*This form must be completed in **ink** and changes must be **initialed**.*

Honorable Board of Directors
Santa Clara Valley Water District (District)

Pursuant to, and in compliance with, the Notice to Bidders and the Contract Documents, relating to the **CUNNINGHAM FLOOD DETENTION CERTIFICATION PROJECT**, the undersigned Bidder having become thoroughly familiar with the terms and conditions of the Contract Documents and with local conditions affecting the performance and costs of the Work and having fully inspected the Work site in all particulars, hereby proposes and agrees to fully perform the Work, including providing any and all labor and materials and performing all Work required to construct and complete said Work within the contract time stated and in accordance with the requirements of the Contract Documents, for the following sum of money.

The undersigned Bidder agrees to complete all the Work within **1,449** calendar days from the first chargeable day of the Contract, as stated in the Notice to Begin Work. The Bidder agrees to enter into a Contract with the District and provide the required bonds and insurance in accordance with the Instructions to Bidders, Contract Bonds, paragraph #21 and Execution of Contract, paragraph #22. If the Bidder fails to meet these requirements within the time specified in the Instruction to Bidders, Failure to Execute Contract, paragraph #23, the Bidder's security accompanying this Proposal may be forfeited and become the property of the District. No Contract exists until all Contract bonds and insurance documents have been accepted by the District.

TOTAL BID: $ 3,881,361

Bidder acknowledges receipt of the following Addenda to the Bid Documents:
Addenda are posted online at www.valleywater.org/construction

☐ **NO** Addenda received

☑ Addenda received as follows:

Addendum No. 1	Date April 11, 2018	Addendum No. 3	Date May 25, 2018
Addendum No. 2	Date May 17, 2018	Addendum No. ___	Date

Failure to acknowledge receipt of an Addendum on the Bid Form is not, in itself, cause for withdrawal or rejection of Bid, if it can be established that Bidder did, in fact, receive such Addendum prior to Bid opening.

The undersigned Bidder has read and, understands, and will comply with, each and all of the requirements specified in these Bid Documents. This Proposal must be signed by an authorized representative of the Bidder with the authority to bind the Bidder.

BIDDER'S COMPANY INFORMATION	
NAME: Granite Rock Company	ADDRESS: 5225 Hellyer Avenue, Suite #220 San Jose, CA 95138
CONTRACTOR'S CALIFORNIA LICENSE NUMBER: #22 DATE OF EXPIRATION: April 30, 2019 LICENSE CLASSIFICATION(S): A, B, HAZ	
PHONE NO.: (408) 574-1400	FAX NO.: (408) 365-9548
EMAIL ADDRESS: estimating@graniterock.com	
SIGNATURE BLOCK (Signature Block must be completed in *ink* and changes must be *initialed*.)	
Bidder's Signature: Rodney Jenny	Date: May 29, 2018
Bidder's Name and Title (Print): Rodney Jenny, Executive Vice President	

*This form must be completed in **ink** and changes must be **initialed**.*

SECTION A — BASE BID

ITEM NO.	DESCRIPTION OF ITEM	APPROXIMATE QUANTITY / UNIT	UNIT PRICE	TOTAL
1	COMPLIANCE WITH NPDES GENERAL PERMIT	Lump Sum / Lump Sum	80100-	80100-
2	SITE REVIEW AND MONITORING	Lump Sum / Lump Sum	53001-	53001-
3	NOISE POLLUTION AND VIBRATION MONITORING	Lump Sum / Lump Sum	36460-	36460-
4	QUALITY CONTROL	Lump Sum / Lump Sum	100000-	100000-
5	MOBILIZATION AND DEMOBILIZATION	Lump Sum / Lump Sum	378600-	378600-
6	CLEARING AND GRUBBING	Lump Sum / Lump Sum	55000-	55000-
7	DEMOLITION AND DISPOSAL	Lump Sum / Lump Sum	64000-	64000-
8	NOT USED			
9	FLOOD WALL AND PILE CAP (F)	640 CY / Cubic Yards	2400-	1536000-

*This form must be completed in **ink** and changes must be **initialed**.*

SECTION A — BASE BID

ITEM NO.	DESCRIPTION OF ITEM	APPROXIMATE QUANTITY / UNIT	UNIT PRICE	TOTAL
10	LEVEE FILL (F)	3600 CY / Cubic Yards	82-	295200-
11	CAST-IN-DRILLED-HOLE (CIDH) CONCRETE PILES (F)	2000 LF / Linear Feet	325-	650000-
12	ASPHALT CONCRETE PAVEMENT	Lump Sum / Lump Sum	50000-	50000-
13	8-FOOT CHAIN LINK FENCE w/BARBED WIRE	Lump Sum / Lump Sum	50000-	50000-
14	8-FOOT HIGH CHAIN LINK GATES	2 EA / Each	3500-	7000-
15	TRASH COMPACTOR RELOCATION	Lump Sum / Lump Sum	260000-	260000-
16	AGGREGATE BASE MAINTENANCE ROAD	Lump Sum / Lump Sum	28000-	28000-
17	UTILITY PROTECTION AND RELOCATION	Lump Sum / Lump Sum	34000-	34000-
18	STORM DRAIN OUTFALL MODIFICATIONS	Lump Sum / Lump Sum	12000-	12000-

