

ADDENDUM NO. 5

BID PROPOSAL

TO: SAN DIEGO UNIFIED SCHOOL DISTRICT, a California Public School District, acting by and through its Board of Education ("the District").

FROM: ADAMS MALLORY CONSTRUCTION CO., INC.
 (Name of Bidder)
740 S. Van Buren, Unit A
 (Address)
Placentia, CA 92870-6632
 (City, State, Zip Code)
(714) 632-3044 x202 / (714) 632-3048
 (Telephone/Fax)
RJMallory@AdamsMallory.com
 (Email Address)

Ronald Mallory, Jr., as President

(Name(s) of Bidder's Authorized Representative(s))

Bid Proposal

Bid Proposal Amount. Pursuant to and in compliance with the Notice to Contractors Calling for Bids, the Instructions to Bidders and the other documents relating thereto, the undersigned Bidder having reviewed the Instructions to Bidders, General Conditions, Special Conditions, Specifications, Agreement and all other Contract Documents and upon compliance with all requirements therein with reference to the submittal of this Bid Proposal, hereby proposes and agrees to perform the Contract including, without limitation, all of its component parts; to perform everything required to be performed; to provide and furnish any and all of the labor, materials, tools, equipment and services necessary to perform the Contract and complete in a workmanlike manner all of the Work required for the Project described as:

NO. CS-12-0421-29 -- CONSTRUCT BUS TURNAROUND AND SITE IMPROVEMENTS AT MILLENNIAL TECH MIDDLE SCHOOL

in accordance with the Contract Documents as set forth above as follows:

ALLOWANCES: The following allowances are to be included in the Base Bid:

- No. 1: For unforeseen demolition and grading \$25,000
- No. 2: For unforeseen utility connections on/off site \$40,000
- No. 3: For work in right-of-way \$30,000
- No. 4: For miscellaneous unforeseen issues \$50,000
- No. 5: For City sewer and/or water capacity fees \$175,000

Refer to Section 012100 Allowances.

ITEM 1: BASE BID Two million Eighty Four thousand Sixteen Dollars

(\$ 2,084,016)

Acknowledgment of Bid Addenda: In submitting this Bid Proposal, the undersigned Bidder acknowledges receipt of all Bid Addenda issued by or on behalf of the District, as set forth below. The Bidder confirms that this Bid Proposal incorporates and is inclusive of, all items or other matters contained in Bid Addenda.

(initial) **No Addenda Issued**

(initial) Addenda Nos. 1, 2, 3, 4, 5 received, acknowledged and incorporated into this Bid Proposal.

Additive or Deductive Bid Items and Unit Price Items: If Bid Proposal prices are required for Additive or Deductive Bid Items or Unit Price Items, the Bidder's price proposal(s) for Additive or Deductive Bid Items and Unit Price Items shall be set forth in the forms of Additive or Deductive Bid Item Proposal and/or the Unit Price Items Proposal included herewith. The Bidder acknowledges that the District may, at its sole discretion, elect to include as part of the scope of Work of the Contract any Additive or Deductive Bid Item selected in accordance with the Instructions to Bidders and in such event, the cost or credit to the District shall be as set forth in the Additive or Deductive Bid Item Proposal above. Failure to include Bid Proposal prices, even if "zero", for any Additive or Deductive Bid Item or Unit Price Item included in the bidding process will render the Bid Proposal non-responsive and rejected.

Rejection of Bid; Holding Open of Bid: It is understood that the District reserves the right to reject this Bid Proposal and that this Bid Proposal shall remain open and not be withdrawn for the period of time specified in the Instructions to Bidders.

Documents Accompanying Bid: The undersigned Bidder has submitted with this Bid Proposal the following:

- Bid Security
- Non-Collusion Affidavit
- Subcontractors List
- Subcontractor Compliance Statement
- PSA Prime Contractor Letter of Assent
- DVBE Bidder Declaration

The Bidder acknowledges that if this Bid Proposal and the foregoing documents are not fully in compliance with applicable requirements set forth in the Call for Bids, the Instructions to Bidders and in each of the foregoing documents, the Bid Proposal may be rejected as non-responsive.

