

July 3, 2023

VIA E-MAIL AND HAND DELIVERY

Maritza Martinez
Office of the Public Works Director
City of Coachella
53462 Enterprise Way
Coachella, California, 92236
mmartinez@coachella.org

**RE: URBAN HABITAT’S PROTEST OF SUPERB ENGINEERING AND KORMEX
CONSTRUCTION**
**Project: Las Lunas & Calle Bouganvilia Retention Basin Landscape Improvements City
of Coachella Project No. LL-01 & LL-05**

Dear Ms. Martinez,

We represent Urban Habitat with regard to its bid on the City of Coachella (the “City”) Las Lunas & Calle Bouganvilia Retention Basin Landscape Improvements City of Coachella Project No. LL-01 & LL-05. This letter serves as Urban Habitat’s formal protest against the first lowest bidder, Superb Engineering, and the second lowest bidder, Kormex Construction’s, bids. This bid protest is in compliance with the City’s Protest Instructions set forth in the Article 27. Superb and Kormex’s bids on the Project are non-responsive and not responsible thus must be rejected, as addressed in detail below. Urban Habitat requests that the City reject Superb and Kormex’s Bids and award the Project to Urban Habitat as the lowest responsive and responsible bidder.

**I. URBAN HABITAT’S BID PROTEST IS TIMELY AND IN COMPLIANCE WITH
ARTICLE 27.**

Urban Habitat timely submits this bid protest two business days after receiving copies of Superb and Kormex’s bids in compliance with Article 27. Article 27 provides in part:

Bidders may file a “protest” of a Bid with the City. In order for a Bidder’s protest to be considered valid, the protest must: Any bid protest must be in writing and received by City at the Office of the Public Works Director located at 53462 Enterprise Way, Coachella, California, 92236, before 5:00 P.M., no later than two working days following the bid opening (the "Bid Protest Deadline")

Here, the bids were opened on Tuesday, June 27th. That same day, Urban Habitat requested copies of Superb and Kormex’s bids to review in anticipation of protesting. To Urban Habitat’s request, the City

{3078 30117}

responded, "Give us some time to get it scanned and we will get it to you by next Monday after our July 1 event." Urban Habitat promptly responded:

Thank you, Vincent.

We just ask the city to allow us reasonable time to review what you send us before any deadline that may approach for us to respond.

Send whenever you can. (Emphasis added.)

Thereafter, copies of Superb and Kormex's bids were provided on Thursday June 29th. A true and correct copy of the email exchange between Urban Habitat and the City is attached hereto as **Exhibit A**. Two business days following receipt of Superb and Kormex's bids is today, Monday July 3, 2023. Therefore, Urban Habitat's bid protest is timely.

II. SUPERB AND KORMEX'S ARE NON-RESPONSIVE.

Superb and Kormex's bids are nonresponsive because (1) Superb fraudulently listed projects performed prior to its incorporation, (2) Superb fraudulently listed projects that were performed by its president's former employers, and (3) Kormex's bid is non-responsive as it fails to complete Section F(1) of its Bid.

A basic rule of competitive bidding is that bids must conform to specifications, and that if a bid does not so conform, it may not be accepted. A truly nonresponsive bid may be summarily denied by a public entity even if the bid is otherwise monetarily the best for the entity. *Great West Contractors, Inc. v. Irvine Unified School Dist.* (2010) 187 Cal.App.4th 1425, 1428. A bid is responsive if it promises to do what the bidding instructions demand. *Taylor Bus Service, Inc. v. San Diego Bd. of Education* (1987) 195 Cal.App.3d 1331, 1341. Usually, whether a bid is responsive can be determined from the face of the bid without outside investigation or information. *Id.* at 1342. The test for responsiveness focuses on the four corners of the bid documents and does not consider information or details outside of the bid and bid documents. *Great West Contractors, Inc., supra*, 187 Cal.App.4th 1425, 1428. When evaluating a bid, a public entity must follow the requirements of the Public Contract Code and any additional requirements it mandates in the bid documents. *Poza v. Department of Transp.* (1983) 145 Cal.App.3d 269 (emphasis added). A public entity may only waive minor or inconsequential irregularities in a bid, and bids that differ materially from the bid specifications must be rejected. *Ghilotti Construction Co. v. Richmond* (1996) 45 Cal. App. 4th. 897, 904.

Typically, the material terms of a bid, which are not waivable, are those that affect price, quantity, quality, or delivery, along with those terms that the bid package clearly identifies as mandatory. *Konica Business Machines v. Regents of the University of California* (1988) 206 Cal.App.3d 449, 454-455. A bid also fails to comply materially with the bid package if it gives the bidder an unfair competitive advantage over other bidders. *Ghilotti Construction Co., supra*, 45 Cal. App. 4th. at 904. Unfair advantages include those errors and omissions which would allow a contractor to withdraw its bid. *Valley Crest Landscape, Inc. v. City Council* (1996) 41 Cal.App.4th 1432, 1442. Finally, deviations that could be a vehicle for favoritism, influence potential bidders to refrain from bidding, or affect the ability of the party receiving the bids to make bid comparisons are material deviations that may not be

waived. *Konica Business Machines, supra*, 206 Cal.App.3d at 455. This remains true even if there is no actual evidence of favoritism or other improprieties. *Id.*

III. SUPERB'S BID SHOULD BE REJECTED AS NON-RESPONSIVE.

Superb's bid should be rejected as non-responsive because it failed to properly complete Section C, List of Completed Projects-Last Three Years. A true and correct copy of Superb's Bid is attached as **Exhibit B**. Superb, in attempt to mislead the City, listed projects that were completed prior to the date Superb was opened. Additionally, the projects that were listed were completed by other contractors, namely, Urban Habitat and Conserve Landcare. Superb's bid must be rejected for these reasons.

A. Superb's Bid Should be Rejected Because it Fraudulently Listed Projects That Were Completed Prior to its Incorporation.

Superb's Bid must be rejected because the Projects it listed on Section C were completed prior to Superb's opening. Section C of the Bid Form expressly provides, "Please include only those projects which are similar enough to demonstrate Bidder's ability to perform the required Work." This section is used to confirm that the bidder who is bidding the project has the requisite skill and knowledge to complete this project for the City. However, Superb has failed to list a single project it completed, instead, it attempts to take credit for projects there were completed by other contractors before Superb was even organized as a company!

Under the Section Bidder Information and Experience Form, page 30 of Superb's Bid, it states that the business was organized on May 25, 2023. Nevertheless, on Section C, List of Completed Projects-Last Three Years, page 34, Superb lists three projects, all completed prior to 2023. The first project, North La Quinta Landscape Renovation Improvements was completed in December 2022, six months before Superb was organized. The second project, City of Temecula K-8 STEAM Academy was completed in April 2021, two years before Superb was organized. Finally, the third project Superb listed, was City of Yorba Linda Medians and Transitions which was completed in August 2021, almost two years before Superb was organized. It is clear that Superb did not perform any of these projects and thus cannot demonstrate the required experience and skill to complete this project for the City.

B. Superb's Bid Should be Rejected Because it Deceitfully Listed Projects That Were Performed by the President, Estela Candelario's, Former Employers.

Superb's bid should also be rejected because it intentionally attempted to deceive the City by representing that it completed projects that were in fact completed by the president of Superb, Estela Candelario's former employers, Urban Habitat and Conserve Landcare. The first project, North La Quinta Landscape Renovation Improvements, DIR Project #427531, was actually a project that was awarded to and performed by Urban Habitat, the protester here. Ms. Candelario is a former employee of Urban Habitat. Nevertheless, Ms. Candelario lists this project to try to defraud the City into thinking her brand new company, Superb, performed the project. It did not. A true and correct copy of the Project Details for DIR Project #427531 from the DIR website is attached as **Exhibit C**.

The second project City of Temecula K-8 STEAM Academy, DIR Project #329357 was awarded to and performed by several contractors but not by Superb. A true and correct copy of the Project Details for DIR Project #329357 from the DIR website is attached as **Exhibit D**.

The third project Superb listed, City of Yorba Linda Medians and Transitions, DIR Project # 244396, was awarded to Conserve Landcare back in 2018, not Superb. A true and correct copy of the Project Details for DIR Project #244396 from the DIR website is attached as **Exhibit E**.

Based on this information, specifically, that Superb has attempted to deceive the City by misrepresenting the projects it has completed, Superb's bid should be rejected.

IV. KORMEX'S BID SHOULD BE REJECTED AS NON-RESPONSIVE.

Kormex's bid should also be deemed non-responsive by the City because it failed to complete the Bid Form. A true and correct copy of Kormex's Bid is attached hereto as **Exhibit F**. Specifically, on page 19 of Kormex's Bid Form, under Section F(1) it states:

F. The undersigned is hereby representing that it is and will be properly licensed both at the time that it submits a Bid as well as at the time the Contract is awarded, if the Contract is awarded to the undersigned.

1. Individual Contractor. Undersigned certifies that it is now licensed in accordance with the provisions of the Contractor's License Law of the State of California.

License number: N/A

Expiration date: N/A

License classification: N/A

Kormex fails to fill out this section with license information. By failing to complete this information, Kormex does not certify to the City that "it is now licensed in accordance with the provisions of the Contractor's License Law of the State of California" and that it will be "properly licensed both at the time that it submits a Bid as well as at the time the Contract is awarded." Kormex's failure to complete the Bid Form renders its bid non-responsive. Additionally, because this is a material certification required by the Bid Documents, Kormex's failure to fill out this section provides it with an unfair advantage because it would be allowed to withdraw its bid claiming an inadvertent clerical mistake, and thus, releasing its bid bond without consequence. This material advantage is why the City cannot waive this defect and why the City should reject Kormex's non-responsive bid.

V. CONCLUSION

Superb and Kormex's bids failed to comply with the requirements of the bid documents. The failures of Superb and Kormex to comply with the bid requirement, as identified in detail above, constitute material deviations from the Invitation for Bid. These failures provide Superb and Kormex with an

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unfair competitive advantage. Furthermore, Superb has attempted to defraud the City by listing projects that it was never awarded or completed. As a result of Superb and Kormex's bids being non-responsive, Urban Habitat requests the City reject Superb and Kormex's bids and award the Project to Urban Habitat as the lowest responsive and responsible bidder.

Urban Habitat is appreciative of the time the City has spent on this matter and hopes for a quick resolution.

Sincerely,



LAUREN B. STEC
Attorney at Law for the Firm
Enclosures

cc: *Via email only*
Estela Candelario dba Superb Engineering
President
estela@superb-engineering.com

Via email
Monick Lopez
President
Kormex Construction, Inc.
Fax: 909-218-5701
monick@kormexconstruction.com
dan@kormexconstruction.com

EXHIBIT A

Lauren B. Stec

To: Charles K. Stec
Subject: RE: RFP - Bid Opening (Las Lunas & Calle Bouganvilia Retention Basin Landscape Improvements LL-01 & LL-05)

From: Brett Brennan <brett@myurbanhabitat.com>
Date: Tuesday, June 27, 2023 at 4:24 PM
To: Vincent Orfano <vorfano@coachella.org>, Tony Ponce <tonyp@myurbanhabitat.com>
Cc: Theresa Brennan <theresa@myurbanhabitat.com>, Josie Lechuga <josie@myurbanhabitat.com>
Subject: Re: RFP - Bid Opening (Las Lunas & Calle Bouganvilia Retention Basin Landscape Improvements LL-01 & LL-05)

Thank you, Vincent.