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SECTION A — BASE BID

ITEM NO.	DESCRIPTION OF ITEM	APPROXIMATE QUANTITY / UNIT	UNIT PRICE	TOTAL
19	NOT USED			
20	PLANT INSTALLATION	Lump Sum / Lump Sum	70000-	70000-
21	FENCE AND SIGN INSTALLATION	Lump Sum / Lump Sum	24000-	24000-
22	BUBBLER IRRIGATION PER CITY STANDARDS	Lump Sum / Lump Sum	47000-	47000-
23	ONE-YEAR ESTABLISHMENT MAINTENACE PERIOD: CITY MITIGATION & SHRUB AREA	Lump Sum / Lump Sum	22000-	22000-
24	THREE-YEAR ESTABLISHMENT MAINTENACE PERIOD: RIPARIAN	Lump Sum / Lump Sum	7000-	7000-
25	SANITARY SEWER CONNECTION FOR NEW TRASH COMPACTOR	Lump Sum / Lump Sum	22000-	22000-
	TOTAL BASE BID			3,881,361-

*This form must be completed in **ink** and changes must be **initialed**.*

A. This Designation of Subcontractors form must be completed in compliance with the State of California Subletting and Subcontracting Fair Practices Act, Public Contract Code **§4100 et seq.**, and any amendment thereof. Bidder must complete the form below for each Subcontract **that exceeds one-half of one percent (½%) of the Bidder's total Bid**. A Subcontractor is one who: (1) performs Work or labor; or (2) provides a service to the Bidder; or (3) specially Fabricates and Installs a portion of the work according to the Contract Documents. Bidders failure to list a Subcontractor for any portion of the work in excess of ½% of Bidder's total Bid signifies Bidder will self perform that portion of the Work with its own forces. (Note: If more than one Subcontractor is designated for the same kind of Work, state the portion that each will perform.) After the opening of the Bids, no changes or substitutions will be allowed except as otherwise provided by law. The listing of more than one subcontractor for each item of work to be performed with the words "and/or" will not be permitted. Failure to comply with this requirement may render the Bid nonresponsive and may cause its rejection.

B. Failure by a subcontractor to be registered to perform public work as required by the California Labor Code Section 1771.1 (a) shall be grounds under Section 4107 of the Public Contract Code for the Contractor, with the consent of the awarding authority, to substitute a subcontractor who is registered to perform public work pursuant to Section 1725.5 in place of the unregistered subcontractor.

NAME LOCATION (City & State)	LICENSE NO. EXPIRATION DATE	TYPE OF WORK	% of TOTAL CONTRACT
RJ Pacific Coast Drilling Santa Rosa, CA	539855 8/31/18	CIDH	5.6 RJ
Blocka Const. Fremont, CA	679326 10/31/19	electrical	2.2
Golden Bay Fence Stockton, CA	C664905 2/28/19	fence	3.8

SIGNATURE BLOCK (Signature Block must be completed in *ink* and changes must be *initialed*.)	
Bidder's Signature: Rodney Jenny	Date: May 9, 2018
Bidder's Name and Title (Print): Rodney Jenny, Executive Vice President	

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A. This Designation of Subcontractors form must be completed in compliance with the State of California Subletting and Subcontracting Fair Practices Act, Public Contract Code **§4100 et seq.**, and any amendment thereof. Bidder must complete the form below for each Subcontract **that exceeds one-half of one percent (½%) of the Bidder's total Bid**. A Subcontractor is one who: (1) performs Work or labor; or (2) provides a service to the Bidder; or (3) specially Fabricates and Installs a portion of the work according to the Contract Documents. Bidders failure to list a Subcontractor for any portion of the work in excess of ½% of Bidder's total Bid signifies Bidder will self perform that portion of the Work with its own forces. (Note: If more than one Subcontractor is designated for the same kind of Work, state the portion that each will perform.) After the opening of the Bids, no changes or substitutions will be allowed except as otherwise provided by law. The listing of more than one subcontractor for each item of work to be performed with the words "and/or" will not be permitted. Failure to comply with this requirement may render the Bid nonresponsive and may cause its rejection.

