



# CITY OF COSTA MESA

P.O. BOX 1200 • 77 FAIR DRIVE • CALIFORNIA 92628-1200

FROM THE DEPARTMENT OF PUBLIC SERVICES/ENGINEERING DIVISION

July 1, 2022

Sent by Certified Mail and by E-Mail

Alon Gamliel  
AG Construction  
18960 Ventura Blvd #211  
Tarzana, CA 91356  
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Long Beach, CA 90804  
Adam Nasry [anasry@newmanmidland.com](mailto:anasry@newmanmidland.com)

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Keith Kulpinski  
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April Kulpinski [april@kazoni-inc.com](mailto:april@kazoni-inc.com)

Mark Guirguis  
Michael Khalil  
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Mark Guirguis [mark@homemastersintl.com](mailto:mark@homemastersintl.com)  
Michael Khalil [michael@homemastersintl.com](mailto:michael@homemastersintl.com)

**SUBJECT: RESPONSES TO BID PROTESTS  
FINDINGS OF NON-RESPONSIVENESS  
CITY OF COSTA MESA POLICE DEPARTMENT INDOOR RANGE  
UPGRADES,  
CITY PROJECT NO. 22-03**

Dear Bidder:

## ATTACHMENT 4

The City Clerk received and opened (8) bids for the Notice Inviting Bids (“Notice”) for the Costa Mesa Police Department Indoor Range Upgrades, City Project No. 22-03 (the “Project”) on June 13, 2022. On the same day, following the bid opening, SS&K Construction Inc. submitted a letter withdrawing their apparent low bid for the Project due to clerical errors in their bid. In addition to the withdrawal by SS&K, several other bidders submitted protests in the days after the bid opening.

This letter responds to protests made by the following bidders on the dates specified:

All About Cabinets                      (Attachment 1)                      on June 15, 2022  
Against: AG Construction, Newman Midland and Kazoni Construction

Newman Midland                      (Attachment 2)                      on June 16, 2022  
Against: AG Construction

Kazoni Construction                      (Attachment 3)                      on June 16, 2022  
Against: AG Construction and Newman Midland

These bid protests respectively protest against all, one, or at least two of the bids submitted by AG Construction, Newman Midland, and Kazoni Construction, Inc. (“Kazoni”, the apparent low bidder). For the reasons set forth below, following City staff’s review and analysis of all the protests and bids, the City has determined that bids submitted by both AG Construction and Newman Midland are non-responsive, while Kazoni submitted a responsive bid. Accordingly, the City will move forward with a recommendation to award the Project to Kazoni, as discussed below.

The City of Costa Mesa has completed its review of the bids submitted on June 13, 2022 in response to the Notice. Newman Midland Corporation, Kazoni and All About Cabinets dba Home Master’s International have all submitted protests of bids submitted that were lower than their own. Upon review of all protests and bids, both AG Construction and Newman Midland Corporation have been found by the Director of Public Services non-responsive for not submitting bids in compliance with the Equivalent Materials and pre-bid substitution request procedures detailed in the “Information for Bidders” portion of the specification. Their bids included listed subcontractors that do not install equipment expressly and specifically listed in the bid documents. The alternative equipment they listed was not submitted as part of a substitution request, for equivalency, prior to bid submission. See Notice, Paragraph 18 of Section B, INFORMATION FOR BIDDERS. This failure resulted in their bids having a competitive advantage over the other bidders, Accordingly, City staff is recommending that bids submitted by AG Construction and Newman Midland Corporation be rejected as non-

responsive. Further, as discussed below, the bid submitted by All About Cabinets is non-responsive as well.

Based on the above analysis, the fourth bidder Kazoni is now the apparent low bidder. All About Cabinets is the only company that has a protest against Kazoni's bid.

California Public Contract Code section 20162, which governs the City's award of the contract for this Project, requires that the contract be awarded, if at all, to the lowest responsible bidder. A bid is responsive if it promises to do what the bidding instructions demand. (*D.H. Williams Construction, Inc. v. Clovis Unified School Dist.*, 146 Cal. App. 4th 757, 764 (5th Dist. 2007).) Responsiveness is determined from the face of the bid. (*Great West Contractors, Inc. v. Irvine Unified School Dist.*, 187 Cal. App. 4th 1425, 1452-53 (4th Dist. 2010).) A bid that substantially conforms to a call for bids may, although not strictly responsive, be accepted if the variance is inconsequential, meaning the variance cannot have affected the amount of the bid or given a bidder an advantage or benefit not allowed other bidders. (See *Ghilotti Construction Co. v. City of Richmond*, 45 Cal. App. 4th 897, 904 (1st Dist. 1996).) An actual competitive advantage arises only when a bid defect establishes an actual ground for a successful bidder to withdraw its bid without incurring liability under its bond. (*Bay Cities Paving & Grading, Inc. v. City of San Leandro*, 223 Cal. App. 4th 1181 (1st Dist. 2014).