Requirements of Low Bidder Recommended for Award of Contract: It is understood and agreed that if written notice of the acceptance of this Bid Proposal demonstrated by Bid Tabulation thereon is mailed, telegraphed or delivered by the District to the undersigned after the opening of Bid Proposals, the undersigned will execute and deliver to the District all required documents in accordance with the Bid Proposal as detailed in the Required Executable Documents and Timeline ("Timeline") and the Instructions to Bidders. Pursuant to the Timeline, the apparent low bidder of the Contract shall deliver to the District: (a) Certificates of Insurance evidencing all insurance coverage's required under the Contract Documents; (b) the Performance Bond; (c) the Labor and Material Payment Bond; (d) the Certificate of Workers' Compensation Insurance; (e) the Drug-Free Workplace Certificate; (f) Guarantee; (g) DVBE Participation Requirement; (h) Project Stabilization Agreement Prime Contractor Letter of Assent; and (i) Contractor Certification Regarding Background Checks and Attachment A List of Employees. All of the foregoing shall be in conformity with applicable requirements set forth in Call for Bids, the Instructions to

ADDENDUM NO. 5

Bidders and in each of the foregoing Documents. Failure of the Bidder recommended the Contract to strictly comply with the preceding may result in the District's recession of the award of the Contract and/or forfeiture of the Bidder's Bid Security. In such event, the District may, in its sole and exclusive discretion elect to award the Contract to the responsible Bidder submitting the next lowest Bid Proposal, or to reject all Bid Proposals. The Work under the Contract Documents shall be commenced by the undersigned Bidder, if awarded the Contract, on the date stated in the District's Notice to Proceed issued pursuant to the Contract Documents and Substantial Completion of the Work shall be achieved within the Contract Time specified in the Contract Documents.

Notices: All notices or other correspondence shall be addressed to the District and the Bidder at their respective addresses set forth herein. Notices shall be effective only if in writing and in conformity with the requirements for service of notices set forth in the Contract Documents.

Contractor's License: The undersigned Bidder is currently and duly licensed in accordance with the California Contractors License Law, California Business & Professions Code §§7000 et seq., under the following classification(s) A, B bearing License Number(s) 426516, with expiration date(s) of 31 AUG 12. By executing this Bid Proposal and submitting the same to the District, the Bidder acknowledges the provisions of California Business & Professions Code §7028.15, which provides that it shall be a misdemeanor for any person to submit a bid proposal to a public agency without having a license to perform the work of the bid proposal. By executing this Bid Proposal, the Bidder hereby certifies that: (a) it is duly licensed, in the necessary class(es), for performing the Work of the Contract Documents; (b) that such license shall be in full force and effect throughout the duration of the performance of the Work under the Contract Documents; and (c) that all Subcontractors (as defined in Public Contract Code §4113 and Business & Professions Code §7026) providing or performing any portion of the Work of the Contract Documents shall be so similarly and appropriately licensed to perform or provide such portion of the Work.

Legal Status: The undersigned Bidder's legal status is a corporation
(i.e., corporation, sole proprietorship, partnership, LLP).

Designation of Subcontractors: In compliance with the Subletting and Subcontracting Fair Practices Act (California Public Contract Code §§4100, et seq.) and amendments thereof, each Bidder shall set forth in the Subcontractors List: (a) the name and location of the place of business of each Subcontractor who will perform work or labor or render services to the Bidder in or about the construction of the Work to be performed under the Contract Documents in an amount in excess of one-half of one percent (0.5%) of the Bidder's Bid Proposal; and (b) the portion of the Work which will be performed by each listed Subcontractor. The Bidder shall list only one Subcontractor for each portion of the Work as is defined by the Bidder in its Bid Proposal. If a Bidder fails to list a Subcontractor or if the Bidder specifies more than one Subcontractor for the same portion of Work to be performed under the Contract Documents valued in excess of one-half of one percent (0.5%) of the Bidder's Bid Proposal amount, the Bidder shall be deemed to have agreed that it is fully qualified to perform that portion of the Work itself and that it shall perform that portion of the Work. Subcontractor is defined in Public Contract Code §4113 and Business & Professions Code §7026.

