

C. PROPOSAL SECTION

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TOWN OF DANVILLE
DEVELOPMENT SERVICES DEPARTMENT

Proposal to the Town of Danville

**Diablo Road Pedestrian Trail and Drainage Improvement Project
Contract No. C-055**

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. _____

DIR Registration No. _____

Description of Work and Proposed Agreement

The work for which this bid 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 the standards referenced on the cover of the Contract Specifications and within the Special Provisions.

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 as 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 Town of Danville'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 items 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 Town of Danville, and that discretion will be exercised in the manner deemed by the Town of Danville to best protect the public interest in the prompt and economical completion of the work. The decision of the Town of Danville respecting the amount of a bid, or the existence or treatment of an irregularity in a bid, shall be final.

If this bid shall be accepted and the undersigned shall fail to enter into the contract and furnish the two bonds in the sums required by the State Contract Act, with surety satisfactory to the Town of Danville, within eight days, not including Saturdays, Sundays and legal holidays, after the bidder has received notice from the Town of Danville that the contract has been awarded, the Town of Danville may, at its option, determine that the bidder has abandoned the contract, and thereupon this bid and the acceptance thereof shall be null and void and the forfeiture of the security accompanying this bid shall operate and the same shall be the property of the Town of Danville.

The undersigned, as bidder, declares that the only persons or parties interested in this bid as principals are those named herein; that this bid is made without collusion with any other person, firm, or corporation; that he has carefully examined the location of the proposed work, the annexed proposed form of contract, and the plans therein referred to; and he proposes, and agrees if this bid is accepted, that he will contract with the Town of Danville, 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 therefor the following prices, to wit:

Bid Item	Spec section	Item Description	Estimated Quantity	Unit of Measure	Unit Price	Item Total
1	10.1	Mobilization	1	LS		
2	10.2	Storm Water Pollution Prevention Plan	1	LS		
3	10.3	Temporary Traffic Control	1	LS		
4	10.4	Solid Waste Disposal and Recycling Report	1	LS		
5	10.5	Critical Path Method Schedule in addition to a Three-Week Project Look Ahead submitted bi-weekly	1	LS		
6	10.6	Clearing and Grubbing and Demolition	1	LS		
7a	10.7	Tree Removal	12	EA		
7b	10.7	Tree Trimming and Root removal	1	LS		
8	10.8	Silt Fence and Biological Exclusion Fence	1500	LF		
9a	10.9	Cattle Exclusion Fence and Gate	5100	LF		
9b	10.9	Gates (EBRPD Std. Plan 211A and 217)	1	LS		
10	10.10	Earthwork (Remove)	1	LS		
11	10.10	Earthwork (Remove and Replace)	1	LS		
12a	10.11	24" x 24" Drain Inlets	6	EA		
12b	10.11	Cast in Place 'J' inlets	2	EA		
13	10.11	18-inch Diameter Reinforced Concrete Pipe	486	LF		
14	10.11	18-inch Corrugated Metal Pipe	95	LF		
15	10.11	Concrete V-Ditch	1530	LF		
16	10.12	Bioretention Areas	3450	SF		
17	10.13	Mechanically Stabilized Earth Wall	90	LF		
18	10.14	Soldier Pile Wall with Concrete Lagging	405	LF		
19	10.14	Debris Wall with Timber Lagging	1060	LF		
20	10.15	Thrie Beam Railing System and End Treatment	940	LF		
21	10.16	200-lb Outfall Riprap	10	Tons		
22	10.17	Remove Concrete Debris	1	LS		
23	10.17	Plug Existing Culverts and provide subdrains	1	LS		
24a	10.18	3-inch Hot Mix Asphalt	700	Tons		
24b	10.18	Aggregate Base	1540	CY		
25a	10.18	Glassgrid in HMA pavement	4120	SY		
25b	10.18	Geogrid under Aggregate Base Material	4120	SY		
26a	10.19	5-gallon Hardwood Trees and Cages	25	EA		
26b	10.19	1- gallon Hardwood Trees and Cages	105	EA		
26c	10.19	1- gallon Shrubs with Cages	105	EA		
26d	10.19	Temporary Gravity Irrigation System	1	LS		
27	10.19	Willow and Cottonwood Stakes	260	EA		
28	10.20	Erosion Control Fabric	100	SY		
29	10.20	Erosion Control Seed Mix	1000	SF		
30	10.21	Trash Capture Catch Basin Inlet	2	EA		

31	10.22	ADA Compliant Drinking Fountain	1	EA		
32	10.23	Interpretive Signage (2 signs)	1	LS		
33	10.24	Trailhead and Caution Signs (5 signs)	1	LS		
34	10.25	ADA Compliant Railing	500	LF		
35	10.26	Sidewalk	205	SF		
36	10.27	3' x 8' Precast Detectable Surface	2	EA		
37	10.28	90-day Landscape Maintenance Period	1	LS		

TOTAL BID: \$ _____

NOTE: The contract, if it is to be awarded, will be awarded to the bidder submitting the lowest responsible "Total Bid". The Town reserves the right to reject any and all bids.

The quantities given in the Notice to Contractors, Proposal, and Contract forms are approximate only, being given as a basis for the comparison of Proposals, and the Town does not, expressly or by implication, agree that the actual amount of work will correspond therewith, but reserves the right to increase or decrease the amount of any item or portion of the work, or to omit portions of the work, as may be deemed necessary or advisable by the Engineer. No allowance will be made for anticipated profit on work that is deleted or decreased.

