Attorney-in-Fact

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NOTE: Signatures of those executing for the surety must be properly acknowledged.

CERTIFICATE OF ACKNOWLEDGEMENT

State of California, County of *SAN BENITO* SS

On this _____ day of _____ in the year 20 ____ before me

_____, a notary public in and for the County of *SAN BENITO*,

personally appeared _____, known to me to be the
Attorney-in-fact

person whose name is subscribed to this instrument and known to me to be the attorney-in-fact of

_____ and acknowledged to me that he/she

subscribed the name of the said company thereto as surety, and his/her own name as attorney-in-fact.

(SEAL)

Notary Public

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COUNTY OF SAN BENITO
RESOURCE MANAGEMENT AGENCY
PUBLIC WORKS DIVISION

SAMPLE PERFORMANCE BOND

(To Accompany Contract)

Bond No. _____

WHEREAS, the County of *SAN BENITO* , acting by and through the *RESOURCE MANAGEMENT AGENCY, PUBLIC WORKS DIVISION*, has awarded to Contractor _____, hereafter designated as the “Contractor”, a contract for the work described as follows:

AND WHEREAS, the Contractor is required to furnish a bond in connection with said contract, guaranteeing the faithful performance thereof:

NOW, THEREFORE, we the undersigned Contractor and Surety are held firmly bound to the County of *SAN BENITO* in the sum of \$ _____ dollars (\$ _____), to be paid to said County or its certain attorney, its successors and assigns: for which payment, well and truly to be made, we bind ourselves, our heirs, executors and administrators, successors or assigns, jointly and severally, firmly by these presents.

THE CONDITION OF THIS OBLIGATION IS SUCH,

That if the above bound Contractor, its heirs, executors, administrators, successors or assigns, shall in all things stand to and abide by, and well and truly keep and perform the covenants, conditions and agreements in the foregoing contract and any alteration thereof made as therein provided, on his or their part to be kept and performed at the time and in the manner therein specified, and in all respects according to their intent and meaning, and shall indemnify and save harmless the County of *SAN BENITO*, its officers and agents, as therein stipulated, then this obligation shall become and be null and void; otherwise it shall be and remain in full force and virtue.

IN WITNESS WHEREOF, We have hereunto set our hands and seals on this _____ day of _____, 20____.

Correspondence or claims relating to this bond _____

should be sent to the surety at the following _____

address: _____

Contractor

Name of Surety (SEAL)

By : Attorney-in-Fact

FEDERAL AID PROJECT NO. ER-32LO(426) & ER-32LO(427)
SAN BENITO COUNTY PROJECT NO. PWB-1910

NOTE: Signatures of those executing for the surety must be properly acknowledged.

CERTIFICATE OF ACKNOWLEDGEMENT

State of California, County of *SAN BENITO* SS

On this _____ day of _____ in the year 20 ____ before me

_____, a notary public in and for the County of *SAN BENITO*,

personally appeared _____, known to me to be the
Attorney-in-fact

person whose name is subscribed to this instrument and known to me to be the attorney-in-fact of

_____ and acknowledged to me that he/she

subscribed the name of the said company thereto as surety, and his/her own name as attorney-in-fact.

(SEAL)

Notary Public

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FEDERAL MINIMUM WAGE RATES

The federal minimum wage rates are available directly from the Department of Labor Home Page under <http://www.wdol.gov>.