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NAME LOCATION (City & State)	LICENSE NO. EXPIRATION DATE	TYPE OF WORK	% of TOTAL CONTRACT
KCI Environmental San Luis Obispo, CA	813844 10/31/18	landscape	2.8
Harris Rebar Livermore, CA	695035 8/31/18	rebar	4.8
Professional Tree Care Berkeley, CA	676952 10/31/19	tree removal	1.3

SIGNATURE BLOCK (Signature Block must be completed in *ink* and changes must be *initialed*.)	
Bidder's Signature: Rodney Jenny	Date: May 9, 2018
Bidder's Name and Title (Print): Rodney Jenny, Executive Vice President	

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NAME LOCATION (City & State)	LICENSE NO. EXPIRATION DATE	TYPE OF WORK	% of TOTAL CONTRACT
Pacific Coast Drilling Santa Rosa, CA	539855 8/31/18	CIDH	6.9
Compactor Mgmt. Co. Fremont, CA	1025/21 3/31/19	trash compactors	1.2

SIGNATURE BLOCK (Signature Block must be completed in *ink* and changes must be *initialed*.)	
Bidder's Signature: Rodney Jenny	Date: May 9, 2018
Bidder's Name and Title (Print): Rodney Jenny, Executive Vice President	

*This form must be completed in **ink** and changes must be **initialed**.*

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NAME LOCATION (City & State)	LICENSE NO. EXPIRATION DATE	TYPE OF WORK	% of TOTAL CONTRACT

SIGNATURE BLOCK (Signature Block must be completed in *ink* and changes must be *initialed*.)	
Bidder's Signature: Rodney Jenny	Date: May 9, 2018
Bidder's Name and Title (Print): Rodney Jenny, Executive Vice President	

*This form must be completed in **ink** and changes must be **initialed**.*

In accordance with Public Contract Code Section 7106, Rodney Jenny
(Bidder's full name)

declares that he or she is Executive Vice President
(Bidder's title)

of Granite Rock Company
(Company's name)

the party making the foregoing Bid that the Bid is not made in the interest of, or on behalf of, any disclosed 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 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 corporation, partnership, company association, organization, Bid depository, or to any member or agent thereof to effectuate a collusive or sham bid.

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

SIGNATURE BLOCK (Signature Block must be completed in *ink* and changes must be *initialed*.)	
Bidder's Signature: Rodney Jenny	Date: May 9, 2018
Bidder's Name and Title (Print): Rodney Jenny, Executive Vice President	

PART I: GENERAL

A. This project is partially funded by grant from the Natural Resources Construction Services. The Bidders and Contractor are required to comply with federally mandated rules and requirements. Special attention is directed to Appendix B of the Specifications and the Federal Requirements Bid Forms included in this package.

B. **Requirement.** A Contractor must take all necessary, affirmative steps to assure that small and minority businesses, women's business enterprises, and labor area surplus firms are used when possible. 2 C.F.R. § 200.321. ***These steps are in addition to full and open competition*** and must include, at a minimum, the following six affirmative steps:

1. *Solicitation Lists*. The Contractor must place small and minority businesses and women's business enterprises on solicitation lists.

2. *Solicitations*. The Contractor must assure that it solicits small and minority businesses and women's business enterprises whenever they are potential sources.

3. *Dividing Requirements*. The Contractor must divide total requirements, *when economically feasible*, into smaller tasks or quantities to permit maximum participation by small and minority businesses and women's business enterprises.

4. *Delivery Schedules*. The Contractor must establish delivery schedules, *where the requirement permits*, which encourage participation by small and minority businesses and women's business enterprises.

5. Obtaining Assistance. The NFE must use the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce.

6. *Prime Contractor Requirements*. The Contractor must require the prime contractor, if subcontracts are anticipated or let, to take the five affirmative steps described.

C. The Santa Clara Valley Water District (District) has a Small Business Outreach Program, which establishes a thirty (30) percent minimum participation goal. To be eligible for award of a Contract, each Bidder must comply with the District's Small Business Outreach Program requirements, be a responsible Bidder, and submit a responsive bid.

To be counted towards meeting the District's Small Business Outreach participation goal, Small/Micro Business must be certified by California Department of General Services. http://www.pd.dgs.ca.gov Bidders are encouraged to use the services and assistance of the California Department of General Services.

D. The District's program applies the following definitions:

1. **Small/Micro Business**—defined by California Code of Regulations Section 1896.12. Eligibility for Certification as a Small Business.