We just ask the city to allow us reasonable time to review what you send us before any deadline that may approach for us to respond.

Send whenever you can.

Thanks Again.

Brett Brennan

CEO



PO Box 1177 · La Quinta, CA 92247
Office 760-345-1101 · Cell 661-877-8171 · Fax 855-469-4224

From: Vincent Orfano <vorfano@coachella.org>
Sent: Tuesday, June 27, 2023 4:19 PM
To: Tony Ponce <tonyp@myurbanhabitat.com>
Cc: Theresa Brennan <theresa@myurbanhabitat.com>; Josie Lechuga <josie@myurbanhabitat.com>; Brett Brennan <brett@myurbanhabitat.com>
Subject: RE: RFP - Bid Opening (Las Lunas & Calle Bouganvilia Retention Basin Landscape Improvements LL-01 & LL-05)

Hi Tony,
Give us some time to get it scanned and we will get it to you by next Monday after our July 1 event.

Thank you,
Vince

Vincent Orfano

Management Analyst
City of Coachella
53-462 Enterprise Way
Coachella, California 92236
vorfano@coachella.org
Main: 760.501.8100
Office: 760.501.8127



From: Tony Ponce <tonyp@myurbanhabitat.com>
Sent: June 27 23 4:18 PM
To: Vincent Orfano <vorfano@coachella.org>
Cc: Theresa Brennan <theresa@myurbanhabitat.com>; Josie Lechuga <josie@myurbanhabitat.com>; Brett Brennan <brett@myurbanhabitat.com>
Subject: RFP - Bid Opening (Las Lunas & Calle Bouganvilia Retention Basin Landscape Improvements LL-01 & LL-05)

Good Afternoon Vincent, we just spoke a few minutes ago.

This email is regarding our request to view the bid documents for the 2 lowest bidders on Las Lunas & Calle Bougainvillea. (Superb Engineering & Kormex Construction Inc).

Your help with this is greatly appreciated.

Thanks.

Tony Ponce
Estimating and Sales Manager



Physical Address: 47250 Washington St., Ste. B, La Quinta, CA 92253
Mailing Address: PO Box 1177 · La Quinta, CA 92247
Office 760-345-1101 · Cell 760-972-2192 · Fax 855-469-4224
California License 963744

EXHIBIT B

BID FORMS

BID ACKNOWLEDGMENT

Bids will be received at the City of Coachella, Corporate Yard, 53462 Enterprise Way, Coachella, California 92236, until 2:00 P.M. June 22, 2023.

LAS LUNAS & CALLE BOUGANVILIA RETENTION BASIN LANDSCAPE IMPROVEMENTS CITY PROJECT NO. LL-01 & LL-05

NAME OF BIDDER: Superb Engineering

To the City of Coachella, a municipal corporation, organized under the laws of the State of California, with its principal place of business at 53990 Enterprise Way, Coachella, CA 92236.

- A. In response to the Notice Inviting Bids for the **Las Lunas & Calle Bouganvilia Retention Basin Landscape Improvements, City Project No. LL-01 & LL-05** and in accordance with the accompanying Instructions to Bidders, the undersigned hereby proposes to the City to furnish all labor, technical and professional services, supervision, materials and equipment, other than materials and equipment specified as furnished by the City, and to perform all operations necessary and required to construct the Project in accordance with the provisions of the Contract Documents and any addenda thereto, and at the prices stated opposite the respective items set forth in the Bid Schedule.
- B. This Bid constitutes a firm offer to the City which cannot be withdrawn for 90 days after the date set for opening of Bids, or until a Contract is executed by the City and a third party, whichever is earlier.
- C. The undersigned certifies that it has examined and is fully familiar with all of the provisions of the Contract Documents and any addenda thereto; that it has carefully checked all of the words and figures shown in its Bid Schedule; that it has carefully reviewed the accuracy of all statements in this Bid and attachments hereto; and that it understands and agrees that the City will not be responsible for any errors or omissions on the part of the undersigned in preparing this Bid.
- D. If awarded a Contract, the undersigned agrees to execute and deliver to the City within ten (10) calendar days after date of receipt of Notice of Award, a signed Contract and the necessary Performance Bond, Payment Bond, and Certificates of Insurance and Endorsements.
- E. The following Bid Forms, which have been completed and executed by the undersigned Bidder, are incorporated by this reference and made a part of this Bid:
 1. Bid Schedule
 2. Bid Guarantee in the amount of not less than 10% of the Total Bid Price.
 3. Completed Designation of Subcontractors form.

4. Fully executed Noncollusion Declaration form.
 5. Completed Iran Contracting Act Certification form.
 6. Completed Public Works Contractor DIR Registration Certification form.
 7. Completed Drug-Free Workplace Form
 8. Completed Contractor's Certificate Regarding Workers' Compensation Form
 9. Completed Bidder Information and Experience Form.
- F. The undersigned is hereby representing that it is and will be properly licensed both at the time that it submits a Bid as well as at the time the Contract is awarded, if the Contract is awarded to the undersigned.

1. Individual Contractor. Undersigned certifies that it is now licensed in accordance with the provisions of the Contractor's License Law of the State of California.

License number 1074243

Expiration date 3/31/2025

License classification A

1. Joint Venture. Undersigned certifies that the individual members of the joint venture are now licensed in accordance with the provisions of the Contractor's License Law of the State of California.

Member No. 1

Name N/A

License number _____

Expiration date _____

License classification _____

Member No. 2

Name N/A

License number _____

Expiration date _____

License classification _____

(If there are more than two members of the joint venture, attach a page for the additional member(s) with the above information.)

The undersigned acknowledges receipt, understanding, and full consideration of the following addenda to the Contract Documents:

Addenda No. 1

[SIGNATURE ON NEXT PAGE]

I hereby certify under penalty of perjury under the laws of the State of California that all of the information submitted in connection with this Bid and all of the representations made herein are true and correct.

BIDDER:

Bidder's Business Address:

Superb Engineering

1052 Oregon Trail

(Company Name)

Banning, CA 92220

By  _____
(Signature)

Estela Candelario
(Type or print name)

President
(Title)

Banning, CA
(Where signed) (City, State)

Dated June 27, 2023

(corporate seal)

State of Incorporation: California

(If the Prime Contractor is a corporation, two signatures of corporate officers are required.)

Names and addresses of all partners or joint venturers:

N/A

Statement of the authority of signatory to bind Bidder:

N/A

BID FORM
UPDATED 06/16/2023

NAME OF BIDDER: Superb Engineering

The undersigned, hereby declare that we have carefully examined the location of the proposed Work, and have read and examined the Contract Documents, including all plans, specifications, and all addenda, if any, for the following Project:

**LAS LUNAS & CALLE BOUGANVILIA RETENTION
BASIN LANDSCAPE IMPROVEMENTS
CITY PROJECT NO. LL-01 & LL-05**

Unit prices in each and every case represent the true unit price used in preparing the bid schedule totals (Bid Form). Unit prices listed herein include material, installation and appurtenant work as is necessary to have the item complete in place, and operational, meeting the full intent of the plans and specifications. Items marked with an (F) shall be considered a "Final Pay Quantity" Item and paid to the maximum quantity as listed.

It is understood that the basis of award shall be the lowest total price of the sum of the Base Bid.

We hereby propose to furnish all labor, materials, equipment, tools, transportation, and services, and to discharge all duties and obligations necessary and required to perform and complete the Project for the following TOTAL BID PRICE:

BASE BID					
Item No.	Item Description	Est. Qty.	Unit	Unit Price (in figures) Dollars	Item Total (in figures) Dollars
1	Mobilization	1	LS	\$ 7,000.00	\$ 7,000.00
2	Dust Control/Stormwater Best Management Practices (BMP's)	1	LS	\$ 1,800.00	\$ 1,800.00
3	Traffic Control/Site Protection	1	LS	\$ 950.00	\$ 950.00
4	Irrigation (Las Lunas Basin)	1	LS	\$ 25,500.00	\$ 25,500.00
5	Irrigation (Calle Bouganvilia Basin)	1	LS	\$ 17,700.00	\$ 17,700.00
6	15 Gallon Tree	9	EA	\$ 160.00	\$ 1,440.00
7	5 Gallon Shrub/Plant	182	EA	\$ 30.00	\$ 5,460.00

BASE BID					
Item No.	Item Description	Est. Qty.	Unit	Unit Price (in figures) Dollars	Item Total (in figures) Dollars
8	Crushed 3/4" Stone Ground Cover (California Gold)	23,800	SF	\$ 1.88	\$ 44,744.00
9	Crushed 3/4" Stone Ground Cover (Apache Brown)	9,100	SF	\$ 2.15	\$ 19,565.00
10	Rubble (3" - 6" Cobble) (Vista Gold fractured Rock)	3,400	SF	\$ 6.70	\$ 22,780.00
11	90-Day Maintenance Period	1	LS	\$ 1,100.00	\$ 1,100.00
12	Solar Light w/ Foundation	5	EA	\$ 5,800.00	\$ 29,000.00
Total Amount – Base Bid					\$ 177,039.00

Grand Total of Base Bid:

One Hundred Seventy-Seven Thousand Thirty Nine Dollars

(Words)

\$ 177,039.00

(Figure)

The costs for any Work shown or required in the Contract Documents, but not specifically identified as a line item are to be included in the related line items and no additional compensation shall be due to Contractor for the performance of the Work.

All blank spaces appearing above must be filled in. Failure to fill in any blank spaces may render the bid non-responsive. In the event of discrepancy between the Unit Price and Item Cost set forth for a unit basis item, the Unit Price shall prevail and be utilized as the basis for determining the lowest responsive, responsible Bidder. However, if the amount set forth as a Unit Price is ambiguous, unintelligible or uncertain for any cause, or is omitted, or is the same amount as the entry in the Item Cost column, then the amount set forth in the Item Cost 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.

For purposes of evaluating Bids, the City will correct any apparent errors in the extension of unit prices and any apparent errors in the addition of lump sum and extended prices.

The estimated quantities for Unit Price items are approximate and for purposes of comparing Bids only, and the City makes no representation that the actual quantities of work performed will not vary from the estimates. Final payment shall be determined by the Engineer from measured quantities of work performed based upon the Unit Price. A Contract Quantity Adjustment Change

Order will be issued upon the completion of the project to adjust the Contract Quantities and Amounts accordingly.

The undersigned agrees that this Bid Schedule constitutes a firm offer to the City which cannot be withdrawn for the number of calendar days indicated in the Notice Inviting Bids from and after the Bid opening, or until a Contract for the Work is fully executed by the City and a third party, whichever is earlier.

If the Contract Documents specify Alternate Bid items, the City can choose to include any, all, or none of the Alternate Bid items of Work into the executed Contract. If the City selects any of the Alternate Bid items, the corresponding Alternate Bid prices shall be added to or deducted from Base Bid Price for the Work. The City can award/select Alternate Bid items at any time(s).

Name of Bidder Superb Engineering

Signature 

Name and Title Estéla Candelario - President

Dated 6/27/23

BID GUARANTEE

BID BOND

[Note: Not required when other form of Bidder's Security, e.g. cash, certified check or cashier's check, accompanies Bid.]