**BID PROTEST BY ALL ABOUT CABINETS (AGAINST AG CONSTRUCTION AND NEWMAN MIDLAND) AND NEWMAN MIDLAND (AGAINST AG CONSTRUCTION)**

The bid protests by both All About Cabinets and Newman Midland are each rejected by the Director for the apparent failure to follow the mandatory notice procedures to the affected bidder(s). The Notice at Paragraph 21 of Section B, INFORMATION FOR BIDDERS, provides in relevant part:

*The party filing the protest shall concurrently transmit a copy of the initial protest document and any attached documentation to all other parties with a direct financial interest which may be adversely affected by the outcome of the protest. Such parties shall include all other Bidders or proposers who appear to have a reasonable prospect of receiving an award depending upon the outcome of the protest..*

However, the bids submitted by AG Construction and Newman Midland Corporation are rejected as non-responsive as discussed above.

**BID PROTEST BY KAZONI AGAINST AG CONSTRUCTION AND NEWMAN MIDLAND (ATTACHMENT 3)**

Kazoni properly followed the mandatory notice procedures as part of their protest of AG Construction and Newman Midland's bids and is the apparent responsive low bidder. Kazoni's bid protest is sustained as to each AG Construction and Newman Midland for the reasons set forth in their protest. However, as noted above, these bids are non-responsive.

### **BID PROTEST BY ALL ABOUT CABINETS AGAINST KAZONI**

All About Cabinets' protest of Kazoni is rejected in its entirety for the apparent failure to notify Kazoni of this protest. Pursuant to the Notice requirements for the Project, as discussed above regarding All About Cabinets and Newman Midland, this is a material requirement for a protest.

Second, All About Cabinets' protest is also rejected for the following specific reasons. Their protest involves Kazoni's selected subcontractors not holding appropriate license to perform the work as detailed in the bid documents, plans, and specifications.<sup>1</sup>

1. In response to All About Cabinets protest that Kazoni's listed subcontractor for structural steel "Troy's Ornamental Iron Craft" is not holding license C-51:
  - The bid plans and bid specifications do not explicitly require a subcontractor to hold a C-51 license and All About Cabinet has not expressly demonstrated where this requirement is legally proved or required in the advertised bid documents. With a Class "B" license Troy's Ornamental Iron Craft is eligible to perform subcontracts that include more than two trades other than framing and carpentry. In this case those two trades may involve ironworking, and painting or ironworking and masonry, etc.
2. In response to All About Cabinets' protest that Kazoni did not list a millwork subcontractor with the appropriate fabricator and installer license:
  - All about Cabinets has not expressly demonstrated where this requirement is proved or required in the bid documents. With a Class "B" license Kazoni is eligible to purchase the millwork from a licensed fabricator and then self-perform or subcontract the installation of new cabinets.

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<sup>1</sup> Despite All About Cabinets protest, the bid(s) submitted by All About Cabinets itself does not correctly designate sub-contractors. The bid information All About Cabinets manually input into the Planet Bids portal, which attempts to designate sub-contractors is unsigned and therefore invalid. The signed bid that is uploaded and delivered to the City conflicts with the subcontractor information that was input on Planet Bids and does not designate some of the same subcontractor classifications that All About Cabinets has protested as inappropriate in Kazoni's bid.



3. In response to All About Cabinets' protest that Kazoni's listed demolition contractor is not holding a C-22 license per addendum #2 requirements:
  - All About Cabinets has not expressly demonstrated where this requirement is proved or required in the bid documents or in Addendum #2. Addendum #2 actually requires the following: "As part of the base bid for construction, the Contractor shall include a Hazardous Materials Survey and Report to evaluate existing building materials in areas where demolition, new construction, and renovations are scheduled to take place." Addendum #2 is evidence that, at this time, it is not clear whether asbestos is present.

Even if All About Cabinet's protest had followed the mandatory notice requirements to the affected other bidders, the alleged discrepancies they identified in Kazoni's bid are nonetheless found to be inconsequential and do not give them a competitive bid advantage over any other bidder.

Further, the bid submitted by All About Cabinets itself is materially non-responsive because of their failure to correctly follow the mandatory requirements for bid submittals through PlanetBids. See Notice, Paragraph 1 of Section B, INFORMATION FOR BIDDERS. To properly submit and complete their bids, each bidder must initial or notarize (if applicable) all pages on P-1, P-1a, P-1b, P-2 thru P-12 and upload onto PlanetBids. Page P-6 of the bidder's proposal lists all the subcontractors that will perform ½ of 1% of the prime contractor's total bid for the work. Bidders are also prompted to upload evidence of their bid bond and to ensure that a hard copy is delivered to the City Clerk's office prior to bid opening.

