



FAIRFAX TOWN COUNCIL MEETING STAFF REPORT

| | |
|----------------------|--|
| MEETING DATE: | August 2, 2023 |
| PREPARED FOR: | Mayor and Town Council |
| PREPARED BY: | Loren Umbertis, Public Works Director |
| SUBJECT: | Award a bid and authorize Town Manager to execute a contract with RWR Construction, Inc in the amount of \$406,588 and include a 10% contingency for a total project cost of \$447,246 for the 145 Canyon Road Restabilization and Repaving project which is categorically exempt from review under CEQA Section 15301, Existing Facilities – Class I. |

RECOMMENDATION

Authorize Town Manager to execute a contract with RWR Construction Inc in the amount of \$406,588 and include a 10% contingency for a total project cost of \$447,246 for the 145 Canyon Road Restabilization and Repaving project which is categorically exempt from review under CEQA Section 15301, Existing Facilities – Class I.

BACKGROUND

A retaining wall located at 145 Canyon Road adjacent to the roadway was identified as requiring replacement due to its failed condition to prevent further subsidence of the roadway and potential catastrophic failure that could cause the road to be closed at that location limiting access for the approximately 20 homes located on the road beyond the failing wall.

Staff recommends that the Town Council authorize the Town Manager to execute a contract with RWR Construction, Inc for the project to begin as soon as possible.

DISCUSSION

Staff observed the roadway surface exhibiting signs of subsidence near 145 Canyon Road. Upon further inspection, a retaining wall supporting the roadway was found to be in a failing condition causing the roadway to settle. The Town asked Miller Pacific Engineering Group, the Town’s Consulting Engineer, to develop plans and specifications for the replacement of the wall. Due to the proximity of the San Anselmo Creek, the Town engaged the services of Restoration Design Group (RDG) to manage the permitting process that is required by the Department of Fish and Wildlife when any work must take place in or adjacent to streams. Work within creeks and streams can only be performed during a period between June 15th and October 15. Upon completion of the permitting process and the design of the plans and specifications, staff issued a Request for Bids on June 13, 2023 and opened bids on July 25th 2023. The results of bids are as follows:

| Contractor | Bid |
|-----------------------|-----------|
| RWR Construction, Inc | \$406,588 |
| Farallon Company | \$408,875 |
| Westward Construction | \$424,398 |
| Maggiora & Ghilotti | \$579,700 |
| CF Contracting | \$680,680 |

Staff submitted a Joint Aquatic Resources Permit Application and has received authorization to proceed. In addition, the California Water Resources Board has determined the project is categorically exempt from review under CEQA pursuant Section 15301, Existing Facilities – Class I.

The work is necessary to ensure the stability of the roadway and to prevent further damage from occurring. Inaction could result in complete failure of the wall and the collapse of the roadway resulting in limited access for over 20 homes beyond the site and increased costs if the project is an emergency, as opposed to a repair effort. The project is complicated due to the narrowness of the roadway at that location, and the intent is to maintain access for residents with minimal interruptions. Working within the creek bed also presents challenges to prevent pollution from entering the creek. A biological monitor will be required to review the work performed by the contractor to ensure that the site is maintained in the manner that the Department of Fish and Wildlife requires as part of the Town's permit.

FISCAL IMPACT

There are funds available in the General Fund 51-816 to cover the \$406,588 plus a 10% contingency for a total project amount not to exceed \$447,246.