Subcontractor List

The Bidder shall list the name and address of each subcontractor to whom the Bidder proposes to subcontract portions of the work in an amount in excess of one-half of one percent of the total bid or \$10,000, whichever is greater, in accordance with the Subletting and Subcontracting Fair Practices Act, commencing with Section 4100 of the Public Contract Code, and as required by the provisions in Section 2.1.01, "General," of the Special Provisions. In accordance with California Public Contract Code Section 4104, State contractor licenses shall be listed for all subcontractors.

Note: Replace the second paragraph of Section 2-1.33A "General" of the Standard Specifications with the following: "On the Subcontractor List you may either submit the bid item numbers, and the percentage of each item subcontracted with your bid or email the information to engineering@danville.ca.gov".

Subcontractor Business Name
 Email address: _____

Street Address

City **County**

State **Zip**

Description of Work to be Subcontracted

California State Contractor License No(s).

DIR Registration No. _____ %
Bid Item No(s). **Percentage**
 (See Note Above) (See Note Above)

Subcontractor Business Name
 Email address: _____

Street Address

City **County**

State **Zip**

Description of Work to be Subcontracted

California State Contractor License No(s).

DIR Registration No. _____ %
Bid Item No(s). **Percentage**
 (See Note Above) (See Note Above)

(Attach additional sheets if needed)

Subcontractor Business Name
 Email address: _____

Street Address

City **County**

State **Zip**

Description of Work to be Subcontracted

California State Contractor License No(s).

DIR Registration No. _____ %
Bid Item No(s). **Percentage**
 (See Note Above) (See Note Above)

Subcontractor Business Name
 Email address: _____

Street Address

City **County**

State **Zip**

Description of Work to be Subcontracted

California State Contractor License No(s).

DIR Registration No. _____ %
Bid Item No(s). **Percentage**
 (See Note Above) (See Note Above)

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

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

(Check one box above)

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 check mark after "has" or "has not" in one of the boxes provided. The above Statement is part of the Bid. Signing this Bid 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.

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

(Check one box above)

If the answer is "yes", attach a separate sheet explaining the circumstances

Public Contract Code Section 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 Bid. Signing this Bid 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.

Non-Collusion Affidavit

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

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. The bid is genuine and not collusive or sham. The bidder has not directly or indirectly induced or solicited any other bidder to put in a false or sham bid. The bidder has not directly or indirectly colluded, conspired, connived, or agreed with any bidder or anyone else to put in a sham bid, or to refrain from bidding. 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. All statements contained in the bid are true. 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.

Any person executing this Affidavit on behalf of a bidder that is a corporation, partnership, joint venture, limited liability company, limited liability partnership, or any other entity, hereby represents that he or she has full power to execute, and does execute, this Affidavit on behalf of the bidder.

Note: The above Non-Collusion Affidavit is part of the Bid. Signing this Bid 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.

Public Works Contractor Registration Certification

Pursuant to Labor Code Sections 1725.5 and 1771.1, all contractors and subcontractors that wish to bid on, be listed in a bid proposal, or enter into a contract to perform public work must be registered with the Department of Industrial Relations. See <http://www.dir.ca.gov/Public-Works/PublicWorks.html> or http://www.dir.ca.gov/Public-Works/Public_Works_Notices.html for additional information.

No bid will be accepted nor any contract entered into without proof of the contractor's and subcontractors' current registration with the Department of Industrial Relations to perform public work.

Bidder hereby certifies that it is aware of the registration requirements set forth in Labor Code Sections 1725.5 and 1771.1 and is currently registered as a contractor with the Department of Industrial Relations.

Name of Bidder: _____

DIR Registration Number: _____

Bidder further acknowledges:

1. Bidder shall maintain a current DIR registration for the duration of the project.
2. Bidder shall include the requirements of Labor Code Sections 1725.5 and 1771.1 in its contract with subcontractors and ensure that all subcontractors are registered at the time of bid opening and maintain registration status for the duration of the project.
3. If awarded the contract, contractors and subcontractors must submit certified payroll records to the Labor Commissioner using the DIR's electronic certified payroll reporting (eCPR) system.
4. Failure to submit this form or comply with any of the above requirements may result in a finding that the bid is non-responsive.

Signature: _____

Name and Title: _____

Dated: _____

Accompanying this Bid is _____
(NOTE: 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 (10%) of the total of the bid.

The names of all persons interested in the foregoing bid 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 co-partners 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 Bid 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 Bid, any Engineer's Estimate sheets that were received as part of the addenda.)

Signature Page

By my signature on this bid 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 Bid I further certify, under penalty of perjury under the laws of the State of California and the United States of America, that the Non-collusion Affidavit required by Title 23 United States Code, Section 112 and Public Contract Code Section 7106; and the Title 49 Code of Federal Regulations, Part 29 Debarment and Suspension Certification are true and correct.

Date: _____



Signature and Title of Bidder

TOWN OF DANVILLE
DEVELOPMENT SERVICES DEPARTMENT

Bidder's Bond

We, _____ as Principal,

and _____
as Surety are bound unto the Town of Danville, 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 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

By _____

Attorney-in-fact

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 _____ before me, _____
(Insert Name and Title of the Officer)

personally appeared _____,
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 _____ (Seal)