Confirmation of Figures: By submitting this Bid Proposal, the Bidder confirms that it has checked all of the above figures and understands that neither the District nor any of its agents, employees or representatives shall be responsible for any errors or omissions on the part of the undersigned Bidder in preparing and submitting this Bid Proposal.

Acknowledgment and Confirmation: The undersigned Bidder acknowledges its receipt, review and understanding of the Drawings, the Specifications and other Contract Documents pertaining to the proposed Work. The undersigned Bidder certifies that the Contract Documents are, in its opinion,

ADDENDUM NO. 5

adequate, feasible and complete for providing, performing and constructing the Work in a sound and suitable manner for the use specified and intended by the Contract Documents. The undersigned Bidder certifies that it has, or has available, all necessary equipment, personnel, materials, facilities and technical and financial resources to complete the Work for the amount bid herein within the Contract Time and in accordance with these contract documents.

By: Ronald Mallory, Jr.
(Signature)

20 OCT 11
(Date)

Ronald Mallory, Jr.
(Typed or Printed Name)

President
(Title)



SUBCONTRACTORS LIST

Bidder: ADAMS MALLORY CONSTRUCTION CO., INC.

Address: 740 S. Van Buren, Unit A; Placentia, CA 92870-6632

Telephone: (714) 632-3044 x202 Fax: (714) 632-3048

Bidder's Authorized Representative(s): Ronald Mallory, Jr., as President

PROJECT: **CONSTRUCT BUS TURNAROUND AND SITE IMPROVEMENTS AT MILLENNIAL TECH MIDDLE SCHOOL**

NOTE!!

DO NOT LIST OR COMBINE MULTIPLE TRADES UNDER ONE SUBCONTRACTOR (I.E. IF YOU NEED TO USE A SLASH (/) or COMMA (,) THEN PUT BOTH TRADES ON SEPARATE LINES). BREAK OUT EACH TRADE BY ITS SUBCONTRACTOR (WHICH MAY RESULT IN A SUBCONTRACTOR BEING LISTED MORE THAN ONCE)

TRADE/PORION OF THE WORK	SUBCONTRACTOR NAME AND LICENSE NUMBER	LICENSE CLASSIFICATION	SUBCONTRACTOR BUSINESS LOCATION	% of CONTRACT VALUE	DVBE/SBE?*
<u>Division 2</u>					
Earthwork	F J Willert Contracting Co., Inc. 402473	A, C21	1869 Nirvana Ave. Chula Vista, CA 91911	25% 2.8%	
Demolition	F J Willert Contracting Co., Inc. 402473	A, C21	1869 Nirvana Ave., Chula Vista, CA 91911	2.8% 25%	
Storm Drain	Cityview Contracting 913397	A	PO Box 1747 Santa Ana, CA 92702	7.5%	
Fences	Area West Fence Co. 737398	C13	12566 Vigilante Rd. Lakeside, CA 92040	2.5%	SBE
Site Concrete	Team West Contracting Corporation 934352	A, C12	1151 Pomona Rd #J Corona, CA 92882	8%	DVBE
Asphalt Paving	Team West Contracting Corporation	A, C12	1151 Pomona Rd #J Corona, CA 92882	5%	DVBE
<u>Division 3</u>					
Structural Concrete	Team West Contracting Corporation 934352	A, C12	1151 Pomona Rd #J Corona, CA 92882	2%	DVBE
Reinforcing Steel	Team West Contracting Corporation 934352	A, C12	1151 Pomona Rd #J Corona, CA 92882	0.5%	DVBE

TRADE/PORION OF THE WORK	SUBCONTRACTOR NAME AND LICENSE NUMBER	LICENSE CLASSIFI-CATION	SUBCONTRACTOR BUSINESS LOCATION	% of CONTRACT VALUE	DVBE/ SBE?*
<u>Division 4</u>					
Masonry	Dittmann Masonry, Inc.; #290969	C29	5320 Eastgate Mall San Diego, CA 92121	2.8%	
<u>Division 16</u>					
Electrical	Neal Electric Corp #802588	C10	13250 Kirkham Way Poway, CA 92064	4%	
<u>Division 32</u>					
Irrigation	Siapin Horticulture #740818	C27	9103 Perkins Pico Rivera, CA 90660	1%	
Landscape	Siapin Horticulture #740818	C27	9103 Perkins Pico Rivera, CA 90660	1%	