ATTACHMENTS

- A. Resolution
- B. Proposal from RWR Construction

RESOLUTION 23-__

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FAIRFAX
AWARDING THE BID AND AUTHORIZING THE TOWN MANAGER TO EXECUTE A
CONTRACT WITH RWR CONSTRUCTION, INC IN THE AMOUNT OF \$406,588 AND
INCLUDE A 10% CONTINGENCY FOR A TOTAL PROJECT COST OF \$447,246 FOR THE
145 CANYON ROAD RESTABILIZATION AND REPAVING PROJECT**

WHEREAS, a retaining wall located at 145 Canyon Road adjacent to the roadway was identified as requiring replacement due to its failed condition; and

WHEREAS, Staff issued a request for bids on June 13th and opened bids on July 25th, 2023; and

WHEREAS, staff received five (5) bids and that the results are as follows

| Contractor | Bid |
|-----------------------|-----------|
| RWR Construction, Inc | \$406,588 |
| Farallon Company | \$408,875 |
| Westward Construction | \$424,398 |
| Maggiora & Ghilotti | \$579,700 |
| CF Contracting | \$680,680 |

and

WHEREAS, the work is necessary to ensure the stability of the roadway and maintain access for over 20 homes beyond the site; and

WHEREAS, the project is categorically exempt from review under CEQA pursuant Section 15301, Existing Facilities – Class I; and

WHEREAS, funds are available in general ledger account 51-813; and

NOW, THEREFORE, BE IT RESOLVED:

1. RWR Construction, Inc is the lowest responsive and responsible bidder; and
2. The Town Council of the Town of Fairfax, California hereby awards the bid and authorizes the Town Manager to execute a contract with RWR Construction, Inc in the amount of \$406588 and include a 10% contingency for a total project cost of \$447,246 for the 145 Canyon Road Restabilization and Repaving project on the terms of its bid, which is incorporated herein by reference as if fully set forth herein.

The foregoing resolution was duly passed and adopted by the Town Council of the Town of Fairfax at a duly noticed meeting held in said Town on the 2nd day of August 2023 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Chance Cutrano, Mayor

Attest: _____
Michele Gardner, Town Clerk

00 41 43 – BID FORMS

1.1 Bid.

Bids will be received at the Town of Fairfax, 142 Bolinas Rd., Fairfax, California 94930, until **2:00 p.m. 18th day of July, 2023**

NAME OF BIDDER: RWR 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:

145 Canyon Road Restabilization and Road Repair Project

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, as described and in strict conformity with the Drawings, and these Specifications for TOTAL BID PRICE indicated herein.

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

- 1) Addenda (if Required) No. Addendum #1 Dated 7/10/23
- 2) Addenda No.(if required) Addendum #2 Dated 7/17/23
- 3) Addenda No. (if required) Addendum #3 Dated 7/20/23
- 4)

- 1. Attached is the required Bid Guarantee in the amount of not less than 10% of the Total Bid Price.
- 2. Attached is the completed Designation of Subcontractors form.
- 3. Attached is the fully executed Noncollusion Declaration form.
- 4. Attached is the completed Iran Contracting Act Certification form.
- 5. Attached is the completed Public Works Contractor Registration Certification form.
- 6. Attached is the completed Contractor's Certificate Regarding Workers' Compensation form.
- 7. Attached is the completed Bidder Information and Experience form.

A. BID SCHEDULE

| NO. | ITEM DESCRIPTION | UNIT OF MEASURE | EST. QTY. | UNIT PRICE | ITEM COST |
|-----------------------|---|-----------------|-----------|------------|------------------|
| 1.0 | Mobilization and Contract Processing Costs | LS | 1 | \$16,558 | \$16,558 |
| 2.0 | Traffic Control and Staging | LS | | \$11,311 | \$11,311 |
| 3.0 | Stormwater Pollution Prevention and Erosion Control | LS | 1 | \$8,066 | \$8,066 |
| 4.0 | Demolition and Removal | LS | 1 | \$6,994 | \$6,994 |
| 5.0 | Diversion of Recyclable Waste Materials | LS | 1 | \$2,331 | \$2,331 |
| 6.0 | Clearing and Grubbing | LS | 1 | \$32,637 | \$32,637 |
| 7.0 | Soldier Pile Retaining Wall | | | | |
| 7.1 | Pier Drilling | LF | 160 | \$388 | \$62,080 |
| 7.2 | Steel Beams | LF | 301 | \$124 | \$37,324 |
| 7.3 | Lagging, Drainage, and Backfill | SF | 786 | \$64 | \$50,304 |
| 7.4 | Tiebacks | EA | 13 | \$6,675 | \$86,775 |
| 7.5 | Waler | LF | 78 | \$506 | \$39,468 |
| 8.0 | Asphalt Paving | SF | 500 | \$64 | \$32,000 |
| 9.0 | Revegetation | LS | 1 | \$20,740 | \$20,740 |
| BASE BID TOTAL | | | | | \$406,588 |