The makers of this bond are, Superb Engineering, as Principal, and PHILADELPHIA INDEMNITY INSURANCE COMPANY, as Surety and are held and firmly bound unto the City of Coachella, a municipal corporation, organized under the laws of the State of California, with its principal place of business at 53990 Enterprise Way, Coachella, California 92236, hereinafter called the City, in the penal sum of TEN PERCENT (10%) OF THE TOTAL BID PRICE of the Principal submitted to the City for the work described below, for the payment of which sum in lawful money of the United States, well and truly to be made, we bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

THE CONDITION OF THIS OBLIGATION IS SUCH that whereas the Principal has submitted the accompanying bid dated June 27, 2023, for **Las Lunas & Calle Bouganvilia Retention Basin Landscape Improvements, City Project No. LL-01 & LL-05.**

If the Principal does not withdraw its Bid within the time specified in the Contract Documents; and if the Principal is awarded the Contract and provides all documents to the City as required by the Contract Documents; then this obligation shall be null and void. Otherwise, this bond will remain in full force and effect.

Surety, for value received, hereby stipulates and agrees that no change, extension of time, alteration or addition to the terms of the Contract Documents shall affect its obligation under this bond, and Surety does hereby waive notice of any such changes.

In the event a lawsuit is brought upon this bond by the City and judgment is recovered, the Surety shall pay all litigation expenses incurred by the City in such suit, including reasonable attorneys' fees, court costs, expert witness fees and expenses.

IN WITNESS WHEREOF, the above-bound parties have executed this instrument under their several seals this 27th day of June, 2023, the name and corporate seal of each corporation.

(Corporate Seal)

Superb Engineering
Contractor/ Principal

By 

Title President

(Corporate Seal)

PHILADELPHIA INDEMNITY INSURANCE COMPANY
Surety

By 

Attorney-in-Fact
Title Mark D. Leskanic, Attorney-in-Fact

(Attach Attorney-in-Fact Certificate)

Notary Acknowledgment

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

STATE OF Massachusetts
COUNTY OF Middlesex

On June 27th, 2023, before me, Krista Fletcher, Notary Public, personally appeared Mark D. Leskanic, 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.



Krista Fletcher
Signature of Notary Public

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.

CAPACITY CLAIMED BY SIGNER

- Individual
 Corporate Officer

Title(s)

- Partner(s) Limited
 General

- Attorney-In-Fact
 Trustee(s)
 Guardian/Conservator
 Other:

Signer is representing:
Name Of Person(s) Or Entity(ies)

DESCRIPTION OF ATTACHED DOCUMENT

Bid Bond

Title or Type of Document

One (1)

Number of Pages

June 27, 2023

Date of Document

Signer(s) Other Than Named Above

NOTE: This acknowledgment is to be completed for the Attorney-in-Fact. The Power-of-Attorney to local representatives of the bonding company must also be attached.

END OF BID BOND

PHILADELPHIA INDEMNITY INSURANCE COMPANY

One Bala Plaza, Suite 100
Bala Cynwyd, PA 19004-0950

Power of Attorney

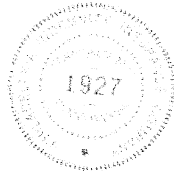
KNOW ALL PERSONS BY THESE PRESENTS: That **PHILADELPHIA INDEMNITY INSURANCE COMPANY** (the Company), a corporation organized and existing under the laws of the Commonwealth of Pennsylvania, does hereby constitute and appoint **Mark D. Lesknic; Bette A. Botticello; Greg Angel; Matthew Lesknic OF THE TOWN OF NATICK, STATE OF MASSACHUSETTS** its true and lawful Attorney-in-fact with full authority to execute on its behalf bonds, undertakings, recognizances and other contracts of indemnity and writings obligatory in the nature thereof, issued in the course of its business and to bind the Company thereby, in an amount not to exceed **\$50,000,000.**

This Power of Attorney is granted and is signed and sealed by facsimile under and by the authority of the following Resolution adopted by the Board of Directors of PHILADELPHIA INDEMNITY INSURANCE COMPANY on the 14th of November, 2016.

RESOLVED: That the Board of Directors hereby authorizes the President or any Vice President of the Company: (1) Appoint Attorney(s) in Fact and authorize the Attorney(s) in Fact to execute on behalf of the Company bonds and undertakings, contracts of indemnity and other writings obligatory in the nature thereof and to attach the seal of the Company thereto; and (2) to remove, at any time, any such Attorney-in-Fact and revoke the authority given. And, be it

FURTHER RESOLVED: That the signatures of such officers and the seal of the Company may be affixed to any such Power of Attorney or certificate relating thereto by facsimile, and any such Power of Attorney so executed and certified by facsimile signatures and facsimile seal shall be valid and binding upon the Company in the future with respect to any bond or undertaking to which it is attached.

IN TESTIMONY WHEREOF, PHILADELPHIA INDEMNITY INSURANCE COMPANY HAS CAUSED THIS INSTRUMENT TO BE SIGNED AND ITS CORPORATE SEAL TO BE AFFIXED BY ITS AUTHORIZED OFFICE THIS 5TH DAY OF MARCH, 2021.



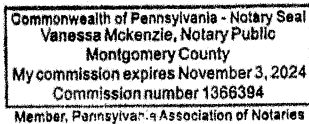
(Seal)

John Glomb, President & CEO
Philadelphia Indemnity Insurance Company

On this 5th day of March, 2021 before me came the individual who executed the preceding instrument, to me personally known, and being by me duly sworn said that he is the therein described and authorized officer of the **PHILADELPHIA INDEMNITY INSURANCE COMPANY**; that the seal affixed to said instrument is the Corporate seal of said Company; that the said Corporate Seal and his signature were duly affixed.

Notary Public:

Vanessa mckenzie



residing at:

Bala Cynwyd, PA

My commission expires:

November 3, 2024

I, Edward Sayago, Corporate Secretary of PHILADELPHIA INDEMNITY INSURANCE COMPANY, do hereby certify that the foregoing resolution of the Board of Directors and the Power of Attorney issued pursuant thereto on the 5th day March, 2021 are true and correct and are still in full force and effect. I do further certify that John Glomb, who executed the Power of Attorney as President, was on the date of execution of the attached Power of Attorney the duly elected President of PHILADELPHIA INDEMNITY INSURANCE COMPANY.

In Testimony Whereof I have subscribed my name and affixed the facsimile seal of each Company this 27th day of June, 2023



Edward Sayago, Corporate Secretary
PHILADELPHIA INDEMNITY INSURANCE COMPANY

PHILADELPHIA INDEMNITY INSURANCE COMPANY

Statutory Statements of Admitted Assets, Liabilities and Capital and Surplus (in thousands, except par value and share amounts)

Admitted Assets

	As of December 31,	
	<u>2022</u>	<u>2021</u>
Bonds (fair value \$7,902,637 and \$8,447,694)	\$ 8,709,823	\$ 8,102,442
Preferred stocks (fair value \$14,560 and \$19,262)	14,560	19,262
Common stocks (cost \$24,136 and \$44,923)	28,395	43,194
Mortgage loans	1,074,734	957,986
Real estate	21,779	29,408
Other invested assets (cost \$212,500 and \$194,229)	234,138	218,926
Receivables for securities sold	476	152
Cash, cash equivalents and short-term investments	<u>95,212</u>	<u>128,587</u>
Cash and invested assets	10,179,117	9,499,957
Premiums receivable, agents' balances and other receivables	955,218	914,676
Reinsurance recoverable on paid loss and loss adjustment expenses	64,607	45,200
Accrued investment income	88,001	74,000
Receivable from affiliates	4,406	5,171
Federal income taxes receivable	21,231	8,144
Net deferred tax assets	150,526	141,943
Other assets	<u>11,196</u>	<u>9,953</u>
Total admitted assets	<u>\$ 11,474,302</u>	<u>\$ 10,699,044</u>

Liabilities and Capital and Surplus

Liabilities:

Unpaid loss and loss adjustment expenses	\$ 5,680,508	\$ 5,436,808
Unearned premiums	1,766,050	1,658,339
Reinsurance payable on paid loss and loss adjustment expenses	39,160	35,820
Ceded reinsurance premiums payable	119,157	130,474
Commissions payable, contingent commissions and other similar charges	247,996	228,628
Funds held	82,555	77,317
Payable to affiliates	21,337	19,465
Provision for reinsurance	678	471
Payable for securities purchased	42,426	19,045
Accrued expenses and other liabilities	<u>58,292</u>	<u>47,213</u>
Total liabilities	<u>8,058,159</u>	<u>7,653,580</u>

Capital:

Common stock, par value of \$10 per share; 1,000,000 shares authorized, 450,000 shares issued and outstanding	4,500	4,500
---	-------	-------

Surplus:

Gross paid-in and contributed surplus	386,071	386,071
Unassigned surplus	<u>3,025,572</u>	<u>2,654,893</u>
Total surplus	<u>3,411,643</u>	<u>3,040,964</u>
Total capital and surplus	<u>3,416,143</u>	<u>3,045,464</u>
Total liabilities and capital and surplus	<u>\$ 11,474,302</u>	<u>\$ 10,699,044</u>

The undersigned, being duly sworn, says: That she is the Executive Vice President and Chief Financial Officer of Philadelphia Indemnity Insurance Company; that said Company is a corporation duly organized in the state of Pennsylvania, and licensed and engaged in the State of Pennsylvania and has duly complied with all the requirements of the laws of the said State applicable of the said Company and is duly qualified to act as Surety under such laws; that said Company has also complied with and is duly qualified to act as Surety under the Act of Congress. And that to the best of her knowledge and belief the above statement is a full, true and correct statement of

Attest:

Commonwealth of Pennsylvania - Notary Seal Kimberly A. Kessleski, Notary Public Montgomery County My commission expires December 18, 2024 Commission number 1245769 Member, Pennsylvania Association of Notaries

Sworn to before me this 6th day of June 2023.

DocuSigned by:

Karen Gilmer-Panciello

Karen Gilmer-Panciello, EVP & CFO

Kimberly Kessleski
 Kimberly Kessleski, Notary

Notary Acknowledgment

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

STATE OF CALIFORNIA
 COUNTY OF Riverside

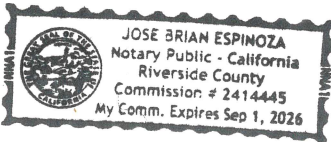
On 6/27/2023, 2023, before me, Jose Brian Espinoza, Notary Public, personally appeared Estela Candelario, who proved to me on the basis of satisfactory

Name(s) of Signer(s)

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.



Jose B E
 Signature of Notary Public

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.

CAPACITY CLAIMED BY SIGNER

- Individual
- Corporate Officer

Title(s)

- Partner(s)
 - Limited
 - General
- Attorney-In-Fact
- Trustee(s)
- Guardian/Conservator
- Other:

Signer is representing:
 Name Of Person(s) Or Entity(ies)

DESCRIPTION OF ATTACHED DOCUMENT

Title or Type of Document

Number of Pages

Date of Document

Signer(s) Other Than Named Above

NOTE: This acknowledgment is to be completed for Contractor/Principal.

DESIGNATION OF SUBCONTRACTORS

The subcontractor listed below will perform work or labor or render service to the contractor in or about the construction of the work or improvement, or are subcontractors licensed by the State of California who will, under subcontract to the contractor, specially fabricate and install a portion of the work or improvement according to detailed drawings contained in the Contract Documents, in an amount in excess of one-half of one percent (1/2 of 1%) of the contractor's total bid or \$10,000, whichever is greater. No additional time shall be granted to provide the below requested information.