ADDENDUM NO. 5

TRADE/PORION OF THE WORK	SUBCONTRACTOR NAME AND LICENSE NUMBER	LICENSE CLASSIFI- CATION	SUBCONTRACTOR BUSINESS LOCATION	% of CONTRACT VALUE	DVBE/ SBE?*

NOTE: Under Public Contract Code section 4100 et. seq. known as the Subletting and Subcontracting Fair Practices Act, all subcontractors (defined under Public Contract Code section 4113 and Business & Professions Code section 7026) to the prime contractor performing work in excess of 0.5% of the bid must be listed. At time of bid, a listed subcontractor must be licensed with the California State Contractors License Board (CSLB).

*The Bidder shall designate/identify the listed subcontractors as DVBE's and/or SBE's within twenty-four (24) hours after the opening Bid Proposals under Public Contract Code section 4104(a)(2)(A). Failure of a Bidder to meet the 3% DVBE participation percentage requirement pursuant to Resolution In Support of Service Disabled Veterans Owned Businesses (SDVOB) and Disabled Veteran Business Enterprises (DVBE) approved on May 10, 2011 by Board of Education shall result in rejection of the Bidder's Bid Proposal for non-responsiveness. DVBE's need to have a current and valid certification from the State of California Department of General Services. SDVOB's need to have a current and valid verification letter from the Department of Veteran's Affairs Center for Veterans Enterprise; self-representation will not be accepted. DVBE and SDVOB eligibility is a one year period and must be renewed annually; eligibility must be current at time of bid and contract award. Failure of a Bidder to submit the designation/identification of subcontractors pursuant to the preceding may result in rejection of the Bidder's Bid Proposal for non-responsiveness. For purposes of the preceding, the following definitions shall apply:

Small Business: A business concern, independently owned and operated, not dominant in the field of operation and who's size determinations and annual receipts are in accordance with the U.S. Department of Commerce "Standard Industrial Classification Manual". Size determination is set by either (1) annual receipts or (2) number of employees. In size determinations where the standard is "annual receipts", size eligibility requires that the concern may not exceed the "annual receipts" in that standard. In size determinations where the standard is "number of employees", size eligibility requires that the concern may not exceed the number of employees in that standard. "Number of employees" means the average employment of the concern for the preceding completed 12 calendar month period. A concern is "not dominate in its field of operation" when it does not exercise a controlling or major influence on a national basis in a kind of business activity in which a number of business concerns are primarily engaged. The designation of small business shall include:

"DVBE" Disabled Veteran Business Enterprise. A business concern that is certified by the State of California Department of General Services Office of Small and Minority Business, 51% owned and operated by a disabled veteran.

"SBE" Small Business Enterprise. A small business concern independently owned and operated by a non-minority, qualifying in one of the above categories.

Percentage of Contract value. The Bidder shall stipulate what percentage of work a small business; a DVBE or a SBE will perform in relation to the total bid value.

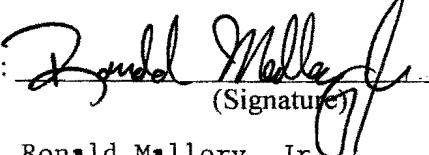
SUBCONTRACTOR COMPLIANCE STATEMENT

Under applicable authority, including but not limited to the District's bid documents, Public Contract Code section 4100 et seq., Business & Professions Code section 7055 et seq., California Code of Regulations Title 16, Division 8, and the California Contractors State License Board, I have verified the following regarding my listed subcontractors at the time I submit my bid *(and I acknowledge that I have received and reviewed the attached SAMPLES for the right and wrong ways to list subcontractors who are performing more than 1/2 of 1% of my total bid)*:

- ✓ Each listed subcontractor is properly licensed for the trade in which I have listed it.
- ✓ Each listed subcontractor has an active and valid California State contractor's license.
- ✓ Each listed subcontractor is performing **only one** trade. If the same subcontractor is performing more than one trade over 1/2 of 1%, I have listed it separately for each trade it will perform.
- ✓ Each listed "B" general building contractor is performing at least **two** unrelated trades, (regardless of percentage) to framing or carpentry.
- ✓ I understand that the District does not allow any sub-tiered subcontractors to perform any work in excess of 1/2 of 1% for any subcontractor I have listed that possesses a "C" classification specialty license only.