All About Cabinets did not properly upload the General Attachment P-1 thru P-12 of the specification, and instead uploaded all 152 pages of the specification with pages P-1 thru P-12 filled out and initialed. Page P-6 of their uploaded General Attachment P-1 thru P-12, portion of the specification, only included some of their designated subcontractors and did not match what was entered manually into the planet bids portal.

All About Cabinets did submit a hard copy of their bidders' bond to the City Clerk but did not properly upload evidence of their bid bond were prompted by the PlanetBids portal to do so. Instead All About Cabinets uploaded all 152 pages of the specification again. However, this time the entire specification included blank versions of P-1 thru P-12 without initials or signature. Only Page P-6 in this mistakenly uploaded document listed subcontractors, but is still found to be invalid since it was not initialed, uploaded in the correct place, with the correct document, or even accompanied by related documents.

## ATTACHMENT 4

The information provided by All About Cabinets in their uploaded general attachment P-1 thru P-12 although signed and initialed is found incomplete and does not match what was manually entered by All About Cabinets into the planet bids portal for subcontract designations.

The discrepancies and inconsistencies with which All About Cabinets has designated their subcontractors results in their bid being improperly submitted. These discrepancies and errors noted above are not inconsequential.

The Project is scheduled to be presented to the City Council at 6:00 p.m. at the July 19, 2022, meeting of the City Council for award to the lowest responsible bidder. City staff is recommending that Kazoni be awarded a construction contract to complete the City of Costa Mesa Police Department Indoor Range Upgrades, City Project 23-02.

If any of the bidders wishes to be heard, protest or otherwise object to the determinations as set forth herein and the intent to award to Kazoni, they must be present at the Council Meeting on July 19<sup>th</sup>, and must submit any written objection and/or evidence to the City Clerk's office, City Hall, 77 Fairview Drive, Costa Mesa, CA 92626 on or before July 14, 2022.

Sincerely,

**Seung Yang**

City Engineer

on behalf of the Public Works Director

Attachment 1 – June 15, 2022 protest from All About Cabinets, Inc (3 pages)

Attachment 2 – June 16, 2022 protest from Newman Midland (2 pages)

Attachment 3 – June 16, 2022 protest from Kazoni Construction (65 pages)

c: Raja Sethuraman, Public Works Director (*email only*)  
Bobby Fouladi, Senior Engineer (*email only*)  
Tarquin Preziosi, Assistant City Attorney (*email only*)  
Lauren B. Stec – Attorney at Law, Lanak & Hanna (*email only*)  
File:

**FOULADI, BOBBY**

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**From:** lori@homemastersintl.com  
**Sent:** Wednesday, June 15, 2022 2:10 PM  
**To:** FOULADI, BOBBY  
**Cc:** SETHURAMAN, RAJA; YANG, SEUNG; 'Michael khalil'  
**Subject:** Costa Mesa Police Department Indoor Range Upgrades  
**Attachments:** PROTEST LETTER.pdf

Good afternoon,

Please see attached Protest Letter for above-referenced project.

Let us know if there are any questions.

Thank you,

Lori Ramirez  
Executive Assistant  
Home Masters Intl  
[lori@homemastersintl.com](mailto:lori@homemastersintl.com)  
909.923.4663 ext 1013

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June 15, 2022

Bobby Fouladi, P.E.  
Senior Engineer  
City of Costa Mesa  
Public Services Department  
Via email: [bobby.fouladi@costamesaca.gov](mailto:bobby.fouladi@costamesaca.gov)

Re: Formal Protest of Bid  
Bid: Costa Mesa Police Department Indoor Range Upgrades Project  
CIP #22-03

Dear Mr. Fouladi,

Please consider this correspondence to serve as Home Masters Intl. formal protest of the award of the above-referenced bid to AG Construction, Newman Midland Corp & Kazoni Inc.

This protest is being submitted due to the following:

AG Construction:

1. The contractor did not list any subcontractor for the specialty trade of Fire Sprinkler per their listing on PlanetBids.
2. The contractor did not list any subcontractor for the specialty trade of Elevator per their listing on PlanetBids.
3. The contractor did not list any subcontractor for the specialty trade of Roofing not to void the current roofing warranty per their listing on PlanetBids.
4. The contractor did not list any subcontractor for the specialty trade of Structural Steel per their listing on PlanetBids.
5. The contractor did not list any subcontractor for Wood Casework per their listing on PlanetBids, cabinets trimming modifications, site measurements, professional fabrication, and installation will be in need of a licensed fabricator and installer.