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.

In case of discrepancy between the Unit Price and the Item Cost set forth for a unit basis item, the unit price shall prevail and shall 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 Town 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 for purposes of comparing Bids only and the Town 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.

B. TOTAL BID PRICE:

| | |
|---|---------|
| TOTAL BID PRICE BASED ON BID SCHEDULE TOTAL OF UNIT PRICES FOR 145 Canyon Road Stabilization and Road Repair Project | |
| \$ _____ | 406,588 |
| Total Bid Price in Numbers | |
| \$ <u>Four Hundred Six Thousand, Five Hundred Eighty-Eight</u> | |
| Total Bid Price in Written Form | |
| In case of discrepancy between the written price and the numerical price, the written price shall prevail. | |

The undersigned agrees that this Bid Form constitutes a firm offer to the Town 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 Town and a third party, whichever is earlier.

The successful bidder hereby agrees to sign the contract and furnish the necessary bonds and certificates of insurance within ten (10) working days after the Town provides the successful bidder with the Notice of Award.

Upon receipt of the signed contract and other required documents, the contract will be executed by the Town, after which the Town will prepare a letter giving Contractor Notice to Proceed. The official starting date shall be the date of the Notice to Proceed, unless otherwise specified. The undersigned agrees to begin the Work within ten (10) working days of the date of the Notice to Proceed, unless otherwise specified.

The undersigned has examined the location of the proposed work and is familiar with the Drawings and Specifications and the local conditions at the place where work is to be done.

If awarded the contract, the undersigned agrees that there shall be paid by the undersigned and by all subcontractors to all laborers, workers and mechanics employed in the execution of such contract no less than the prevailing wage rate within Marin County for each craft, classification,

or type of worker needed to complete the Work contemplated by this contract as established by the Director of the Department of Industrial Relations. A copy of the prevailing rate of per diem wages are on file at the Town's Administration Office and shall be made available to interested parties upon request.

Enclosed find cash, bidder's bond, or cashier's or certified check No. _____ from the _____ Bank in the amount of _____, which is not less than ten percent (10%) of this bid, payable to Town of Fairfax as bid security and which is given as a guarantee that the undersigned will enter into a contract and provide the necessary bonds and certificates of insurance if awarded the Work.

The bidder furthermore agrees that in case of bidder's default in executing said contract and furnishing required bonds and certificates of insurance, the cash, bidder's bond, or cashier's or certified check accompanying this proposal and the money payable thereon shall become and shall remain the property of the Town of Fairfax.

Bidder is an individual _____, or corporation , or partnership _____, organized under the laws of the State of California.

Bidder confirms license(s) required by California State Contractor's License Law for the performance of the subject project are in full effect and proper order. The following are the Bidder's applicable license number(s), with their expiration date(s) and class of license(s):

#527433, Contractor's License, A and B., Exp.
#PW-LR-1000924423, Dept. of Industrial Relations, Exp. 6/30/24
#107070, Town of Fairfax Business License, Exp. 12/31/23

If the Bidder is a joint venture, each member of the joint venture must include the required licensing information.