"a. To be eligible for certification as a small business, a business must meet all of the following qualifying criteria:

1. It is independently owned and operated; and

2. The principal office is located in California; and

3. The officers of the business in the case of a corporation; officers and/or managers, or in the absence of officers and/or managers, all members in the case of a limited liability company; or the owner(s) in all other cases are domiciled in California; and

4. It is not dominant in its field of operation(s), and

5. It is either:

A. A business that, together with affiliates, has 100 or fewer employees, and average annual gross of fIfteen million dollars ($15,000,000) or less as averaged for the previous three tax years, as adjusted by the department pursuant to Government Code Section 14837 (d) (3); or

B. A manufacturer as defined herein that, together with affiliates, has 100 or fewer employees.

b. To be eligible for designation as a microbusiness, a business must meet all the qualifying criteria in sub paragraph (a), and in addition, must be either:

1. A business that, together with all affiliates, has annual gross of three million five hundred thousand dollars ($3,500,000) or less receipts as averaged for the previous three tax years, as adjusted by the department pursuant to Government Code Section 14837 (d) (3); or

2. A manufacturer as defined herein that, together with all affiliates, has 25 or fewer employees."

2. A Small Business **Joint Venture**—is defined in the California Code of Regulations, Definitions, section 1896.4.

"n. means an association of businesses established by written agreement to engage in and carry out a single business venture for joint profit, for which purpose they combine their efforts, property, money, skills and/or knowledge."

1896.12.c. "Joint ventures must be certified on a bid-by-bid basis. The joint

venture shall not be subject to the average annual gross receipts and employee limits imposed by this subchapter. However, each individual business participating in the joint venture must be certified as a small business."

Note: Joint Ventures formed at the prime contractor level are subject to the requirements of the Standard Provisions, Change in Contract Time(s), Article 3.08.

PART II: COMPLIANCE WITH SMALL MINORITY BUSINESS (SMBE), WOMEN'S BUSINESS (WBE), AND LABOR AREA SURPLUS FIRMS OUTREACH PROGRAM REQUIREMENTS

Each Bidder must complete this Bid Form and return it with the Bid.

The undersigned Bidder complies with the District's Small Business Outreach Program as indicated below. At least one box should be checked.

☐ 1. Bidder is qualified for a Small Business preference because it is a Certified Small Business.

☐ 2. Bidder is qualified for a Small Business preference because it has subcontracted:

☐ 30% ☐ 40% ☐ 50% of this job to Certified SMBE, WBE and Labor Area Surplus Businesses.

☑ 3. Bidder has made a Good Faith Effort to solicit CA DGS Small/Micro Business and Federal SMBE, WBE, and Labor Area Surplus Firms participation as demonstrated by documentation to be submitted by 5 p.m. on the 2nd day after Bid opening. Timely submission of these Forms is considered **material** by the District. Submission of documentation is only required from the firms submitting the three apparent low bids (see REQUIREMENTS FOR DEMONSTRATING GOOD FAITH EFFORT, Part IV. herein for documentation requirements).

PART III: CALCULATING THE SMALL BUSINESS PREFERENCE

A. Bidders receive a preference based on the following criteria:

1. Certified SMBE, WBE, and Labor Area Surplus Firms Business Bidders receive a 5 percent preference.

2. Non-SMBE, WBE, and Labor Area Surplus Firms Business Bidders with SMBE, WBE, and Labor Area Surplus Firms Business participation of:

   - 30% to 39% receive a 3% preference.
   - 40% to 49% receive a 4% preference.
   - 50% to 100% receive a 5% preference.

B. For purposes of calculating the Small Business preference, only the Base Bid amount (which excludes Supplemental and Additive/Deductive Bid Items) will be used.

The preference is calculated by subtracting the appropriate percent (3%, 4%, or 5%) of the low Base Bid from the qualifying firm's Total Bid.

Example 1:

Apparent low Bid (not a Small Business)	$600,000		Small/Micro Business Bid	$615,000
Total of Supplemental Bid Items _			5% Small Business Preference* _	-$28,000
Base Bid	$560,000		New apparent low bid	$587,000

*Small Business preference amount: $560,000 x .05 = $28,000

Example 2:

Apparent low Bid (not a Small Business)	$600,000		Small/Micro Business Bid	$615,000
Total of Supplemental Bid Items _	-$40,000		5% Small Business Preference* _	-$28,000
Base Bid	$560,000		New apparent low bid	$587,000

*Small Business preference amount: $560,000 x .05 = $28,000

C. The preference is only applied to determine the low bid. The priority for applying the preference will be in the following order:

1. SMBE, WBE, and Labor Area Surplus Firms submitting the lowest bid.

2. Non-Small Business subcontracting with the highest percent of SMBE, WBE, and Labor Area Surplus Firms submitting the lowest bid.

PART IV: REQUIREMENTS FOR DEMONSTRATING GOOD FAITH EFFORT

Bidders must submit documentation demonstrating that a Good Faith Effort was made. For further information and/or assistance, contact the Capital Program Planning and Analysis Unit Manager at (408) 630-2682.

No substitution of SMBE, WBE, and Labor Area Surplus Firms Business listed on the Affidavit will be made at any time without the written consent of the District. Substitution requests will only be considered for the reasons stated in Public Contract Code §4107. If a SMBE, WBE, and Labor Area Surplus Firms Business subcontractor/supplier substitution is requested, the Contractor must make a Good Faith Effort to replace the original firm with another SMBE, WBE, and Labor Area Surplus Firms subcontractor/supplier. Written documentation of such efforts must accompany each substitution request.