Newman Midland Corp:

1. The contractor did not list any subcontractor for the specialty trade of Fire Alarm per their listing on PlanetBids. Johnson Controls is the specified subcontractor per the project specs.

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2232 S. Vineyard Avenue · Ontario, CA 91761  
PH: 909 – 923 – 4663      FX: 909 – 923 – 4688  
**[www.homemastersintl.com](http://www.homemastersintl.com)**



2. The contractor did not list any subcontractor for the specialty trade Demolition and Asbestos Abatement to deal with hazardous material, if any, per Addendum #2 requirements.
3. The contractor listed a subcontractor for the Elevator trade, "PS37-3 LLC – DBA Arrow Lift" which we believe is not a licensed distributor for the specified elevator.
4. Listed subcontractor for Structural Steel "TROY'S ORNAMENTAL IRON CRAFT" is not holding license C-51 for structural steel, and all the required scope of work is included in the project's structural sheets.

Kazoni Inc.:

1. Listed subcontractor for Structural Steel "TROY'S ORNAMENTAL IRON CRAFT" is not holding license C-51 for structural steel, and all the required scope of work is included in the project's structural sheets.
2. The contractor did not list any subcontractor for Wood Casework per their listing on PlanetBids, cabinets trimming modifications, site measurements, professional fabrication, and installation will be in need of a licensed fabricator and installer.
3. Listed subcontractor for Demolition "Bluetek Unlimited LLC" is holding license C-21, and to deal with hazardous material, if any, per Addendum #2 requirements, the subcontractor needs to carry C-22 license.

Your review of our bid protest is greatly appreciated. If you have any questions, please do not hesitate to contact me at (909) 454-4439.

Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read 'Michael', with a stylized flourish underneath.

Michael Khalil  
Projects Director

**FOULADI, BOBBY**

---

**From:** Adam Nasry <anasry@newmanmidland.com>  
**Sent:** Thursday, June 16, 2022 5:05 PM  
**To:** FOULADI, BOBBY  
**Cc:** Bill Hadd  
**Subject:** Re- Indoor Range Upgrades at Costa Mesa Police Department

Dear Mr. Fouldi,

Pursuant to our phone discussion today, I would like to protest potential award of the contract for the above reference project to AG Construction due to their failure to list structural steel and fire sprinklers subcontractors. Both trades require a specialty license which AG Construction do not possess. Public contract code requires listing of subcontractors performing half of one percent of the bid amount. Clearly, AG Construction is in violation of that requirement. Therefore we believe our company is the lowest responsive bidder.

I would also like to clarify and confirm the following items in our bid proposal for the above referenced project:

1. Our company will self-perform the demolition. Therefore, we do not need to list a demolition contractor.
2. There is no need to list an abatement contractor either since: (a) The contract documents do not contain a hazmat survey so it is unknown during bid time whether any disturbed material is hazardous or not, and (b) The contract documents require us to test the floor tile and roof mastic for hazardous material, which we have included an allowance in our bid for that purpose, and (c) The contract documents states that bullet trap at end of the range may "possibly" release lead dust when removed, and requires the workers to wear personal protective devices and use HEPA vacuums if the trap granular material were disturbed, and does not require a specialty contractor to do any abatement.
3. Although the General Conditions, Article SP-05-Section B- Sub Section 17 on SP-16 indicates that substitution requests need to be submitted prior to bid opening date, it also indicates that later substitution maybe accepted if City finds it to be in its best interest.
- 4.
4. Our bid was based on "Symmetry" LU/LA elevator, which we believe is superior in quality and performance to the specified "Garavanta" elevator. As in article 3 above, the advantage to the City is the higher quality (stainless steel cab construction vs plastic laminate) and the considerable cost saving which was accounted for in our bid amount.
- 5.
5. Similarly, our bid was based on "Welkin" overhead baffle and "Stryker" turning target as provided by "Spire Ranges" as comparable systems to the "Action Target" products specified. As in article 3 above, the advantage to the City is the considerable cost saving which was accounted for in our bid amount. We were informed by "Spire Ranges" that they were an approved vendor to the City. I do

#### ATTACHMENT 4

encourage the City to verify other bidders' inclusions for range equipment, which I am certain that you will find "Spire Ranges" to be their answer.

6.

In the spirit of cooperation, our company is willing to provide the specified "Garavanta" elevator at no extra cost to the City if the contract was awarded to our company along with the City approval of "Spire Ranges" products as an acceptable equal.

Please consider the above items in your review and evaluation of the bids received, and advise us of the City's decision at the earliest time possible.