Sureties that will furnish the Faithful Performance Bond and the Labor and Material Payment Bond, in the form specified herein, in an amount equal to one hundred percent (100%) of the contract price within ten (10) working days from the date the Town provides the successful bidder the Notice of Award. Sureties must meet all of the State of California bonding requirements, as defined in California Code of Civil Procedure Section 995.120 and must be authorized by the State of California.

The insurance company or companies to provide the insurance required in the contract documents must have a Financial Strength Rating of not less than "A-" and a Financial Size Category of not less than "Class VII" according to the latest Best Key Rating Guide. At the sole discretion of the Town, the Town may waive the Financial Strength Rating and the Financial Size Category classifications for Workers' Compensation insurance.

(signatures continued 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.

Executed at San Rafael CA, on this 17th day of July, 2023

(Bidders Name – Print or Type)

Roderic Roche, President
(Name and Title)

R Roche
(Signature)



(Corporate Seal)

Names of individual members of firm or names and titles of all officers of corporation and their addresses are listed below:

Name Roderic Roche Title President

Complete Address 200 Gary Pl. San Rafael, CA 94901

Phone 415-457-5658 FAX 415-457-1932

Name Tony Camacho Title General Manager

Complete Address 200 Gary Pl. San Rafael, CA 94901

Phone 415-457-5658 FAX 415-457-1932

Name _____ Title _____

Complete Address _____

Phone _____ FAX _____

Name _____ Title _____

Complete Address _____

Phone _____ FAX _____

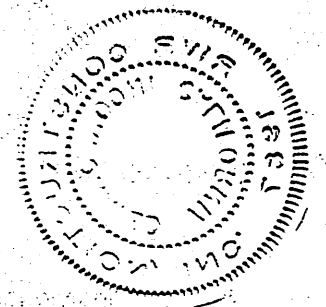
SEE ATTACHED

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Handwritten text in the upper middle section of the document.

Handwritten text, possibly a name or title, located below the upper middle section.

Handwritten signature or initials in the center of the page.



Handwritten text in the lower middle section, possibly a date or a short paragraph.

Handwritten text in the lower section, appearing to be a list or a series of notes.

Handwritten text in the lower section, continuing the list or notes.

Handwritten text in the lower section, possibly a concluding paragraph or signature area.

Handwritten text in the bottom left corner, possibly a date or initials.

Faint text at the very bottom of the page, possibly a footer or page number.

CALIFORNIA ALL-PURPOSE CERTIFICATE OF 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 }

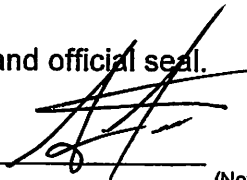
County of Marin }

On 07/17/2023 before me, JC Uriostegui Lopez Notary Public
(Here insert name and title of the officer)

personally appeared Roderic W. Roche
 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.

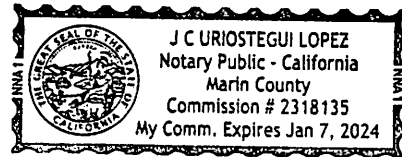
I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Notary Public Signature

(Notary Public Seal)



ADDITIONAL OPTIONAL INFORMATION

DESCRIPTION OF THE ATTACHED DOCUMENT

Bid forms
(Title or description of attached document)

(Title or description of attached document continued)

Number of Pages _____ Document Date _____

CAPACITY CLAIMED BY THE SIGNER

- Individual (s)
 Corporate Officer

(Title)

- Partner(s)
 Attorney-in-Fact
 Trustee(s)
 Other _____

INSTRUCTIONS FOR COMPLETING THIS FORM

This form complies with current California statutes regarding notary wording and, if needed, should be completed and attached to the document. Acknowledgments from other states may be completed for documents being sent to that state so long as the wording does not require the California notary to violate California notary law.