In compliance with the Subletting and Subcontracting Fair Practices Act Chapter 4 (commencing at Section 4100), Part 1, Division 2 of the California Public Contract Code, the Bidder shall set forth below:

- (a) The portion/percentage of the work to be done by the subcontractor;
- (b) The name and the location of the place of business;
- (c) The California contractor license number; and
- (d) The DIR public works contractor registration number.


If a Bidder fails to specify a subcontractor or if a Bidder specifies more than one subcontractor for the same portion of work, then the Bidder shall be deemed to have agreed that it is fully qualified to perform that portion of work and that it shall perform that portion itself. **If the contractor intends to "Self Perform" all of the work and not utilize any subcontractors, the contractor shall then mark or insert "N/A" on the Subcontractor List form to indicate that the contractor does not intend to utilize any subcontractors to perform any portions of the work. Failure to do so, may deem the bid "Non-Responsive".**

% of Work	Name of Subcontractor & Description of the Work	Location of Business	CSLB Contractor License #	DIR Registration Number
3	Towers Electric	Palm Desert, CA	997250	1000413408

% of Work	Name of Subcontractor & Description of the Work	Location of Business	CSLB Contractor License #	DIR Registration Number

(Attach additional sheets if necessary)

Name of Bidder Superb Engineering

Signature 

Name and Title Estela Candelario, President

Dated 6/27/23

BIDDER INFORMATION AND EXPERIENCE FORM

A. INFORMATION ABOUT BIDDER

(Indicate not applicable ("N/A") where appropriate.)

NOTE: Where Bidder is a joint venture, pages shall be duplicated and information provided for all parties to the joint venture.

- 1.0 Name of Bidder: Superb Engineering
- 2.0 Type, if Entity: Sole Proprietorship
- 3.0 Bidder Address: 1052 Oregon Trail Banning, CA 92220

(909) 262-4626

Facsimile Number Telephone Number

estela@superb-engineering.com

Email Address
- 4.0 How many years has Bidder's organization been in business as a Contractor?
Less than a year
- 5.0 How many years has Bidder's organization been in business under its present name? Less than a year
 - 5.1 Under what other or former names has Bidder's organization operated?
N/A
- 6.0 If Bidder's organization is a corporation, answer the following:
 - 6.1 Date of Incorporation: N/A
 - 6.2 State of Incorporation: _____
 - 6.3 President's Name: _____
 - 6.4 Vice-President's Name(s): _____

 - 6.5 Secretary's Name: _____
 - 6.6 Treasurer's Name: _____

7.0 If an individual or a partnership, answer the following:

7.1 Date of Organization: 5/25/23

7.2 Name and address of all partners (state whether general or limited partnership):

N/A

8.0 If other than a corporation or partnership, describe organization and name principals:

Sole proprietorship - Estela Candelario

9.0 List other states in which Bidder's organization is legally qualified to do business.

Only in California

10.0 What type of work does the Bidder normally perform with its own forces?

Irrigation, landscaping and groundcover.

11.0 Has Bidder ever failed to complete any work awarded to it? If so, note when, where, and why:

No

12.0 Within the last five years, has any officer or partner of Bidder's organization ever been an officer or partner of another organization when it failed to complete a contract? If so, attach a separate sheet of explanation:

No

13.0 List Trade References:

Maria Ojeda & Associates - (562) 619-6193

Imperial Sprinkler Supply - (760) 574-4142

Southwest Boulder & Stone - (760) 451-3333

14.0 List Bank References (Bank and Branch Address):

Chase - 1693 2nd St. Beaumont, CA 92223

15.0 Name of Bonding Company and Name and Address of Agent:

Philadelphia Indemnity Insurance Company

Colin Warner - (781) 559-0569

205 Union St. 2nd Floor Natick, MA 01760

[REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK]

C. LIST OF COMPLETED PROJECTS – LAST THREE YEARS

[**Duplicate Page if needed for listing additional completed projects. **]

Please include only those projects which are similar enough to demonstrate Bidder’s ability to perform the required Work.

Project	Client Reference (Agency Name/Contact Info)	Description of Bidder’s Work	Completion Date	Cost of Bidder’s Work
North La Quinta Landscape Renovation Improvements	City of La Quinta Ubaldo Ayon (760) 777-7000	Concrete, irrigation, landscape and electrical work in medians.	12/22	\$685,000.00
K-8 STEAM Academy	City of Temecula/Bogh Jose Loza (951) 400-2420	Irrigation and landscape of a new K-8 school	4/21	\$789,000.00
Medians Transition Phase 3 and 4	City of Yorba Linda Jesse Gutierrez (714) 984-5930	Irrigation and landscape in medians.	8/21	\$1,299,000.00

D. EXPERIENCE AND TECHNICAL QUALIFICATIONS QUESTIONNAIRE

Personnel:

The Bidder shall identify the key personnel to be assigned to this project in a management, construction supervision or engineering capacity.

1. List each person's job title, name and percent of time to be allocated to this project:

Estela Candelario - President: 60%

Raul Ponce - Superintendent: 100%

2. Summarize each person's specialized education:

Estela Candelario: B.S. degree in Construction Management.

Raul Ponce: N/A

3. List each person's years of construction experience relevant to the project:

Estela Candelario: 10 years in the construction business.

4. Summarize such experience:

Highly experienced and dedicated team with a proven track record of successfully overseeing public works projects throughout their careers possessing extensive knowledge of construction processes.

Bidder agrees that personnel named in this Bid will remain on this Project until completion of all relevant Work, unless substituted by personnel of equivalent experience and qualifications approved in advance by the City.

E. ADDITIONAL BIDDER'S STATEMENTS:

If the Bidder feels that there is additional information which has not been included in the questionnaire above, and which would contribute to the qualification review, it may add that information in a statement here or on an attached sheet, appropriately marked:

N/A

Name of Bidder Superb Engineering

Signature



Name and Title President

Dated 6/27/23

NON-COLLUSION DECLARATION

The undersigned declares:

I am the President of Superb Engineering, the party making the foregoing Bid.

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. 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, to any corporation, partnership, company, association, organization, bid depository, or to any member or agent thereof to effectuate a collusive or sham bid, and has not paid, and will not pay, any person or entity for such purpose.

Any person executing this declaration 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 declaration on behalf of the Bidder.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration is executed on June 27, 2023 [date], at Banning [city], CA [state].

Name of Bidder Superb Engineering

Signature 

Name and Title Estela Candelario, President

Dated 6/27/23

IRAN CONTRACTING ACT CERTIFICATION

(Public Contract Code section 2200 et seq.)

As required by California Public Contract Code Section 2204, the Contractor certifies subject to penalty for perjury that the option checked below relating to the Contractor's status in regard to the Iran Contracting Act of 2010 (Public Contract Code Section 2200 *et seq.*) is true and correct:

The Contractor is not:

(1) identified on the current list of person and entities engaged in investment activities in Iran prepared by the California Department of General Services in accordance with subdivision (b) of Public Contract Code Section 2203; or

(2) a financial instruction that extends, for 45 days or more, credit in the amount of \$20,000,000 or more to any other person or entity identified on the current list of persons and entities engaging in investment activities in Iran prepared by the California Department of General Services in accordance with subdivision (b) of Public Contract Code Section 2203, if that person or entity uses or will use the credit to provide goods or services in the energy sector in Iran.

The City has exempted the Contractor from the requirements of the Iran Contracting Act of 2010 after making a public finding that, absent the exemption, the City will be unable to obtain the goods and/or services to be provided pursuant to the Contract.

The amount of the Contract payable to the Contractor for the Project does not exceed \$1,000,000.

Signature: _____ 

Printed Name: Estela Candelario

Title: President

Firm Name: Superb Engineering

Date: 6/27/23

Note: In accordance with Public Contract Code Section 2205, false certification of this form shall be reported to the California Attorney General and may result in civil penalties equal to the greater of \$250,000 or twice the Contract amount, termination of the Contract and/or ineligibility to bid on contracts for three years.

ASBESTOS-FREE MATERIALS CERTIFICATION

The undersigned declares that he or she is the person who executed the bid for the **Las Lunas & Calle Bouganvilia Retention Basin Landscape Improvements, City Project No. LL-01 & LL-05** (hereinafter referred to as the "Project"), and submitted it to the **City of Coachella** (hereinafter referred to as the "City") on behalf of Superb Engineering (hereinafter referred to as the "Contractor").

To the best of my knowledge, information and belief, in completing the Contractor's Work for the Project, no material furnished, installed or incorporated into the Project will contain, or in itself be composed of, any materials listed by the federal or state EPA or federal or state health agencies as a hazardous material.

Any disputes involving the question of whether or not material installed with asbestos-containing equipment is settled by electron microscopy; the cost of any such tests shall be paid by the Contractor.

All work or materials installed by the Contractor which is found to contain asbestos, or work or material installed with asbestos-containing equipment, will be immediately rejected and this work shall be removed and replaced by the Contractor at no additional cost to the City.

Decontamination and removal of work found to contain asbestos or work installed with asbestos-containing equipment shall be done only under supervision of a qualified consultant, knowledgeable in the field of asbestos abatement and accredited by the Environmental Protection Agency.

The ASBESTOS REMOVAL CONTRACTOR shall be an EPA accredited contractor qualified in the removal of asbestos and shall be chosen and approved by the Asbestos Consultant who shall have sole discretion and final determination in this matter.

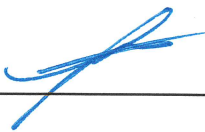
The asbestos consultant shall be chosen and approved by the Construction Manager/Architect or the City who shall have sole discretion and final determination in this matter.

The work will be not accepted until asbestos contamination is reduced to levels deemed acceptable by the Asbestos Consultant.

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

Executed on this 27 day of June, 2023 at Banning, CA 92220.

Name of Contractor (Print or Type)

By  _____
Signature

Estela Candelario _____
Print Name

CALIFORNIA ACKNOWLEDGMENT

CIVIL CODE § 1189

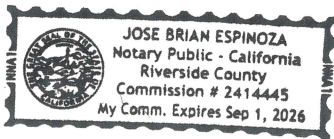
A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Riverside
On 6/27/2023 before me, Jose Brian Espinoza Notary Public
personally appeared Estela Candelario

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.



Place Notary Seal and/or Stamp Above

Signature Jose B E
Signature of Notary Public

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:
Corporate Officer - Title(s):
Partner - Limited General
Individual Attorney in Fact
Trustee Guardian or Conservator
Other:
Signer is Representing:

RECYCLED CONTENT CERTIFICATION

The undersigned declares that he or she is the person who executed the bid for the **Las Lunas & Calle Bouganvillea Retention Basin Landscape Improvements, City Project No. LL-01 & LL-05** (hereinafter referred to as the "Project"), and submitted it to the **City of Coachella** (hereinafter referred to as the "City") on behalf of Superb Engineering hereinafter referred to as the "Contractor").


Pursuant to Public Contract Code Sections 12205 and 22152, all contractors are required to certify in writing under penalty of perjury the minimum (if not exact) percentage of recycled content in materials, goods, or supplies offered or products used in the performance of their contract, regardless of whether the product meets the required recycled product percentage as defined in Public Contract Code Section 12209. The recycled content shall include both post-consumer material and secondary material as defined in Public Contract Code Section 12200 shall apply.