Sincerely,

Adam Nasry, Sr. PM  
NEWMAN MIDLAND CORP.

6.

7.

8.

6.

6.

7.

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**FOULADI, BOBBY**

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**From:** Keith Kulpinski <keith@kazoni-inc.com>  
**Sent:** Thursday, June 16, 2022 4:19 PM  
**To:** FOULADI, BOBBY  
**Cc:** April Kulpinski  
**Subject:** Fwd: Kazoni's Protest of AG Construction and Newman Midland Corp. [24855]  
**Attachments:** Kazoni Bid Protest-Costa Mesa Police Dept..pdf

Hi Bobby,

I am forwarding you copy for your files.

Thank you,

**Keith Kulpinski**



150 PAULARINO AVE., SUITE D160  
COSTA MESA, CA 92626  
PHONE: (714) 882-1088  
DIRECT: (714) 393-9724  
FAX: (714) 882-1024  
[keith@kazoni-inc.com](mailto:keith@kazoni-inc.com)  
<http://www.kazoniconstruction.com>

Begin forwarded message:

**From:** "Angelica J. Regis" <[ajregis@lanak-hanna.com](mailto:ajregis@lanak-hanna.com)>  
**Subject:** Kazoni's Protest of AG Construction and Newman Midland Corp. [24855]  
**Date:** June 16, 2022 at 4:10:10 PM PDT  
**To:** "[raja.sethuraman@costamesaca.gov](mailto:raja.sethuraman@costamesaca.gov)" <[raja.sethuraman@costamesaca.gov](mailto:raja.sethuraman@costamesaca.gov)>  
**Cc:** "[agconstruction18@gmail.com](mailto:agconstruction18@gmail.com)" <[agconstruction18@gmail.com](mailto:agconstruction18@gmail.com)>, "[estimating@newmanmisland.com](mailto:estimating@newmanmisland.com)" <[estimating@newmanmisland.com](mailto:estimating@newmanmisland.com)>, Colin McCarthy <[ckmccarthy@lanak-hanna.com](mailto:ckmccarthy@lanak-hanna.com)>, "[april@kazoni-inc.com](mailto:april@kazoni-inc.com)" <[april@kazoni-inc.com](mailto:april@kazoni-inc.com)>, "[keith@kazoni-inc.com](mailto:keith@kazoni-inc.com)" <[keith@kazoni-inc.com](mailto:keith@kazoni-inc.com)>, "Lauren B. Stec" <[lbstec@lanak-hanna.com](mailto:lbstec@lanak-hanna.com)>

RE: Kazoni's Protest of AG Construction and Newman Midland Corp.  
Project: Costa Mesa Police Department Indoor Range Upgrades Project  
Our Matter No. 24855

Dear Mr. Sethuraman,

Please find attached letter regarding the above-referenced matter, per Atty. Lauren B. Stec's request.

Thank you for your time.

Respectfully,

## ATTACHMENT 4

### ANGELICA J. REGIS

Litigation Assistant

**Direct** 714.408.7219 | **Main** 714.620.2350 | **Fax** 714.703.1610  
625 THE CITY DRIVE S., STE. 190, ORANGE, CA 92868

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Lauren B. Stec  
Attorney at Law  
lbstec@lanak-hanna.com

File No. 24855

June 16, 2022

**VIA E-MAIL AND OVERNIGHT MAIL**

Raja Sethuraman  
Public Services Director  
City of Costa Mesa  
77 Fair Dr.  
Costa Mesa, CA 92626  
raja.sethuraman@costamesaca.gov

**RE: KAZONI'S PROTEST OF AG CONSTRUCTION AND NEWMAN MIDLAND CORP.  
Project: Costa Mesa Police Department Indoor Range Upgrades Project**

Dear Mr. Sethuraman,

We represent Kazoni, Inc. dba Kazoni Construction ("Kazoni") with regards to its bid on the City of Costa Mesa (the "City") Police Department Indoor Range Upgrades Project ("Project"). As you know, the first lowest bidder, SS+K Construction withdrew its bid. This letter serves as Kazoni's formal protest against the second lowest bidder, AG Construction, and the third lowest bidder, Newman Midland Corp.'s ("Newman") bids. This bid protest is in compliance with the City's Protest Instructions set forth in the Invitation for Bid. AG Construction and Newman's bids on the Project are non-responsive and thus must be rejected, as addressed in detail below. Kazoni requests that the District reject AG Construction and Newman's Bids and award the Project to Kazoni as the lowest responsive and responsible bidder.