A. The Bidder(s) submitting the three apparent low bids must provide documentation of Good Faith Effort by 5 p.m. on the 2nd day after the Bid opening. Timely submission of these Forms is considered **material** by the District.

B. The Contractor is required to submit evidence of the six Affirmative Steps listed in Part I.B.

C. The District strongly recommends compliance with all 8 items listed below.

D. All documentation must be specific with verifiable names, addresses, phone numbers, dates, etc., to demonstrate that the Bidder made a Good Faith Effort to obtain Small Business participation in accordance with the criteria listed below and prior to the time bids are opened.

1. Attend the pre-bid meeting conducted by the District, for this project.

2. Efforts made to select portions of the work proposed to be performed by SMBE, WBE, and Labor Area Surplus Firms in order to increase the likelihood of achieving the participation goal (including, where appropriate, breaking down contracts into economicallyfeasible units to facilitate Small Business participation).

3. Advertise, not less than 10 calendar days before the date bids are due, in one or more daily or weekly general circulation media, trade association publications, minority or trade oriented publications, trade journals, or minority/women focused media, soliciting bids from subcontractors/suppliers/vendors for participation in the project.

4. Written documentation that the Bidder contacted a reasonable number of Federal DGS-certified SMBE, WBE, and Labor Area Surplus Firms to solicit interest for a specific portion(s) of the project in sufficient time to allow these businesses to obtain information on the project and consider bidding on work, which is to be performed by other than the prime contractor.

Verbal solicitations will be accepted, provided they are followed by written communication confirming the offer to Bid and are specific as to names, scope of work, etc.

5. Follow up initial solicitations of interest by contacting the SMBE, WBE, and Labor Area Surplus Firms to determine with certainty if they are interested in performing specific items of the project.

6. Efforts made to provide interested SMBE, WBE, and Labor Area Surplus Firms with adequate information about the plans, specifications, and requirements of the project.

7. Efforts made to negotiate in good faith with interested SMBE, WBE, and Labor Area Surplus Firms and not rejecting SMBE, WBE, and Labor Area Surplus Firms as unqualified without sound reasons. Provide a list of all SMBE, WBE, and Labor Area Surplus Firms submitting a Bid that was not used stating the reason for rejection.

8. Efforts made to assist interested SMBE, WBE, and Labor Area Surplus Firms in securing bonding, lines of credit, or insurance. This may include referral to local agencies specifically set up for this purpose.

PART V: SMBE, WBE, AND LABOR AREA SURPLUS FIRMS BUSINESS ENTERPRISE UTILIZATION REPORTING REQUIREMENT

Contractor payments to SMBE, WBE, and Labor Area Surplus Firms providing labor, services, materials, equipment, or supplies, including subcontractors, will be monitored monthly throughout the project. The Contractor is required to submit a monthly and final SMBE, WBE, and Labor Area Surplus Firms Utilization Report with the request for progress payments. Forms and instructions can be downloaded from the District's website at www.valleywater.org/construction. Sample forms and instructions are included in the Contract Documents, Appendix A.

AFFIDAVIT

SMBE, WBE, and Labor Area Surplus Firms Business Subcontractor List

The Bidder must complete this Affidavit listing the names of each Certified SMBE, WBE, and Labor Area Surplus Firms Business, at any tier, providing labor, services, materials, equipment, or supplies including subcontractors.

Contingent upon award of a Contract for:

CUNNINGHAM FLOOD DETENTION FACILITY CERTIFICATION PROJECT
(Name of Project)

(Name of Contractor)

Granite Rock Company will contract with the following SMBE, WBE, and Labor Area Surplus Firms firms:

NAME AND ADDRESS	DGS or OTHER CERTIFICATION NO.	TYPE OF WORK	AMOUNT OF SUBCONTRACT/ PURCHASE
1. KCI Environmental San Luis Obispo, CA	38162	landscaping	143 143 – 262000 –
2. Pacific Coast Drilling Santa Rosa, CA	43090	CIDH	~~312 000 =~~ PJ
3. Golden Bay Fence Stockton, CA	0019415	fence	145 500 –
4. Professional Tree Service Berkeley, CA	19519	tree removal	49 720 –
5.			

SMBE, WBE, and Labor Area Surplus Firms Business participation in this Contract is $600 363 – or 15.5 % of the total Bid. I declare, under penalty of perjury, that the above information is true and correct.

SIGNATURE BLOCK (Signature Block must be completed in *ink* and changes must be *initialed*.)	
Bidder's Signature: Rodney Jenny	Date: May 9, 2018
Bidder's Name and Title (Print): Rodney Jenny, Executive Vice President	

AFFIDAVIT

SMBE, WBE, and Labor Area Surplus Firms Business Subcontractor List

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Contingent upon award of a Contract for:

CUNNINGHAM FLOOD DETENTION FACILITY CERTIFICATION PROJECT
(Name of Project)

(Name of Contractor)

Granite Rock Company will contract with the following SMBE, WBE, and Labor Area Surplus Firms firms:

NAME AND ADDRESS	DGS or OTHER CERTIFICATION NO.	TYPE OF WORK	AMOUNT OF SUBCONTRACT/ PURCHASE
1.			
2.			
3.			
4.			
5.			