I declare under penalty of perjury under the laws of the State of California that the following percentages of Post-consumer Material and Secondary Material is in the materials, goods or supplies offered for, or products used in, the performance of the Contract for the Project:

0 % Post consumer Material 0 % Secondary Material.

Executed on this 27 day of June, 2023 at Banning, CA 92220.

By Superb Engineering
Name of Contractor (Print or Type)


Signature

Estela Candelario
Print Name

President
Title

CALIFORNIA ACKNOWLEDGMENT

CIVIL CODE § 1189

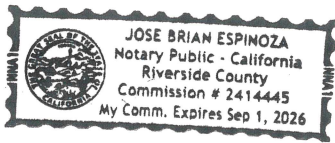
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State of California
County of Riverside
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personally appeared Estela Candelario

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Signature Jose B E
Signature of Notary Public

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Document Date: Number of Pages:

Signer(s) Other Than Named Above:

Capacity(ies) Claimed by Signer(s)

Signer's Name:
Corporate Officer - Title(s):
Partner - Limited General
Individual Attorney in Fact
Trustee Guardian or Conservator
Other:
Signer is Representing:

DRUG-FREE WORKPLACE CERTIFICATION

This Drug-Free Workplace Certification form is part of the Contract made by and between the **City of Coachella** (hereinafter referred to as the "City") and Superb Engineering

(hereinafter referred to as the "Contractor") for the **Las Lunas & Calle Bouganvillia Retention Basin Landscape Improvements, City Project No. LL-01 & LL-05** (hereinafter referred to as the "Project"). This form is required from all successful bidders pursuant to the Drug-Free Workplace Act of 1990 (Government Code Section 8350 et seq.) The Drug-Free Workplace Act of 1990 requires that every person or organization awarded a contract or grant for procurement of any property or service from any State agency must certify that it will provide a drug-free workplace by doing certain specified acts. In addition, the Act provides that each contract or grant awarded by a State agency may be subject to suspension of payments or termination, and the contractor or grantee may be subject to debarment from future contracting, if the contracting agency determines that specified acts have occurred.

Pursuant to Government Code Section 8355, every person or organization awarded a contract or grant from a State agency shall certify that it will provide a drug-free workplace by doing all of the following:

- A. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance is prohibited in their workplace and specifying actions which will be taken against employees for violations of the prohibition;
- B. Establishing a drug-free awareness program to inform employees about all of the following:
 - (1) The dangers of drug abuse in the workplace;
 - (2) The person's or organization's policy of maintaining a drug-free workplace;
 - (3) The availability of drug counseling, rehabilitation and employee-assistance programs; and
 - (4) The penalties that may be imposed upon employees for drug abuse violations.
- C. Requiring that each employee engaged in the performance of the contract or grant be given a copy of the statement required by subdivision "A," and that, as a condition of employment on the contract or grant, the employee agrees to abide by the terms of the statement.

I, the undersigned, agree to fulfill the terms and requirements of the Drug-Free Workplace Act as it now exists or may hereinafter be amended. Particularly, I shall abide by Government Code Section 8355 when performing the Contract for the Project by:

- (1). Publishing a statement notifying employees concerning the prohibition of controlled substance at my workplace;

- D. Establishing a drug-free awareness program; and
- E. Requiring that each employee engaged in the performance of the contract be given a copy of the statement required by Section 8355(a) and agree to abide by the terms of that statement.

I also understand that if the City determines that I have either: (a) made a false certification herein; or (b) violated this certification by failing to carry out the requirements of Section 8355, the Contract awarded herein is subject to termination, suspension of payments, or both. I further understand that if I violate the terms of the Drug-Free Workplace Act of 1990, I may be subject to debarment in accordance with the requirements of the Act.

I acknowledge that I am aware of the provisions of Government Code Section 8350 et seq., and hereby certify that I will adhere to the requirements of the Drug-Free Workplace Act of 1990.

Executed on this 27 day of June 2023,

at Banning, CA.

Superb Engineering
Name of Contractor (Print or Type)

By 
Signature

Estela Candelario
Print Name

President
Title

Notary Acknowledgment

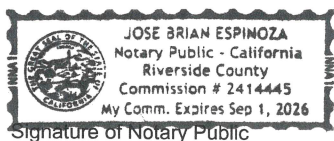
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STATE OF CALIFORNIA
 COUNTY OF Riverside

On 6/27/2023, 2023, before me, Jose Brian Espinoza, Notary Public, personally appeared Estela Candelario, 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.

Jose B E

OPTIONAL

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CAPACITY CLAIMED BY SIGNER

- Individual
- Corporate Officer

Title(s)

- Partner(s)
 - Limited
 - General
- Attorney-In-Fact
- Trustee(s)
- Guardian/Conservator
- Other:

Signer is representing:
 Name Of Person(s) Or Entity(ies)

DESCRIPTION OF ATTACHED DOCUMENT

Title or Type of Document

Number of Pages

Date of Document

Signer(s) Other Than Named Above

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> 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.¹

Name of Bidder: Superb Engineering

DIR Registration Number: PW-LR-1001027210

DIR Registration Expiration: 6/30/23

Small Project Exemption: Yes or No

Unless Bidder is exempt pursuant to the small project exemption, 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. Failure to submit this form or comply with any of the above requirements may result in a finding that the bid is Non-Responsive.

Name of Bidder Superb Engineering

Signature 

Name and Title Estela Candelario, President

Dated 6/27/23

CONTRACTOR'S CERTIFICATE REGARDING WORKERS' COMPENSATION.

I am aware of the provisions of section 3700 of the Labor Code which require every employer to be insured against liability for workers' 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.

Name of Bidder Superb Engineering

Signature _____

Name and Title Estela Candelario, President

Dated 6/27/23

EXHIBIT C



Division of Apprenticeship Standard / Division of Labor Standards Enforcement

Home Labor Law Cal/OSHA - Safety & Health Workers' Comp Self Insurance Apprenticeship Director's Office Boards

Home | Search PWC-100 | Search Results

SEARCH RESULTS - 1 record found

Click the DIR Project ID to see more information about the project.

ID	Awarding Body/ Development Proponent	Project Name	Site Address	Dates	Classification	County
Project Number: 2016-03F2 &2016-03F3 DIR Project ID: 427531	The City of La Quinta	La Quinta Landscape Renovation Improvement - Desert Pride, Marbella, and Sierra Del Rey	South side of Miles Ave, east and west side of Adams and the corner of Ashley Way and Desert Stream	Advertised: 06/15/2022 Award: 07/19/2022 Est. Start: 08/08/2022 Est. Comp: 01/31/2023	CEMENT MASONS LABORERS OPERATING ENG	RIVERSIDE
	Amount: \$1,595,208.71					
	Contractor PWCR/CSLB/Lic Name 1000003890 URBAN HABITAT		PWCR/CSLB/Lic		Sub Contractor Name	

[New Search](#)

EXHIBIT D



Division of Apprenticeship Standard / Division of Labor Standards Enforcement

Home Labor Law Cal/OSHA - Safety & Health Workers' Comp Self Insurance Apprenticeship Director's Office Boards

Home Search PWC-100 Search Results

SEARCH RESULTS - 1 record found

Click the DIR Project ID to see more information about the project.

ID	Awarding Body/ Development Proponent	Project Name	Site Address	Dates	Classification	County
Project Number: 2019-20-13082	Temecula Valley Unified School District	K-8 STEAM ACADEMY - Phase 1 Inc 2	35780 Abelia Street Winchester, CA 92596	Advertised: 03/23/2020 Award: 05/05/2020 Est. Start: 05/18/2020 Est. Comp: 10/30/2021	CEMENT MASONS LABORERS	RIVERSIDE
DIR Project ID: 329357		Amount: \$24,440,000.00				

Contractor		Sub Contractor	
PWCR/CSLB/Lic	Name	PWCR/CSLB/Lic	Name
1000000953	BOGH ENGINEERING INC		
1000006947	DAVID M. BERTINO MANUFACTURING, INC.		
1000008296	B.F. STEEL, INC.		
1000005533	CUYAMACA CONST., INC.		
1000007015	ARCHIBALD SHEET METAL, INC.		
1000002082	MCKERNAN INC.		
1000001222	CASTON, INC.		
1000005041	REED FAMILY ENTERPRISES INC.		
1000002449	CONTINENTAL FLOORING, INC		
1000411497	FAS PAINTING & WALLCOVERING INC		
1000377799	SOUTHCOAST ACOUSTICAL INTERIORS, INC.,		
1000001538	EMPYREAN PLUMBING, INC.		
1000001207	ALL STAR AIR SYSTEMS, INC.		
1000001571	CHAMPION ELECTRIC INC		
1000000801	JPI DEVELOPMENT GROUP, INC		
1000456875	PREMIER CULINARY SOLUTIONS, INC.		
1000007443	LEIGHTON CONSULTING, INC		
1000001928	DIGITAL NETWORKS GROUP, INC.		
1000000466	BAKER ELECTRIC & RENEWABLES LLC		
1000004292	AVIDEX INDUSTRIES, LLC		

New Search

EXHIBIT E



Division of Apprenticeship Standard / Division of Labor Standards Enforcement

Home Labor Law Cal/OSHA - Safety & Health Workers' Comp Self Insurance Apprenticeship Director's Office Boards

Home | Search PWC-100 | Search Results

SEARCH RESULTS - 1 record found

Click the DIR Project ID to see more information about the project.

ID	Awarding Body/ Development Proponent	Project Name	Site Address	Dates	Classification	County
Project Number: PW-LMAD-MRP- PH-03 DIR Project ID: 244396	City of Yorba Linda	MEDIAN LANDSCAPE RENOVATION PHASE 3	VARIOUS MEDIANS THROUGHOUT THE CITY OF YORBA LINDA	Advertised: 04/19/2018 Award: 06/05/2018 Est. Start: 07/09/2018 Est. Comp: 02/15/2019	LABORERS	ORANGE
	Amount: \$750,370.50					
	Contractor PWCR/CSLB/Lic Name 1000009166 CONSERVE LANDCARE		PWCR/CSLB/Lic		Sub Contractor Name	

[New Search](#)

EXHIBIT F

BID FORMS

BID ACKNOWLEDGMENT

Bids will be received at the City of Coachella, Corporate Yard, 53462 Enterprise Way, Coachella, California 92236, until 2:00 P.M. June 22, 2023.

**LAS LUNAS & CALLE BOUGANVILIA RETENTION
BASIN LANDSCAPE IMPROVEMENTS
CITY PROJECT NO. LL-01 & LL-05**

NAME OF BIDDER: Kormex Construction, Inc.

To the City of Coachella, a municipal corporation, organized under the laws of the State of California, with its principal place of business at 53990 Enterprise Way, Coachella, CA 92236.