**I. AG CONSTRUCTION AND NEWMAN'S BIDS ARE NON-RESPONSIVE.**

AG Construction and Newman's bids are nonresponsive because (1) AG Construction and Newman failed to complete the Designation for Subcontractors Form, (2) AG Construction and Newman violated the Subcontractor Listing Laws, and (3) AG Construction and Newman failed to list an elevator subcontractor to install the specified electric lift by Garaventa Lift pursuant to Section 14 2102 of the Specifications. AG Construction and Newman's non-responsive bids should be rejected by the City because AG Construction and Newman's have gained an advantage by failing to include the type of work and percentage of work to be performed by their subcontractors, and failing to bid the specified electric lift manufactured by Garaventa Lift.

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,*

{2617 24855}

June 16, 2022

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*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.*

## II. AG CONSTRUCTION'S BID SHOULD BE REJECTED AS NON-RESPONSIVE.

AG Construction's bid should be deemed non-responsive by the City because it failed to complete the Designation for Subcontractors Form, violated the Subcontractor Listing Laws under *Public Contract Code* section 4104, and failed to list a subcontractor to install the specified electric lift by Garaventa Lift pursuant to Section 14 2102 of the Specifications in its bids. A true and correct copy of AG Construction's Bid is attached hereto as **Exhibit A**.

### **A. AG Construction's Bid is Non-Responsive on its Face Because it Failed to Complete the Designation for Subcontractors Form.**

The Designation for Subcontractors Form provides:

In compliance with the "Subletting and Subcontracting Fair Practices Act" being Sections 4100-4113 of the Public Contract Code of the State of California, and any amendments thereto, each bidder shall set forth below the **name and location of the place of business of each subcontractor who will perform work** or labor or render service to the prime contractor in or about the construction of the work or improvement in an amount in excess of one-half (½) of one percent (1%) of the prime contractor's total bid or in the case of bids for the

June 16, 2022

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construction of streets or highways, including bridges, in excess of one-half (½) of one percent (1%) of the prime contractor's total bid or ten thousand (\$10,000) dollars, whichever is greater. **Bidder shall further set forth the portion of the work which will be done by each such subcontractor** with its Department of Industrial Relations (DIR) registration number. Only one subcontractor for each such portion shall be listed.

The Designation for Subcontractors Form, above the table to list the subcontractors, also states “***All information must be filled out and typed.*** Please use additional pages in this format if needed.” The table provides that the bidder must include for each subcontractor listed the Bid Item(s) Number, % Portion of Work, Name, Address, and Email of Subcontractor, State License Number, Class, and DIR Registration Number.

Here, AG Construction's bid is non-responsive on its face because the Designation for Subcontractors Form is not complete. See *Taylor Bus Service, Inc.*, *supra*, 195 Cal.App.3d at 1341. AG Construction's Form fails to include the following required information:

- AG Construction's bid fails to include Bid Item(s) Number for Johnson Control;
- AG Construction's bid fails to include the % Portion of Work for Johnson Control;
- AG Construction's bid fails to include the Johnson Control's Address;
- AG Construction's bid fails to include Johnson Control's email;
- AG Construction's bid fails to include Johnson Control's class;
- AG Construction's bid fails to include Bid Item(s) Number for Diamondcrete;
- AG Construction's bid fails to include the % Portion of Work for Diamondcrete;
- AG Construction's bid fails to include the Diamondcrete's Address;
- AG Construction's bid fails to include Diamondcrete's email;
- AG Construction's bid fails to include Diamondcrete's class;
- AG Construction's bid fails to include Bid Item(s) Number for Continental Tile and Marble;
- AG Construction's bid fails to include the % Portion of Work for Continental Tile and Marble;
- AG Construction's bid fails to include the Continental Tile and Marble's Address;
- AG Construction's bid fails to include Continental Tile and Marble's email;
- AG Construction's bid fails to include Continental Tile and Marble's class;
- AG Construction's bid fails to include Bid Item(s) Number for URE Inc.;
- AG Construction's bid fails to include the % Portion of Work for URE Inc.;
- AG Construction's bid fails to include the URE Inc.'s Address;
- AG Construction's bid fails to include URE Inc.'s email;
- AG Construction's bid fails to include URE Inc.'s class;
- AG Construction's bid fails to include Bid Item(s) Number for Arrow Lift of CA;
- AG Construction's bid fails to include the % Portion of Work for Arrow Lift of CA;
- AG Construction's bid fails to include the Arrow Lift of CA's Address;
- AG Construction's bid fails to include Arrow Lift of CA's email;
- AG Construction's bid fails to include Arrow Lift of CA's class;