SMBE, WBE, and Labor Area Surplus Firms Business participation in this Contract is

$_____or_____% of the total Bid. I declare, under penalty of perjury,

that the above information is true and correct.

SIGNATURE BLOCK (Signature Block must be completed in *ink* and changes must be *initialed*.)	
Bidder's Signature: Rodney Jenny	Date: May 9, 2018
Bidder's Name and Title (Print): Rodney Jenny, Executive Vice President	

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Contingent upon award of a Contract for:

CUNNINGHAM FLOOD DETENTION FACILITY CERTIFICATION PROJECT
(Name of Project)

(Name of Contractor)

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NAME AND ADDRESS	DGS or OTHER CERTIFICATION NO.	TYPE OF WORK	AMOUNT OF SUBCONTRACT/ PURCHASE
1.			
2.			
3.			
4.			
5.			

SMBE, WBE, and Labor Area Surplus Firms Business participation in this Contract is

$_____or_____% of the total Bid. I declare, under penalty of perjury,

that the above information is true and correct.

SIGNATURE BLOCK (Signature Block must be completed in *ink* and changes must be *initialed*.)	
Bidder's Signature: Rodney Jenny	Date: May 9, 2018
Bidder's Name and Title (Print): Rodney Jenny, Executive Vice President	

*This form must be completed in **ink** and changes must be **initialed**.*

BE IT KNOWN BY THESE PRESENTS,

That we, Granite Rock Company, as PRINCIPAL,
and Western Surety Company, as SURETY,

are held and firmly bound unto the Santa Clara Valley Water District, hereinafter called the District, in the penal sum of TEN PERCENT (10%) OF THE TOTAL AMOUNT OF THE PROPOSAL of the Principal above named, submitted by said Principal to the Santa Clara Valley Water District, for the work described below, for the payment of which sum is lawful money of the United States, well and truly to be made, we bind ourselves, our heirs, executors, administrators and successors, jointly and severally, firmly by these presents. In no case shall the liability of the surety hereunder exceed the sum of $ ten percent (10%) of the total amount bid.

THE CONDITION OF THIS OBLIGATION IS SUCH,

That whereas the Principal has submitted the above mentioned Proposal to the District, for certain construction specifically described asfollows, for which Proposals are to be opened at San Jose, California, on June 4, 2018 (or such other date as specified per Addendum) for Cunningham Flood Detention Facility Certification Project Project No. 40264011 / Contract No. C0641.

NOW, THEREFORE, if the aforesaid Principal is awarded the Contract and, within the time and manner required under the Contract Documents, after the prescribed forms are presented to him for signature, enters into a written contract, in the prescribed form, in accordance with the Proposal, and files originals (copies are unacceptable) of the two bonds with the District, one to guarantee faithful performance and the other to guarantee payment for labor and materials, as required by law, then this obligation shall be null and void; otherwise, it shall be and remain in full force and virtue.

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.

IN WITNESS WHEREOF, we have hereunto set our hands and seal on the 29th day of May, 2018

PRINCIPAL: ~~GRANITE~~ ROCK COMPANY

Signature

KEVIN JEFFREY
Name

V.P. + SECRETARY
Title

5225 Hellyer Avenue, Suite 220
San Jose, CA 95138
Address

SURETY: WESTERN SURETY COMPANY

Signature

Joan DeLuca
Name (Seal)

Attorney-in-Fact
Title

555 Mission Street, Suite 200
San Francisco, CA 94105
Address

NOTE: 1. Original Bidder's Bond documents are required; copies are unacceptable.
2. Signature of those executing for Surety must be properly acknowledged.

Western Surety Company

POWER OF ATTORNEY APPOINTING INDIVIDUAL ATTORNEY-IN-FACT

Know All Men By These Presents, That WESTERN SURETY COMPANY, a South Dakota corporation, is a duly organized and existing corporation having its principal office in the City of Sioux Falls, and State of South Dakota, and that it does by virtue of the signature and seal herein affixed hereby make, constitute and appoint

Lawrence J Coyne, Charles R Shoemaker, Nancy L Hamilton, Roger C Dickinson, Stanley D Loar, Kelly Holtemann, Mark M Munekawa, Nerissa S Bartolome, Joan DeLuca, Yvonne Roncagliolo, Thomas E Hughes, Patrick R Diebel, Alicia Dass, Individually

of San Francisco, CA, its true and lawful Attorney(s)-in-Fact with full power and authority hereby conferred to sign, seal and execute for and on its behalf bonds, undertakings and other obligatory instruments of similar nature

- In Unlimited Amounts -

and to bind it thereby as fully and to the same extent as if such instruments were signed by a duly authorized officer of the corporation and all the acts of said Attorney, pursuant to the authority hereby given, are hereby ratified and confirmed.