- A. In response to the Notice Inviting Bids for the **Las Lunas & Calle Bouganvilia Retention Basin Landscape Improvements, City Project No. LL-01 & LL-05** and in accordance with the accompanying Instructions to Bidders, the undersigned hereby proposes to the City to furnish all labor, technical and professional services, supervision, materials and equipment, other than materials and equipment specified as furnished by the City, and to perform all operations necessary and required to construct the Project in accordance with the provisions of the Contract Documents and any addenda thereto, and at the prices stated opposite the respective items set forth in the Bid Schedule.
- B. This Bid constitutes a firm offer to the City which cannot be withdrawn for 90 days after the date set for opening of Bids, or until a Contract is executed by the City and a third party, whichever is earlier.
- C. The undersigned certifies that it has examined and is fully familiar with all of the provisions of the Contract Documents and any addenda thereto; that it has carefully checked all of the words and figures shown in its Bid Schedule; that it has carefully reviewed the accuracy of all statements in this Bid and attachments hereto; and that it understands and agrees that the City will not be responsible for any errors or omissions on the part of the undersigned in preparing this Bid.
- D. If awarded a Contract, the undersigned agrees to execute and deliver to the City within ten (10) calendar days after date of receipt of Notice of Award, a signed Contract and the necessary Performance Bond, Payment Bond, and Certificates of Insurance and Endorsements.
- E. The following Bid Forms, which have been completed and executed by the undersigned Bidder, are incorporated by this reference and made a part of this Bid:
1. Bid Schedule
 2. Bid Guarantee in the amount of not less than 10% of the Total Bid Price.
 3. Completed Designation of Subcontractors form.

4. Fully executed Noncollusion Declaration form.
 5. Completed Iran Contracting Act Certification form.
 6. Completed Public Works Contractor DIR Registration Certification form.
 7. Completed Drug-Free Workplace Form
 8. Completed Contractor's Certificate Regarding Workers' Compensation Form
 9. Completed Bidder Information and Experience Form.
- F. The undersigned is hereby representing that it is and will be properly licensed both at the time that it submits a Bid as well as at the time the Contract is awarded, if the Contract is awarded to the undersigned.

1. Individual Contractor. Undersigned certifies that it is now licensed in accordance with the provisions of the Contractor's License Law of the State of California.

License number N/A

Expiration date N/A

License classification n/A

1. Joint Venture. Undersigned certifies that the individual members of the joint venture are now licensed in accordance with the provisions of the Contractor's License Law of the State of California.

Member No. 1

Name N/A

License number N/A

Expiration date N/A

License classification N/A

Member No. 2

Name N/A

License number N/A

Expiration date N/A

License classification N/A

(If there are more than two members of the joint venture, attach a page for the additional member(s) with the above information.)

The undersigned acknowledges receipt, understanding, and full consideration of the following addenda to the Contract Documents:

Addenda No. 1 _____

[SIGNATURE ON NEXT PAGE]

I hereby certify under penalty of perjury under the laws of the State of California that all of the information submitted in connection with this Bid and all of the representations made herein are true and correct.

BIDDER:

Bidder's Business Address:

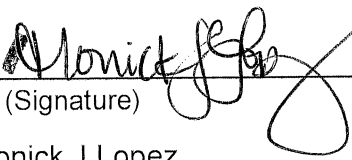
Kormex Construction, Inc.

2324 S. Vineyard Ave Ste K

(Company Name)

Ontario, Ca 91761

909-218-5700

By 

(Signature)

Monick J Lopez

(Type or print name)

President

(Title)

Ontario, CA

(Where signed) (City, State)

(corporate seal)

Dated June 26, 2023

State of Incorporation: California

(If the Prime Contractor is a corporation, two signatures of corporate officers are required.)

Names and addresses of all partners or joint venturers:

Monick J Lopez

2324 S. Vineyard Ave Ste K, Ontario, CA 91761

President/Corporate Secretary/Treasurer

Statement of the authority of signatory to bind Bidder:

I, Monick J Lopez, am the sole owner of Kormex Construction, Inc..

BID FORM
UPDATED 06/16/2023

NAME OF BIDDER: Kormex Construction, Inc.

The undersigned, hereby declare that we have carefully examined the location of the proposed Work, and have read and examined the Contract Documents, including all plans, specifications, and all addenda, if any, for the following Project:

**LAS LUNAS & CALLE BOUGANVILIA RETENTION
BASIN LANDSCAPE IMPROVEMENTS
CITY PROJECT NO. LL-01 & LL-05**

Unit prices in each and every case represent the true unit price used in preparing the bid schedule totals (Bid Form). Unit prices listed herein include material, installation and appurtenant work as is necessary to have the item complete in place, and operational, meeting the full intent of the plans and specifications. Items marked with an (F) shall be considered a "Final Pay Quantity" Item and paid to the maximum quantity as listed.

It is understood that the basis of award shall be the lowest total price of the sum of the Base Bid.

We hereby propose to furnish all labor, materials, equipment, tools, transportation, and services, and to discharge all duties and obligations necessary and required to perform and complete the Project for the following TOTAL BID PRICE:

BASE BID					
Item No.	Item Description	Est. Qty.	Unit	Unit Price (in figures) Dollars	Item Total (in figures) Dollars
1	Mobilization	1	LS	\$ 12,500	\$ 12,500
2	Dust Control/Stormwater Best Management Practices (BMP's)	1	LS	\$ 2,500	\$ 2,500
3	Traffic Control/Site Protection	1	LS	\$ 2,500	\$ 2,500
4	Irrigation (Las Lunas Basin)	1	LS	\$ 40,000	\$ 40,000
5	Irrigation (Calle Bouganvilia Basin)	1	LS	\$ 40,000	\$ 40,000
6	15 Gallon Tree	9	EA	\$ 250	\$ 2,250
7	5 Gallon Shrub/Plant	182	EA	\$ 45	\$ 8,190

BASE BID					
Item No.	Item Description	Est. Qty.	Unit	Unit Price (in figures) Dollars	Item Total (in figures) Dollars
8	Crushed 3/4" Stone Ground Cover (California Gold)	23,800	SF	\$ 2.50	\$ 59,500
9	Crushed 3/4" Stone Ground Cover (Apache Brown)	9,100	SF	\$ 2.50	\$ 22,750
10	Rubble (3" - 6" Cobble) (Vista Gold fractured Rock)	3,400	SF	\$ 2.50	\$ 8,500
11	90-Day Maintenance Period	1	LS	\$ 12,000	\$ 12,000
12	Solar Light w/ Foundation	5	EA	\$ 5,000	\$ 25,000
Total Amount – Base Bid					\$ 235,690

Grand Total of Base Bid:

TWO HUNDRED THIRTY FIVE THOUSAND SIX HUNDRED NINETY DOLLARS
 (Words)

\$ 235,690
 (Figure)

The costs for any Work shown or required in the Contract Documents, but not specifically identified as a line item are to be included in the related line items and no additional compensation shall be due to Contractor for the performance of the Work.

All blank spaces appearing above must be filled in. Failure to fill in any blank spaces may render the bid non-responsive. In the event of discrepancy between the Unit Price and Item Cost set forth for a unit basis item, the Unit Price shall prevail and be utilized as the basis for determining the lowest responsive, responsible Bidder. However, if the amount set forth as a Unit Price is ambiguous, unintelligible or uncertain for any cause, or is omitted, or is the same amount as the entry in the Item Cost column, then the amount set forth in the Item Cost 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.

For purposes of evaluating Bids, the City will correct any apparent errors in the extension of unit prices and any apparent errors in the addition of lump sum and extended prices.

The estimated quantities for Unit Price items are approximate and for purposes of comparing Bids only, and the City makes no representation that the actual quantities of work performed will not vary from the estimates. Final payment shall be determined by the Engineer from measured quantities of work performed based upon the Unit Price. A Contract Quantity Adjustment Change

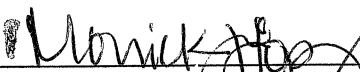
BID FORMS

Order will be issued upon the completion of the project to adjust the Contract Quantities and Amounts accordingly.

The undersigned agrees that this Bid Schedule constitutes a firm offer to the City which cannot be withdrawn for the number of calendar days indicated in the Notice Inviting Bids from and after the Bid opening, or until a Contract for the Work is fully executed by the City and a third party, whichever is earlier.

If the Contract Documents specify Alternate Bid items, the City can choose to include any, all, or none of the Alternate Bid items of Work into the executed Contract. If the City selects any of the Alternate Bid items, the corresponding Alternate Bid prices shall be added to or deducted from Base Bid Price for the Work. The City can award/select Alternate Bid items at any time(s).

Name of Bidder Kormex Construction, Inc.

Signature 

Name and Title Monick J Lopez President

Dated 6/26/23

BID GUARANTEE

BID BOND

Bond No. 160

[Note: Not required when other form of Bidder's Security, e.g. cash, certified check or cashier's check, accompanies Bid.]

The makers of this bond are, Kormex Construction, Inc., as Principal, and Merchants Bonding Company (Mutual), as Surety and are held and firmly bound unto the City of Coachella, a municipal corporation, organized under the laws of the State of California, with its principal place of business at 53990 Enterprise Way, Coachella, California 92236, hereinafter called the City, in the penal sum of TEN PERCENT (10%) OF THE TOTAL BID PRICE of the Principal submitted to the City for the work described below, for the payment of which sum in lawful money of the United States, well and truly to be made, we bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

THE CONDITION OF THIS OBLIGATION IS SUCH that whereas the Principal has submitted the accompanying bid dated June 21st, 2023, for **Las Lunas & Calle Bouganvilia Retention Basin Landscape Improvements, City Project No. LL-01 & LL-05.**

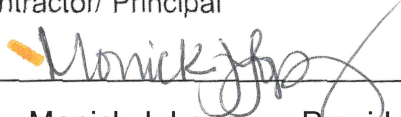
If the Principal does not withdraw its Bid within the time specified in the Contract Documents; and if the Principal is awarded the Contract and provides all documents to the City as required by the Contract Documents; then this obligation shall be null and void. Otherwise, this bond will remain in full force and effect.

Surety, for value received, hereby stipulates and agrees that no change, extension of time, alteration or addition to the terms of the Contract Documents shall affect its obligation under this bond, and Surety does hereby waive notice of any such changes.


In the event a lawsuit is brought upon this bond by the City and judgment is recovered, the Surety shall pay all litigation expenses incurred by the City in such suit, including reasonable attorneys' fees, court costs, expert witness fees and expenses.

IN WITNESS WHEREOF, the above-bound parties have executed this instrument under their several seals this 15th day of June, 2023, the name and corporate seal of each corporation.

(Corporate Seal)

Kormex Construction, Inc.
Contractor/ Principal
By 
Title Monick J. Lopez - President

(Corporate Seal)

Merchants Bonding Company (Mutual)
Surety
By 
Attorney-in-Fact
Title Leslie M. Mantle - Attorney In Fact

(Attach Attorney-in-Fact Certificate)

Notary Acknowledgment

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

STATE OF CALIFORNIA
 COUNTY OF Orange

On June 15th, 2023, before me, Mary Martignoni, Notary Public, personally appeared Monick J. Lopez, who proved to me on the basis of satisfactory

Name(s) of Signer(s)

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.



Mary Martignoni
 Signature of Notary Public

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.

CAPACITY CLAIMED BY SIGNER

DESCRIPTION OF ATTACHED DOCUMENT

- Individual
- Corporate Officer
 - President / Corporate Secretary/Treasurer

Title(s)	Title or Type of Document
Partner(s) Limited General	Number of Pages
Attorney-In-Fact	
Trustee(s)	
Guardian/Conservator	Date of Document
Other:	
Signer is representing: Kormex Construction, Inc.	
Name Of Person(s) Or Entity(ies)	
<u>Monick J. Lopez</u>	Signer(s) Other Than Named Above

NOTE: This acknowledgment is to be completed for Contractor/Principal.