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- AG Construction's bid fails to include Bid Item(s) Number for Allison Mechanical;
- AG Construction's bid fails to include the % Portion of Work for Allison Mechanical;
- AG Construction's bid fails to include the Allison Mechanical's Address;
- AG Construction's bid fails to include Allison Mechanical's email;
- AG Construction's bid fails to include Allison Mechanical's class;
- AG Construction's bid fails to include Bid Item(s) Number for Delta Environmental;
- AG Construction's bid fails to include the % Portion of Work for Delta Environmental;
- AG Construction's bid fails to include the Delta Environmental's Address;
- AG Construction's bid fails to include Delta Environmental's email;
- AG Construction's bid fails to include Delta Environmental's class;
- AG Construction's bid fails to include Bid Item(s) Number for Amtek Construction;
- AG Construction's bid fails to include the % Portion of Work for Amtek Construction;
- AG Construction's bid fails to include the Amtek Construction's Address;
- AG Construction's bid fails to include Amtek Construction's email;
- AG Construction's bid fails to include Amtek Construction's class;

This information for its subcontractors was required to be listed as specifically provided in the bid documents. AG Construction's failure to complete the Designation for Subcontractors Form is a material deviation and deems its bid non-responsive.

In addition to failing to list the information required by the Designation for Subcontractors Form for each subcontractor, AG Construction also failed to type the information as required. Although this may seem like an inconsequential deviation, it made determining which subcontractors AG Construction listed almost impossible. Amtek Construction looks like Amlex Construction. Amtek Construction's license number is 490382 but the way it is listed on the Form is 490302. The fact is that AG Construction failed to type the information for the Designation for Subcontractors Form and deviated from the bid instructions.

Therefore, AG Construction's Bid is non-responsive because it fails to conform to the Specifications of the Invitation for Bid.

**B. AG Construction's Bid Must Be Rejected Because it Violates the Subcontractor Listing Laws.**

AG Construction's failure to list its subcontractors' scope of work, percentage of work, and address violate the subcontractor listing laws. The purpose of the subcontractor listing law specifically addresses the concerns raised by AG Construction's subcontractor list. Public Contract Code section 4101 identifies the problem the Legislature was concerned with, as follows:

The Legislature finds that the practices of bid shopping and bid peddling in connection with the construction, alteration, and repair of public improvements often result in poor quality of material and workmanship to the detriment of the public, deprive the public of the full benefits of fair competition among prime contractors and subcontractors, and

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lead to insolvencies, loss of wages to employees, and other evils.

The subcontractor listing law was passed in response to these concerns.

*Public Contract Code* section 4104 provides and requires:

Any officer, department, board or commission taking bids for the construction of any public work or improvement shall provide in the specifications prepared for the work or improvement or in the general conditions under which bids will be received for the doing of the work incident to the public work or improvement that any person making a bid or offer to perform the work, shall, in his or her bid or offer, set forth:

(a) (1) The name, **the location of the place of business**, the California contractor license number, and public works contractor registration number issued pursuant to Section 1725.5 of the Labor Code of each subcontractor who will perform work or labor or render service to the prime contractor in or about the construction of the work or improvement, or a subcontractor licensed by the State of California who, under subcontract to the prime contractor, specially fabricates and installs a portion of the work or improvement according to detailed drawings contained in the plans and specifications, in an amount in excess of one-half of 1 percent of the prime contractor's total bid or, in the case of bids or offers for the construction of streets or highways, including bridges, in excess of one-half of 1 percent of the prime contractor's total bid or ten thousand dollars (\$10,000), whichever is greater.

(2) An inadvertent error in listing the California contractor license number or public works contractor registration number provided pursuant to paragraph (1) shall not be grounds for filing a bid protest or grounds for considering the bid non-responsive if the corrected contractor's license number is submitted to the public entity by the prime contractor within 24 hours after the bid opening and provided the corrected contractor's license number corresponds to the submitted name and location for that subcontractor.

(3) (A) Subject to subparagraph (B), any information requested by the officer, department, board, or commission concerning any subcontractor who the prime contractor is required to list under this subdivision, other than the subcontractor's name, location of business, the California contractor license number, and the public works contractor registration number, may be submitted by the prime contractor up to 24 hours after the deadline established by the officer, department, board, or commission for receipt of bids by prime contractors.

(B) A state or local agency may implement subparagraph (A) at its option.

(b) **The portion of the work that will be done by each subcontractor under this act.**

The prime contractor shall list only one subcontractor for each portion as is defined by the prime contractor in his or her bid. (Emphasis added).



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“Bid shopping occurs where the general contractor uses the lowest bid received to pressure other subcontractors to submit even lower bids. The Act requires bidders for public contracts to list the names of all subcontractors who will perform work in an amount in excess of one-half of 1 percent of the prime contractor's bid. *Pub. Contract Code*, §4104, subd. (a). The bidder must also set forth: ‘The portion of the work which will be done by each subcontractor under this act. The prime contractor shall list only one subcontractor for each portion as is defined by the prime contractor in his or her bid.’ (*Pub. Contract Code*, § 4104, subd. (b).)” *MCM Const., Inc. v. City & County of San Francisco* (1998) 66 Cal.App.4<sup>th</sup> 359, 368-69 citing *Valley Crest Landscape, Inc. v. City Council* (1996) 41 Cal.App.4<sup>th</sup> 1432, 1438.