I am aware that failure to complete this statement and/or failure to follow the requirements above may deem my bid non-responsive.

I certify to the best of my knowledge under the laws of the State of California that the foregoing is true and correct. I have executed this in Placentia, CA

By: <u></u> (Signature)	20 OCT 11 _____ (Date)
Ronald Mallory, Jr. _____ (Typed or Printed Name)	President _____ (Title)

NON-COLLUSION AFFIDAVIT

STATE OF CALIFORNIA

COUNTY OF Orange

I, Ronald Mallory, Jr., being first duly sworn, deposes and says that I am
(Typed or Printed Name)
the President of ADAMS MALLORY CONSTRUCTION CO., INC, the party submitting
(Title) (Bidder Name)
the foregoing Bid Proposal ("the Bidder"). In connection with the foregoing Bid Proposal, the undersigned declares, states and certifies that:

1. The Bid Proposal is not made in the interest of, or on behalf of, any undisclosed person, partnership, company, association, organization or corporation.
2. The Bid Proposal is genuine and not collusive or sham.
3. 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 other bidder or anyone else to put in sham bid, or to refrain from bidding.
4. The Bidder has not in any manner, directly or indirectly, sought by agreement, communication, or conference with anyone to fix the bid price, or that of any other bidder, or to fix any overhead, profit or cost element of the bid price or that of any other bidder, or to secure any advantage against the public body awarding the contract or of anyone interested in the proposed contract.
5. All statements contained in the Bid Proposal and related documents are true.
6. The Bidder has not, directly or indirectly, submitted the 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 person, corporation, partnership, company, association, organization, bid depository, or to any member or agent thereof to effectuate a collusive or sham bid.

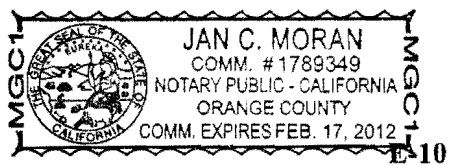
Executed this 19th day of October 20 11 at Anaheim, Orange County, California
(City, County and State)

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

By: *[Signature]*
(Signature)
Ronald Mallory, Jr.
(Typed or Printed Name)
740 S. Van Buren, Unit A
(Address)
Placentia, CA 92870-6632
(City/State/Zip)

October 19, 2011
(Date)
President
(Title)
(714) 632-3044 x202 / (714) 632-3048
(Phone/Fax with area code)
RJMallory@AdamsMallory.com
(Email Address)

Affix Notary Seal Here
Rev. 06/03/2010



CALIFORNIA JURAT WITH AFFIANT STATEMENT

- See Attached Document (Notary to cross out lines 1-6 below)
- See Statement Below (Lines 1-5 to be completed only by document signer[s], *not* Notary)

1 N/A
 2 N/A
 3 N/A
 4 N/A
 5 N/A
 6 N/A N/A
Signature of Document Signer No. 1 Signature of Document Signer No. 2 (if any)

State of California
 County of Orange

Subscribed and sworn to (or affirmed) before me on this

19th day of October, 2011, by
Date Month Year

(1) Ronald Mallory, Jr.
Name of Signer

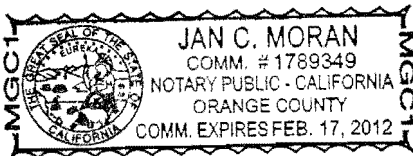
proved to me on the basis of satisfactory evidence be the person who appeared before me (.) (.)

(and

(2) N/A
Name of Signer

proved to me on the basis of satisfactory evidence be the person who appeared before me.)

Signature *Jan C. Moran*
Signature of Notary Public



Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Further Description of Any Attached Document

Title or Type of Document: Non-Collusion Affidavit

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: N/A

RIGHT THUMBPRINT OF SIGNER #1
 Top of thumb here

RIGHT THUMBPRINT OF SIGNER #2
 Top of thumb here