This Power of Attorney is made and executed pursuant to and by authority of the By-Law printed on the reverse hereof, duly adopted, as indicated, by the shareholders of the corporation.

In Witness Whereof, WESTERN SURETY COMPANY has caused these presents to be signed by its Vice President and its corporate seal to be hereto affixed on this 17th day of August, 2017.

WESTERN SURETY COMPANY

Paul T. Bruflat, Vice President

State of South Dakota }
County of Minnehaha } ss

On this 17th day of August, 2017, before me personally came Paul T. Bruflat, to me known, who, being by me duly sworn, did depose and say: that he resides in the City of Sioux Falls, State of South Dakota; that he is the Vice President of WESTERN SURETY COMPANY described in and which executed the above instrument; that he knows the seal of said corporation; that the seal affixed to the said instrument is such corporate seal; that it was so affixed pursuant to authority given by the Board of Directors of said corporation and that he signed his name thereto pursuant to like authority, and acknowledges same to be the act and deed of said corporation.

My commission expires

June 23, 2021

J. MOHR
NOTARY PUBLIC
SOUTH DAKOTA

J. Mohr, Notary Public

CERTIFICATE

I, L. Nelson, Assistant Secretary of WESTERN SURETY COMPANY do hereby certify that the Power of Attorney hereinabove set forth is still in force, and further certify that the By-Law of the corporation printed on the reverse hereof is still in force. In testimony whereof I have hereunto subscribed my name and affixed the seal of the said corporation this 29th day of May, 2018.

WESTERN SURETY COMPANY

L. Nelson, Assistant Secretary

Form F4280-7-2012

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT **CIVIL CODE § 1189**

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 Marin)

On May 29, 2018 *Date* before me, K. Holtemann, Notary Public *Here Insert Name and Title of the Officer*,

personally appeared Joan DeLuca *Name(s) of Signer(s)*,

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

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

WITNESS my hand and official seal.

K. HOLTEMANN
Commission # 2084805
Notary Public - California
Marin County
My Comm. Expires Oct 31, 2018

Signature _____ *Signature of Notary Public*

Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: _____ Document Date: _____

Number of Pages: _____ Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____	Signer's Name: _____
☐ Corporate Officer — Title(s): _____	☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General	☐ Partner — ☐ Limited ☐ General
☐ Individual ☐ Attorney in Fact	☐ Individual ☐ Attorney in Fact
☐ Trustee ☐ Guardian or Conservator	☐ Trustee ☐ Guardian or Conservator
☐ Other: _____	☐ Other: _____
Signer Is Representing: _____	Signer Is Representing: _____

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*This form must be completed in **ink** and changes must be **initialed**.*

Iran Contracting Act Bid Certification
(Public Contract Code Sections 2202-2208)
Must be Completed for any Proposal of $1,000,000 or more

Public Contract Code (PCC) Sections 2200-2208 are known as the Iran Contracting Act of 2010 and prohibit public entities from contracting with companies that have specified business activities in Iran's petroleum sector. Companies seeking to bid on state or local government contracts are required to certify that they are not engaged in developing Iran's petroleum resources.

Prior to bidding on, submitting a proposal or executing a contract or renewal for a Santa Clara Valley Water District contract for goods or services of one million dollars ($1,000,000 or more), a person (vendor, firm, corporation, etc.) must either: a) certify it is **not** on the current list of persons engaged in investment activities in Iran created by the California Department of General Services ("DGS") pursuant to Public Contract Code Section 2203(b) and is not a financial institution extending twenty million dollars ($20,000,000) or more in credit to another person, for 45 days or more, if that other person will use the credit to provide goods or services in the energy sector in Iran and is identified on the current list of persons engaged in investment activities in Iran created by DGS; or b) demonstrate it has been exempted from the certification requirement for that solicitation or contract pursuant to Public Contract Code Section 2203(c) or (d). The DGS list is posted online at: (www.dgs.ca.gov, search "Iran Contracting Act List").

To comply with this requirement, please complete **one** of the options below. Please note: California law establishes penalties for providing false certifications, including civil penalties equal to the greater of $250,000 or twice the amount of the contract for which the false certification was made; contract termination; and three-year ineligibility to bid on contracts. (Public Contract Code Section 2205.)

Please complete one of the options below (see prior page for additional explanation).