- State and County information must be the State and County where the document signer(s) personally appeared before the notary public for acknowledgment.
- Date of notarization must be the date that the signer(s) personally appeared which must also be the same date the acknowledgment is completed.
- The notary public must print his or her name as it appears within his or her commission followed by a comma and then your title (notary public).
- Print the name(s) of document signer(s) who personally appear at the time of notarization.
- Indicate the correct singular or plural forms by crossing off incorrect forms (i.e. ~~he/she/they~~, is /are) or circling the correct forms. Failure to correctly indicate this information may lead to rejection of document recording.
- The notary seal impression must be clear and photographically reproducible. Impression must not cover text or lines. If seal impression smudges, re-seal if a sufficient area permits, otherwise complete a different acknowledgment form.
- Signature of the notary public must match the signature on file with the office of the county clerk.
 - ❖ Additional information is not required but could help to ensure this acknowledgment is not misused or attached to a different document.
 - ❖ Indicate title or type of attached document, number of pages and date.
 - ❖ Indicate the capacity claimed by the signer. If the claimed capacity is a corporate officer, indicate the title (i.e. CEO, CFO, Secretary).
- Securely attach this document to the signed document with a staple.

1.2 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, RWR Construction, Inc., as Principal, and Developers Surety & Indemnity Company, as Surety and are held and firmly bound unto the Town of Fairfax, hereinafter called the Town, in the penal sum of TEN PERCENT (10%) OF THE TOTAL BID PRICE of the Principal submitted to Town 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 July 17th, 20 23, for 145 Canyon Road Stabilization and Road Repair Project

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 Town 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 in 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 Town and judgment is recovered, the Surety shall pay all litigation expenses incurred by the Town in such suit, including reasonable attorneys' fees, court costs, expert witness fees and expenses.

By their signatures hereunder, Surety and Principal hereby confirm under penalty of perjury that surety is an admitted surety insurer authorized to do business in the State of California.

IN WITNESS WHEREOF, the above-bound parties have executed this instrument under their several seals this 10th day of July, 20 23, the name and corporate seal of each corporation.

(Corporate Seal)

RWR Construction, Inc.

Contractor/ Principal

By [Signature]

Title President

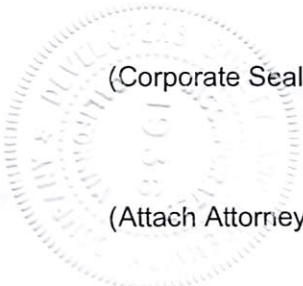
Developers Surety & Indemnity Company

Surety

By [Signature]

Barry R Page

Title Attorney-In-Fact



(Corporate Seal)

(Attach Attorney-in-Fact Certificate)

Acknowledgement Form

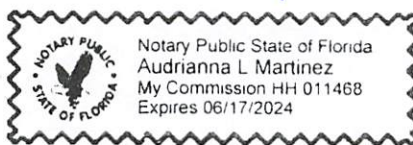
State of Florida)

)ss.:

County of Seminole)

On the 10th day of July in the year 2023, before me, the undersigned notary public, personally appeared Barry Page, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(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 capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Audrianna L. Martinez Notary Public



POWER OF ATTORNEY FOR
COREPOINTE INSURANCE COMPANY
DEVELOPERS SURETY AND INDEMNITY COMPANY
59 Maiden Lane, 43rd Floor, New York, NY 10038
(212) 220-7120

KNOW ALL BY THESE PRESENTS that, except as expressly limited herein, COREPOINTE INSURANCE COMPANY and DEVELOPERS SURETY AND INDEMNITY COMPANY, do hereby make, constitute and appoint:

Rose Vittiglio, Barry Page, Bonnie Robbins, Marsha Wendt, Chales Bornazian, and Brenna Tuccelli, of Longwood, FL

as its true and lawful Attorney-in-Fact, to make, execute, deliver and acknowledge, for and on behalf of said companies, as sureties, bonds, undertakings and contracts of suretyship giving and granting unto said Attorney-in-Fact full power and authority to do and to perform every act necessary, requisite or proper to be done in connection therewith as each of said company could do, but reserving to each of said company full power of substitution and revocation, and all of the acts of said Attorney-in-Fact, pursuant to these presents, are hereby ratified and confirmed. This Power of Attorney is effective July 10, 2023 and shall expire on December 31, 2025.