Notary Acknowledgment

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

STATE OF CALIFORNIA
 COUNTY OF Orange

On June 15th, 2023, before me, Mary Martignoni, Notary Public, personally appeared Les M. Mantle, 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.

Mary Martignoni
 Signature of Notary Public

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.

CAPACITY CLAIMED BY SIGNER

DESCRIPTION OF ATTACHED DOCUMENT

Individual
 Corporate Officer

Partner(s)	Title(s)	Limited	Title or Type of Document
		General	Number of Pages
<input checked="" type="checkbox"/> Attorney-In-Fact			Date of Document
<input type="checkbox"/> Trustee(s)			
<input type="checkbox"/> Guardian/Conservator			
<input type="checkbox"/> Other:			

Signer is representing: Merchants Bonding Company (Mutual)
 Name Of Person(s) Or Entity(ies)

Les M. Mantle

Signer(s) Other Than Named Above

NOTE: This acknowledgment is to be completed for the Attorney-in-Fact. The Power-of-Attorney to local representatives of the bonding company must also be attached.

END OF BID BOND

MERCHANTS
BONDING COMPANY™
POWER OF ATTORNEY

Know All Persons By These Presents, that MERCHANTS BONDING COMPANY (MUTUAL) and MERCHANTS NATIONAL BONDING, INC., both being corporations of the State of Iowa, d/b/a Merchants National Indemnity Company (in California only) (herein collectively called the "Companies") do hereby make, constitute and appoint, individually,

Les M Mantle

their true and lawful Attorney(s)-in-Fact, to sign its name as surety(ies) and to execute, seal and acknowledge any and all bonds, undertakings, contracts and other written instruments in the nature thereof, on behalf of the Companies in their business of guaranteeing the fidelity of persons, guaranteeing the performance of contracts and executing or guaranteeing bonds and undertakings required or permitted in any actions or proceedings allowed by law.

This Power-of-Attorney is granted and is signed and sealed by facsimile under and by authority of the following By-Laws adopted by the Board of Directors of Merchants Bonding Company (Mutual) on April 23, 2011 and amended August 14, 2015 and adopted by the Board of Directors of Merchants National Bonding, Inc., on October 16, 2015.

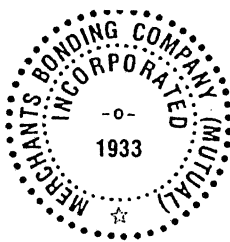
"The President, Secretary, Treasurer, or any Assistant Treasurer or any Assistant Secretary or any Vice President shall have power and authority to appoint Attorneys-in-Fact, and to authorize them to execute on behalf of the Company, and attach the seal of the Company thereto, bonds and undertakings, recognizances, contracts of indemnity and other writings obligatory in the nature thereof."

"The signature of any authorized officer and the seal of the Company may be affixed by facsimile or electronic transmission to any Power of Attorney or Certification thereof authorizing the execution and delivery of any bond, undertaking, recognizance, or other suretyship obligations of the Company, and such signature and seal when so used shall have the same force and effect as though manually fixed."

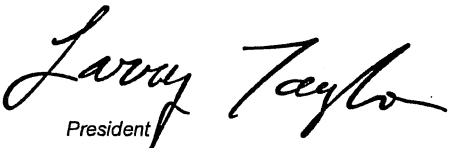
In connection with obligations in favor of the Florida Department of Transportation only, it is agreed that the power and authority hereby given to the Attorney-in-Fact includes any and all consents for the release of retained percentages and/or final estimates on engineering and construction contracts required by the State of Florida Department of Transportation. It is fully understood that consenting to the State of Florida Department of Transportation making payment of the final estimate to the Contractor and/or its assignee, shall not relieve this surety company of any of its obligations under its bond.

In connection with obligations in favor of the Kentucky Department of Highways only, it is agreed that the power and authority hereby given to the Attorney-in-Fact cannot be modified or revoked unless prior written personal notice of such intent has been given to the Commissioner-Department of Highways of the Commonwealth of Kentucky at least thirty (30) days prior to the modification or revocation.

In Witness Whereof, the Companies have caused this instrument to be signed and sealed this 8th day of December, 2022




MERCHANTS BONDING COMPANY (MUTUAL)
MERCHANTS NATIONAL BONDING, INC.
d/b/a MERCHANTS NATIONAL INDEMNITY COMPANY

By 
President

STATE OF IOWA
COUNTY OF DALLAS ss.

On this 8th day of December 2022, before me appeared Larry Taylor, to me personally known, who being by me duly sworn did say that he is President of MERCHANTS BONDING COMPANY (MUTUAL) and MERCHANTS NATIONAL BONDING, INC.; and that the seals affixed to the foregoing instrument are the Corporate Seals of the Companies; and that the said instrument was signed and sealed in behalf of the Companies by authority of their respective Boards of Directors.




Notary Public

(Expiration of notary's commission does not invalidate this instrument)

I, William Warner, Jr., Secretary of MERCHANTS BONDING COMPANY (MUTUAL) and MERCHANTS NATIONAL BONDING, INC., do hereby certify that the above and foregoing is a true and correct copy of the POWER-OF-ATTORNEY executed by said Companies, which is still in full force and effect and has not been amended or revoked.

In Witness Whereof, I have hereunto set my hand and affixed the seal of the Companies on this 15th day of June 2023




Secretary

DESIGNATION OF SUBCONTRACTORS

The subcontractor listed below will perform work or labor or render service to the contractor in or about the construction of the work or improvement, or are subcontractors licensed by the State of California who will, under subcontract to the contractor, specially fabricate and install a portion of the work or improvement according to detailed drawings contained in the Contract Documents, in an amount in excess of one-half of one percent (1/2 of 1%) of the contractor's total bid or \$10,000, whichever is greater. No additional time shall be granted to provide the below requested information.

In compliance with the Subletting and Subcontracting Fair Practices Act Chapter 4 (commencing at Section 4100), Part 1, Division 2 of the California Public Contract Code, the Bidder shall set forth below:

- (a) The portion/percentage of the work to be done by the subcontractor;
- (b) The name and the location of the place of business;
- (c) The California contractor license number; and
- (d) The DIR public works contractor registration number.


If a Bidder fails to specify a subcontractor or if a Bidder specifies more than one subcontractor for the same portion of work, then the Bidder shall be deemed to have agreed that it is fully qualified to perform that portion of work and that it shall perform that portion itself. **If the contractor intends to "Self Perform" all of the work and not utilize any subcontractors, the contractor shall then mark or insert "N/A" on the Subcontractor List form to indicate that the contractor does not intend to utilize any subcontractors to perform any portions of the work. Failure to do so, may deem the bid "Non-Responsive".**

% of Work	Name of Subcontractor & Description of the Work	Location of Business	CSLB Contractor License #	DIR Registration Number
	N/A			

% of Work	Name of Subcontractor & Description of the Work	Location of Business	CSLB Contractor License #	DIR Registration Number

(Attach additional sheets if necessary)

Name of Bidder Kormex Construction, Inc.

Signature 

Name and Title Monick J Lopez President

Dated 6/22/23

BIDDER INFORMATION AND EXPERIENCE FORM

A. INFORMATION ABOUT BIDDER

(Indicate not applicable ("N/A") where appropriate.)

NOTE: Where Bidder is a joint venture, pages shall be duplicated and information provided for all parties to the joint venture.

- 1.0 Name of Bidder: Kormex Construction, Inc.
- 2.0 Type, if Entity: A Type S California Corporation
- 3.0 Bidder Address: 2324 S. Vineyard Ave Ste K
Ontario, Ca 91761
- | | |
|-----------------------------------|---------------------|
| <u>909-218-5701</u> | <u>909-218-5700</u> |
| Facsimile Number | Telephone Number |
| <u>dan@kormexconstruction.com</u> | |
| Email Address | |
- 4.0 How many years has Bidder's organization been in business as a Contractor?
2+
- 5.0 How many years has Bidder's organization been in business under its present name? 2+
- 5.1 Under what other or former names has Bidder's organization operated?
N/A
- 6.0 If Bidder's organization is a corporation, answer the following:
- 6.1 Date of Incorporation: 6/1/17
- 6.2 State of Incorporation: California
- 6.3 President's Name: Monick J Lopez
- 6.4 Vice-President's Name(s): N/A
N/A
- 6.5 Secretary's Name: Monick J Lopez
- 6.6 Treasurer's Name: Monick J Lopez

7.0 If an individual or a partnership, answer the following:

7.1 Date of Organization: N/A

7.2 Name and address of all partners (state whether general or limited partnership):

N/A

8.0 If other than a corporation or partnership, describe organization and name principals:

N/A

9.0 List other states in which Bidder's organization is legally qualified to do business.

N/A

10.0 What type of work does the Bidder normally perform with its own forces?

Public Works Landscape Construction

11.0 Has Bidder ever failed to complete any work awarded to it? If so, note when, where, and why:

No

12.0 Within the last five years, has any officer or partner of Bidder's organization ever been an officer or partner of another organization when it failed to complete a contract? If so, attach a separate sheet of explanation:

No

13.0 List Trade References:

Imperial Sprinkler Supply Ontario, Alex Cuz, 909-923-4332

Fremontia Horticultural, Oscar Mercado, (909) 673-0600

Robertson's Ready Mix, Corona, 951-760-4282, Rose

Southwest Boulder & Stone, Karim, (760) 451-3333 ext. 1002

14.0 List Bank References (Bank and Branch Address):

Wells Fargo

2500 S Grove Ave

Ontario, Ca 91761

(909) 947-6900

15.0 Name of Bonding Company and Name and Address of Agent:

Merchants Bonding Company

Agent - Lesron Insurance Agency 1440 No. Harbor Blvd, Fullerton, Ca 92835

[REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK]

B. LIST OF CURRENT PROJECTS (BACKLOG)

[**Duplicate Page if needed for listing additional current projects. **]

Project	Client Reference (Agency Name/Contact Info)	Description of Bidder's Work	Completion Date	Cost of Bidder's Work
12A2063 Landscape Improvements on Route 91 in Anaheim	Caltrans Kenneth Sham, P.E. kenneth.sham@dot.ca.gov	Landscape Construction	7/23	\$248,120
Irrigation Booster Pump Replacement	City of Orange Paul Miller pmiller@cityoforange.org	Pump Replacement	8/23	\$60,000

D. EXPERIENCE AND TECHNICAL QUALIFICATIONS QUESTIONNAIRE

Personnel:

The Bidder shall identify the key personnel to be assigned to this project in a management, construction supervision or engineering capacity.

1. List each person's job title, name and percent of time to be allocated to this project:

Dan Patterson, Project Manager, 25%
Sergio Lopez, General Superintendent, 50%
Javier Rodriguez, Field Superintendent, 100%

2. Summarize each person's specialized education:

Dan Patterson 25 Years
Sergio Lopez 25 Years
Javier Rodriguez 25 Years

3. List each person's years of construction experience relevant to the project:

25 Years Each

4. Summarize such experience:

25 Years Each

Bidder agrees that personnel named in this Bid will remain on this Project until completion of all relevant Work, unless substituted by personnel of equivalent experience and qualifications approved in advance by the City.

E. ADDITIONAL BIDDER'S STATEMENTS:

If the Bidder feels that there is additional information which has not been included in the questionnaire above, and which would contribute to the qualification review, it may add that information in a statement here or on an attached sheet, appropriately marked:

Name of Bidder Kormex Construction, Inc.