OPTION NO.1—CERTIFICATION

I, the official named below, certify I am duly authorized to execute this certification on behalf of the person/financial institution identified below, and the person/financial institution identified below is **not** on the current list of persons engaged in investment activities in Iran created by DGS and is not a financial institution extending twenty million dollars ($20,000,000) or more in credit to another person/vendor, for 45 days or more, if that other person/vendor will use the credit to provide goods or services in the energy sector in Iran and is identified on the current list of persons engaged in investment activities in Iran created by DGS.

Name of Person (Vendor, Firm, Corporation, etc.)/Financial Institution (Printed):	Federal ID No. (or n/a):
Granite Rock Company	94-0519560
By (Authorized Signature):	
Printed Name and Title of Person Signing: Rodney Jenny, Executive Vice President	
Date Executed: May 9, 2018	Executed in (City & State): San Jose, California

OPTION NO. 2—EXEMPTION

Pursuant to Public Contract Code Sections 2203(c) and (d), a public entity may permit a person/financial institution engaged in investment activities in Iran, on a case-by-case basis, to be eligible for, or to bid on, submit a proposal for, or enter into or renew, a contract for goods and services.

If you have obtained an exemption from the certification requirement under the Iran Contracting Act, please fill out the information below, and attach documentation demonstrating the exemption approval.

Name of Person (Vendor, Firm, Corporation, etc.)/Financial Institution (Printed):	Federal ID No. (or n/a):
By (Authorized Signature):	
Printed Name and Title of Person Signing:	
Date Executed:	Executed in (City & State):

Certification Regarding Use of Contract Funds for Lobbying

*This form must be completed in **ink** and changes must be **initialed**.*

I, Rodney Jenny, Executive Vice President , hereby certify on behalf of Granite Rock Company 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 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 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" (See Appendix B) in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance is 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 the provisions of Title 31 U.S. Code Section 1352. Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

SIGNATURE BLOCK (Signature Block must be completed in *ink* and changes must be *initialed*.)	
Bidder's Signature: Rodney Jenny	Date: May 9, 2018
Bidder's Name and Title (Print): Rodney Jenny, Executive Vice President	

*This form must be completed in **ink** and changes must be **initialed**.*

In connection with the performance of Work under this Contract, the Contractor agrees as follows:

1. The Santa Clara Valley Water District (District) is an equal opportunity employer. Contractor shall comply with all applicable federal, state, and local laws and regulations including District's equal opportunity requirements. Such laws include but are not limited to the following:

   - Title VI and VII of the Civil Rights Act of 1964 as amended;
   - Americans with Disabilities Act of 1990;
   - The Rehabilitation Act of 1973 (sections 503 and 504);
   - Vietnam ERA Veterans' Readjustments Act of 1974;
   - California Fair Employment and Housing Act (Government Code Sections 12900 et seq.);
   - California Labor Code Sections 1101 and 1102.

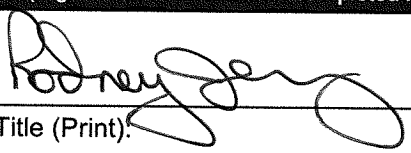
Contractor shall not discriminate against any Subcontractor, employee, or applicant for employment because of age, race, color, national origin, ancestry, religion, sex/gender, sexual orientation, mental disability, physical disability, medical condition, political beliefs, organizational affiliations, or marital status in the recruitment, selection for training including apprenticeship, hiring, employment, utilization, promotion, layoff, rates of pay or other forms of compensation. The Contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the awarding authority setting forth these requirements.

2. The Contractor herein certifies that:

   Paragraph 1 set forth above shall be included in all subcontracts.

   The Contractor shall notify all employees and all sources of employee referrals (including unions, employment agencies, advertisements, department of employment) of the required compliance with Paragraph 1 above.

The undersigned, in submitting a Bid Proposal for performing the following Work by Contract, hereby certifies that it will comply with the Equal Opportunity Requirements.

SIGNATURE BLOCK (Signature Block must be completed in *ink* and changes must be *initialed*.)	
Bidder's Signature: 	Date: May 9, 2018
Bidder's Name and Title (Print): Rodney Jenny, Executive Vice President	

*This form must be completed in **ink** and changes must be **initialed**.*

In accordance with Title 7 Code of Federal Regulations, Part 3017, the Bidder certifies that, except as noted below, he/she or any person associated therewith in the capacity of owner, partner, director, officer, and manager:

a. You are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded by any Federal department or agency;

b. Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

c. Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1) (b) of this certification; and

d. Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State, or local) terminated for cause or default.

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's responsibility. For any exception noted above, indicate below to whom it applies, initiating agency, and dates of action.

_____

_____

_____

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

SIGNATURE BLOCK (Signature Block must be completed in *ink* and changes must be *initialed*.)	
Bidder's Signature::	Date: May 9, 2018
Bidder's Name and Title (Print): Rodney Jenny, Executive Vice President	

NOTES:

- Providing false information may result in criminal prosecution or administrative sanctions.
- If this Affidavit is signed outside of the State of California, a notarized acknowledgement is required.