This Power of Attorney is granted and is signed under and by authority of the following resolutions adopted by the Board of Directors of COREPOINTE INSURANCE COMPANY and DEVELOPERS SURETY AND INDEMNITY COMPANY (collectively, "Company") on November 3, 2022.

RESOLVED, that Sam Zaza, Senior Vice President, Surety Underwriting, James Bell, Vice President, Surety Underwriting, and Craig Dawson, Executive Underwriter, Surety, each an employee of AmTrust North America, Inc., an affiliate of the Company (the "Authorized Signors"), are hereby authorized to execute a Power of Attorney, qualifying attorney(s)-in-fact named in the Power of Attorney to execute, on behalf of the Company, bonds, undertakings and contracts of suretyship, or other suretyship obligations; and that the Secretary or any Assistant Secretary of the Company be, and each of them hereby is, authorized to attest the execution of any such Power of Attorney.

RESOLVED, that the signature of any one of the Authorized Signors and the Secretary or any Assistant Secretary of the Company, and the seal of the Company must be affixed to any such Power of Attorney, and any such signature or seal may be affixed by facsimile, and such Power of Attorney shall be valid and binding upon the Company when so affixed and in the future with respect to any bond, undertaking or contract of suretyship to which it is attached.

IN WITNESS WHEREOF, COREPOINTE INSURANCE COMPANY and DEVELOPERS SURETY AND INDEMNITY COMPANY have caused these presents to be signed by the Authorized Signor and attested by their Secretary or Assistant Secretary this December 5, 2022.

By: [Signature]
Printed Name: Sam Zaza
Title: Senior Vice President, Surety



STATE OF California COUNTY OF Orange

On this 5th day of December, 2022 before me, Diane J. Kawata personally appeared Sam Zaza who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to within the instrument and acknowledged to me that they executed the same in their authorized capacity, and that by the signature on the instrument the entities upon behalf which the person acted, executed this instrument.

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

WITNESS my hand and official seal.

Signature [Signature]



CORPORATE CERTIFICATION

The undersigned, the Secretary or Assistant Secretary of COREPOINTE INSURANCE COMPANY and DEVELOPERS SURETY AND INDEMNITY COMPANY, does hereby certify that the provisions of the resolutions of the respective Boards of Directors of said corporations set forth in this Power of Attorney are in force as of the date of this Certification.

This Certification is executed in the City of Cleveland, Ohio, this 22 day of November, 2022.

DocuSigned by:
[Signature]
By: Barry W. Moses
6-41580ADE548C

Barry W. Moses, Assistant Secretary



POA No. N/A

Notary Acknowledgment

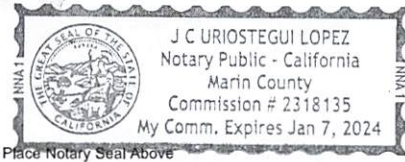
A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA
 COUNTY OF marin

On 07/17, 2023, before me, Jc urioStegui Lopez, Notary Public, personally appeared Roderic w. Roche, who proved to me on the basis of satisfactory

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

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



WITNESS my hand and official seal.

 Signature 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
Title(s)
 - Partner(s) Limited
 General
 - Attorney-In-Fact
 - Trustee(s)
 - Guardian/Conservator
 - Other:
- Signer is representing:
 Name Of Person(s) Or Entity(ies)
- _____

145 Canyon Rd. Fairfax, Va
Title or Type of Document

38
Number of Pages

7/17/2023
Date of Document

[Signature]
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 _____

On _____, 20____, before me, _____, Notary Public, personally
Date Name And Title Of Officer (e.g. "Jane Doe, Notary Public")
appeared _____, 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.