Signature 

Name and Title Monick J Lopez

Dated 6/22/23

NON-COLLUSION DECLARATION

The undersigned declares:


I am the President of Kormex Construction, Inc., the party making the foregoing Bid.

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. 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, to any corporation, partnership, company, association, organization, bid depository, or to any member or agent thereof to effectuate a collusive or sham bid, and has not paid, and will not pay, any person or entity for such purpose.

Any person executing this declaration 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 declaration on behalf of the Bidder.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration is executed on 6/22, 2023 [date], at Ontario [city], California [state].

Name of Bidder Kormex Construction, Inc.

Signature 

Name and Title Monick J Lopez President

Dated 6/22/23

IRAN CONTRACTING ACT CERTIFICATION

(Public Contract Code section 2200 et seq.)

As required by California Public Contract Code Section 2204, the Contractor certifies subject to penalty for perjury that the option checked below relating to the Contractor's status in regard to the Iran Contracting Act of 2010 (Public Contract Code Section 2200 *et seq.*) is true and correct:

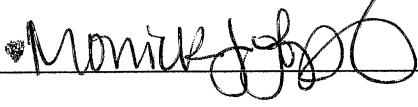
The Contractor is not:

(1) identified on the current list of person and entities engaged in investment activities in Iran prepared by the California Department of General Services in accordance with subdivision (b) of Public Contract Code Section 2203; or

(2) a financial instruction that extends, for 45 days or more, credit in the amount of \$20,000,000 or more to any other person or entity identified on the current list of persons and entities engaging in investment activities in Iran prepared by the California Department of General Services in accordance with subdivision (b) of Public Contract Code Section 2203, if that person or entity uses or will use the credit to provide goods or services in the energy sector in Iran.

The City has exempted the Contractor from the requirements of the Iran Contracting Act of 2010 after making a public finding that, absent the exemption, the City will be unable to obtain the goods and/or services to be provided pursuant to the Contract.

The amount of the Contract payable to the Contractor for the Project does not exceed \$1,000,000.

Signature: 

Printed Name: Monick J Lopez

Title: President

Firm Name: Kormex Construction, Inc.

Date: 6/22/23

Note: In accordance with Public Contract Code Section 2205, false certification of this form shall be reported to the California Attorney General and may result in civil penalties equal to the greater of \$250,000 or twice the Contract amount, termination of the Contract and/or ineligibility to bid on contracts for three years.

ASBESTOS-FREE MATERIALS CERTIFICATION

The undersigned declares that he or she is the person who executed the bid for the **Las Lunas & Calle Bouganvilia Retention Basin Landscape Improvements, City Project No. LL-01 & LL-05** (hereinafter referred to as the "Project"), and submitted it to the **City of Coachella** (hereinafter referred to as the "City") on behalf of Kormex Construction, Inc. (hereinafter referred to as the "Contractor").

To the best of my knowledge, information and belief, in completing the Contractor's Work for the Project, no material furnished, installed or incorporated into the Project will contain, or in itself be composed of, any materials listed by the federal or state EPA or federal or state health agencies as a hazardous material.

Any disputes involving the question of whether or not material installed with asbestos-containing equipment is settled by electron microscopy; the cost of any such tests shall be paid by the Contractor.

All work or materials installed by the Contractor which is found to contain asbestos, or work or material installed with asbestos-containing equipment, will be immediately rejected and this work shall be removed and replaced by the Contractor at no additional cost to the City.

Decontamination and removal of work found to contain asbestos or work installed with asbestos-containing equipment shall be done only under supervision of a qualified consultant, knowledgeable in the field of asbestos abatement and accredited by the Environmental Protection Agency.

The ASBESTOS REMOVAL CONTRACTOR shall be an EPA accredited contractor qualified in the removal of asbestos and shall be chosen and approved by the Asbestos Consultant who shall have sole discretion and final determination in this matter.

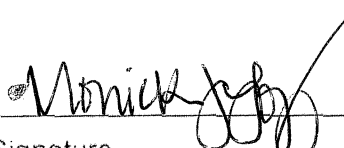
The asbestos consultant shall be chosen and approved by the Construction Manager/Architect or the City who shall have sole discretion and final determination in this matter.

The work will be not accepted until asbestos contamination is reduced to levels deemed acceptable by the Asbestos Consultant.

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

Executed on this 15th day of June, 2023 at 1440 North Harbor Blvd, Suite 610, Fullerton, CA 92835

Kormex Construction, Inc.
Name of Contractor (Print or Type)

By 
Signature

Monick J. Lopez
Print Name

RECYCLED CONTENT CERTIFICATION

The undersigned declares that he or she is the person who executed the bid for the **Las Lunas & Calle Bouganvillea Retention Basin Landscape Improvements, City Project No. LL-01 & LL-05** (hereinafter referred to as the "Project"), and submitted it to the **City of Coachella** (hereinafter referred to as the "City") on behalf of Kormex Construction, Inc. hereinafter referred to as the "Contractor").

Pursuant to Public Contract Code Sections 12205 and 22152, all contractors are required to certify in writing under penalty of perjury the minimum (if not exact) percentage of recycled content in materials, goods, or supplies offered or products used in the performance of their contract, regardless of whether the product meets the required recycled product percentage as defined in Public Contract Code Section 12209. The recycled content shall include both post-consumer material and secondary material as defined in Public Contract Code Section 12200 shall apply.

I declare under penalty of perjury under the laws of the State of California that the following percentages of Post-consumer Material and Secondary Material is in the materials, goods or supplies offered for, or products used in, the performance of the Contract for the Project:

0 % Post consumer Material 0 % Secondary Material.

Executed on this 15th day of June, 2023 at 1440 North Harbor Blvd, Suite 610, Fullerton, CA 92835

Kormex Construction, Inc.

Name of Contractor (Print or Type)

By


Signature

Monick J. Lopez

Print Name

President/Corporate Secretary/Treasurer

Title

Notary Acknowledgment

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

STATE OF CALIFORNIA
 COUNTY OF Orange

On June 15th, 2023, before me, Mary Martignoni, Notary Public, personally appeared Monick J. Lopez, 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.



Signature of Notary Public

WITNESS my hand and official seal.

Mary Martignoni

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.

CAPACITY CLAIMED BY SIGNER

- Individual
- Corporate Officer
- President / Corporate Secretary/Treasurer

Title(s)

- Partner(s)
 - Limited
 - General

- Attorney-In-Fact
- Trustee(s)
- Guardian/Conservator
- Other:

Signer is representing: Kormex Construction, Inc.
 Name Of Person(s) Or Entity(ies)

Monick J. Lopez

DESCRIPTION OF ATTACHED DOCUMENT

Title or Type of Document

Number of Pages

Date of Document

Signer(s) Other Than Named Above

DRUG-FREE WORKPLACE CERTIFICATION

This Drug-Free Workplace Certification form is part of the Contract made by and between the **City of Coachella** (hereinafter referred to as the "City") and **Kormex Construction, Inc.**

(hereinafter referred to as the "Contractor") for the **Las Lunas & Calle Bouganvillea Retention Basin Landscape Improvements, City Project No. LL-01 & LL-05** (hereinafter referred to as the "Project"). This form is required from all successful bidders pursuant to the Drug-Free Workplace Act of 1990 (Government Code Section 8350 *et seq.*) The Drug-Free Workplace Act of 1990 requires that every person or organization awarded a contract or grant for procurement of any property or service from any State agency must certify that it will provide a drug-free workplace by doing certain specified acts. In addition, the Act provides that each contract or grant awarded by a State agency may be subject to suspension of payments or termination, and the contractor or grantee may be subject to debarment from future contracting, if the contracting agency determines that specified acts have occurred.

Pursuant to Government Code Section 8355, every person or organization awarded a contract or grant from a State agency shall certify that it will provide a drug-free workplace by doing all of the following:

- A. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance is prohibited in their workplace and specifying actions which will be taken against employees for violations of the prohibition;
- B. Establishing a drug-free awareness program to inform employees about all of the following:
 - (1) The dangers of drug abuse in the workplace;
 - (2) The person's or organization's policy of maintaining a drug-free workplace;
 - (3) The availability of drug counseling, rehabilitation and employee-assistance programs; and
 - (4) The penalties that may be imposed upon employees for drug abuse violations.
- C. Requiring that each employee engaged in the performance of the contract or grant be given a copy of the statement required by subdivision "A," and that, as a condition of employment on the contract or grant, the employee agrees to abide by the terms of the statement.

I, the undersigned, agree to fulfill the terms and requirements of the Drug-Free Workplace Act as it now exists or may hereinafter be amended. Particularly, I shall abide by Government Code Section 8355 when performing the Contract for the Project by:

- (1). Publishing a statement notifying employees concerning the prohibition of controlled substance at my workplace;

- D. Establishing a drug-free awareness program; and
- E. Requiring that each employee engaged in the performance of the contract be given a copy of the statement required by Section 8355(a) and agree to abide by the terms of that statement.

I also understand that if the City determines that I have either: (a) made a false certification herein; or (b) violated this certification by failing to carry out the requirements of Section 8355, the Contract awarded herein is subject to termination, suspension of payments, or both. I further understand that if I violate the terms of the Drug-Free Workplace Act of 1990, I may be subject to debarment in accordance with the requirements of the Act.

I acknowledge that I am aware of the provisions of Government Code Section 8350 et seq., and hereby certify that I will adhere to the requirements of the Drug-Free Workplace Act of 1990.

Executed on this 15th day of June, 2023

at 1440 North Harbor Blvd, Suite 610, Fullerton, CA 92835

Kormex Construction, Inc.

Name of Contractor (Print or Type)

By 
Signature

Monick J. Lopez

Print Name

President / Corporate Secretary/Treasurer

Title

Notary Acknowledgment

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

STATE OF CALIFORNIA
 COUNTY OF Orange

On June 15th, 2023, before me, Mary Martignoni, Notary Public, personally appeared Monick J. Lopez, 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.



Signature of Notary Public

WITNESS my hand and official seal.

Mary Martignoni

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.

CAPACITY CLAIMED BY SIGNER

DESCRIPTION OF ATTACHED DOCUMENT

- Individual
- Corporate Officer
- President / Corporate Secretary/Treasurer

Title(s)

Title or Type of Document

- Partner(s) Limited
- General

Number of Pages

- Attorney-In-Fact
- Trustee(s)
- Guardian/Conservator
- Other:

Date of Document

Signer is representing: Kormex Construction, Inc.
 Name Of Person(s) Or Entity(ies)

Monick J. Lopez

Signer(s) Other Than Named Above

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> 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.¹

Name of Bidder: Kormex Construction, Inc.

DIR Registration Number: 1000712062


DIR Registration Expiration: 6/30/23

Small Project Exemption: Yes or No

Unless Bidder is exempt pursuant to the small project exemption, 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. Failure to submit this form or comply with any of the above requirements may result in a finding that the bid is Non-Responsive.

Name of Bidder Kormex Construction, Inc.

Signature 


Name and Title Monick J Lopez President

Dated 6/26/23

CONTRACTOR'S CERTIFICATE REGARDING WORKERS' COMPENSATION.

I am aware of the provisions of section 3700 of the Labor Code which require every employer to be insured against liability for workers' 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.

Name of Bidder Kormex Construction, Inc.

Signature 

Name and Title Monick J Lopez President

Dated 6/26/23