Place Notary Seal Above

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

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:
Name Of Person(s) Or Entity(ies)

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

1.3 List of Subcontractors

In compliance with the Subletting and Subcontracting Fair Practices Act Chapter 4 (commencing at Section 4100), Part 1, Division 2 of the Public Contract Code of the State of California and any amendments thereof, Bidder shall set forth below: (a) the name and the location of the place of business, (b) the California contractor license number, (c) the DIR public works contractor registration number unless exempt pursuant to Labor Code Sections 1725.5 and 1771.1, and (d) the portion of the work which will be done by each subcontractor who will perform work or labor or render service to the Bidder in or about the construction of the work or improvement to be performed under this Contract in an amount in excess of one-half of one percent (0.5%) of the Bidder's Total Bid Price. Notwithstanding the foregoing, if the work involves the construction of streets and highways, then the Bidder shall list each subcontractor who will perform work or labor or render service to the Bidder in or about the work in an amount in excess of one-half of one percent (0.5%) of the Bidder's Total Bid Price or \$10,000, whichever is greater. No additional time shall be granted to provide the below requested information.

If a Bidder fails to specify a subcontractor or if a contractor 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.

| Work to be done by Subcontractor | Name of Subcontractor | Location of Business | CSLB Contractor License No. | DIR Registration Number | % of Work |
|----------------------------------|------------------------------|---------------------------------|-----------------------------|-------------------------|-----------|
| Tree Removal | Marin County Arborists, Inc. | P.O. Box 2538 San Rafael, CA | 64117 | PW-LR-1000514106 | 100% |
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| Work to be done by Subcontractor | Name of Subcontractor | Location of Business | CSLB Contractor License No. | DIR Registration Number | % of Work |
|----------------------------------|-----------------------|----------------------|-----------------------------|-------------------------|-----------|
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(Attach additional sheets if necessary)

Name of Bidder RWR Construction, Inc.

Signature R. Roche

Name and Title Roderic Roche, President

Dated July 17, 2023

1.4 Bidder Information and Experience Form

ARTICLE 1. 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: RWR Construction, Inc.
- 2.0 Type, if Entity: Corporation
- 3.0 Bidder Address: 200 Gary Place
San Rafael, CA 94901
- 415-457-1932 415-457-5658
Facsimile Number Telephone Number
- tony@rwr-inc.com & sheila@rwr-inc.com
Email Address
- 4.0 How many years has Bidder's organization been in business as a Contractor?
33
- 5.0 How many years has Bidder's organization been in business under its present name? 33
- 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: 1990
- 6.2 State of Incorporation: California
- 6.3 President's Name: Roderic Roche
- 6.4 Vice-President's Name(s): N/A
- 6.5 Secretary's Name: N/A
- 6.6 Treasurer's Name: N/A

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?

Retaining Walls, Foundation Support, Drilling,

Drainage

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:

Garrett Toy, Town Manager

Town of Fairfax, 415-453-1584

Alvin Tam, Public Works Project Manager

City of Larkspur, 415-927-5038

14.0 List Bank References (Bank and Branch Address):

Chase Bank

1299 4th Street #100

San Rafael, CA 94901

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

Developers Surety and Indemnity Company

59 Maiden Ln. 43rd Floor

New York, NY 10038

[REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK]

ARTICLE 2. LIST OF CURRENT PROJECTS (BACKLOG)

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

| Project | Description of Bidder's Work | Completion Date | Cost of Bidder's Work |
|-------------------------------|-------------------------------------|-----------------|-----------------------|
| 218 Bayview Ave. Belvedere | New House Foundation & Piers | TBD | \$556k |
| 111 Stetson Ave. Kentfield | Remove & Replace Foundation Wall | TBD | \$89k |
| 2401 Paradise Dr. Tiburon | New Foundation Installation | TBD | \$118k |
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ARTICLE 3. 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 | Description of Bidder's Work | Completion Date | Cost of Bidder's Work |
|------------------------------------|--|-----------------|-----------------------|
| 378 Scenic Rd. & 78 Wreden Ave. | Town of Fairfax Roadway Stabilization | 2022 | \$ 345k |
| Wilson Way | City of Larkspur Catchment Wall | 2021 | \$ 41k |
| Rice Ln & Owlwood Dr. | City of Larkspur Retaining Wall | 2020 | \$ 232k |
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ARTICLE 4. 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:

Tony Camacho, General Manager,
Victor Sanchez, Drilling Manager

2. Summarize each person's specialized education:

Engineering Contractors
Drilling and Construction Management

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

Tony Camacho 35+ years
Victor Sanchez 30+ years

4. Summarize such experience:

landslides, Retention Systems, Earth Shoring,
Retaining Walls, Drilling, Etc.

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 Town.

Changes Occuring Since Prequalification

If any substantive changes have occurred since Bidder submitted its prequalification package for this Project, Bidder shall list them below. If none are listed, Bidder certifies that no substantive changes have occurred.

N/A

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:


RWR Constructin, Inc. has performed and completed
multiple projects for the Town of Fairfax.

ARTICLE 5. VERIFICATION AND EXECUTION

These Bid Forms shall be executed only by a duly authorized official of the Bidder:

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

Name of Bidder RWR Construction, Inc.

Signature 

Name Roderic Roche

Title President

Date July 17, 2023

1.5 Non-Collusion Declaration

The undersigned declares:

I am the President of RWR 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 July 17, 2023 [date], at San Rafael [city], California [state].

Name of Bidder RWR Construction, Inc.

Signature 

Name Roderic Roche

Title President

1.6 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 Town has exempted the Contractor from the requirements of the Iran Contracting Act of 2010 after making a public finding that, absent the exemption, the Town 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: Roderic Roche

Title: President

Firm Name: RWR Construction, Inc.

Date: July 17, 2023

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.

1.7 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: RWR Construction, Inc.

DIR Registration Number: PW-LR-1000924423

DIR Registration Expiration: 06/30/2024

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 RWR Construction, Inc.

Signature R. Roche

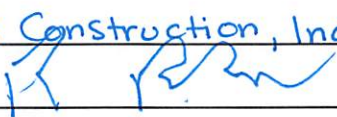
Name and Title Roderic Roche, President

Dated July 17, 2023

¹ If the Project is exempt from the contractor registration requirements pursuant to the small project exemption under Labor Code Sections 1725.5 and 1771.1, please mark "Yes" in response to "Small Project Exemption."

1.8 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 RWR Construction, Inc.
Signature 
Name Roderic Roche
Title President
Dated July 17, 2023



TOWN OF FAIRFAX

142 BOLINAS ROAD, FAIRFAX, CALIFORNIA 94930 (415) 453-1584

**BUSINESS LICENSE
TAX CERTIFICATE**

ISSUED IN ACCORDANCE WITH CHAPTER 13 OF THE FAIRFAX MUNICIPAL CODE. THE BUSINESS LICENSE TAX DOES NOT SANCTION ANY BUSINESS ACTIVITY OR USE OF PREMISES WHICH ARE IN VIOLATION OF FEDERAL, STATE, OR LOCAL LAWS.

TYPE OF BUSINESS Contractor

107070

OWNER Roderic Roche
77 Fawn Drive, San Anselmo, CA 94960

ISSUE DATE
1/24/2023

BUSINESS NAME RWR CONSTRUCTION INC.
ADDRESS 200 GARY PLACE
CITY SAN RAFAEL, CA 94901

EXPIRATION DATE
12/31/2023

THIS LICENSE MUST BE POSTED IN A CONSPICUOUS PLACE ON THE PREMISES OR VEHICLE.

OFFICE OF THE CITY CLERK

NOT TRANSFERABLE

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