Here, Public Contract Code Section 4101(a)(1) states that the bidder must list the address for each of its subcontractors. In direct violation of the Subcontractor Listing Laws, AG Construction failed to include the address of all of its listed subcontractors.

Furthermore, the Public Contract Code Section 4101(b) states that the bidder must include the portion of work to be performed by each subcontractor. AG Construction fails to list both the bid item and the percentage of work to be performed by each subcontractor. AG Construction’s failure to list the bid item or percentage of work encourages bid shopping by AG Construction to try to find another subcontractor to perform the work for cheaper. AG Construction is able to bid shop because it hasn’t listed the bid items or percentages, locking the subcontractor into the designated work.

Thus, the City must reject AG Construction’s bid for violating the Subcontractor Listing Laws.

**C. AG Constructions Bid is Non-Responsive Because the Elevator Subcontractor it Listed, Arrow Lift, Does Not Install the Electric Lift Provided for in the Specifications, Garaventa Lift.**

Lastly, AG Construction’s bid must be deemed non-responsive because it fails to list an elevator subcontractor that installed the electric lift provided for in the specifications, Garaventa Lift. The Electric Lift is provided for in Section 14 2101. Part 2 of Section 14 2102 provides:

**PART 2 PRODUCTS**

**2.01 SYSTEMS**

**A. Manufacturers:**

1. Garaventa Lift, [www.garaventlift.com](http://www.garaventlift.com).
2. Substitutions: Previously Reviewed and Approved Equals will be Accepted.

A true and correct copy of Section 14 2101, Electric Lift Specification is attached hereto as **Exhibit B**.

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AG Construction's Bid listed Arrow Lift as a subcontractor, presumably to perform the elevator work, although not clear since AG Construction failed to list the scope of work each subcontractor was to perform. Arrow Lift only installs electric lifts manufactured by Symmetry, not Garaventa Lift. Kazoni knows this because it received a bid from Arrow Lift but the manufacturer of the electrical lift was Symmetry, which does not meet the requirements for the specifications. Arrow Lift explained to Kazoni that it only installs Symmetry electrical lifts, not Garaventa Lift electrical lifts.

The Specifications do provide that previously reviewed and approved equals will be accepted; however, the City did not notify Kazoni that any equals had been reviewed or approved. AG Construction's failure to list a subcontractor that installs Garaventa Lift electrical lifts fails to meet the Specifications, and therefore is non-responsive.

This deviation from the bid documents cannot be waived because it provided AG Construction with a material advantage. Specifically, the electrical lift manufactured by Symmetry only cost \$89,500.00. Comparatively, the electrical lift provided for in the specifications, which are manufactured by Garaventa Lift, are \$196,933.00. Therefore, by ignoring the specifications and required manufacturer of the electrical lift, AG Construction gained a \$107,000 advantage. This doesn't even include the usual markup by general contractors, would add another \$10,000 to \$15,000. This is clearly a material advantage that the City cannot waive.

Therefore, AG Construction's Bid must be rejected because it is non-responsive for failure to complete the Designation for Subcontractors Form, violated the Subcontractor Listing Laws under *Public Contract Code* section 4104, and failed list a subcontractor to install the specified electric lift by Garaventa Lift pursuant to Section 14 2102 of the Specifications in their bids.

### **III. NEWMAN'S BID SHOULD BE REJECTED AS NON-RESPONSIVE.**

Newmans' bid should also be deemed non-responsive by the City because it failed to complete the Designation for Subcontractors Form, violated the Subcontractor Listing Laws under *Public Contract Code* section 4104, and failed list a subcontractor to install the specified electric lift by Garaventa Lift pursuant to Section 14 2102 of the Specifications in their bids. A true and correct copy of Newman's Bid is attached hereto as **Exhibit C**.

#### **A. Newman's Bid is Non-Responsive on its Face Because it Failed to Complete the Designation for Subcontractors Form.**

Newman's bid is non-responsive on its face because the Designation for Subcontractors Form is not complete. See *Taylor Bus Service, Inc.*, *supra*, 195 Cal.App.3d at 1341. Newman's Form fails to include the following required information:

- AG Construction's bid fails to include the % Portion of Work for PMK Professional, Inc.;
- AG Construction's bid fails to include the % Portion of Work for Arrow Lift of CA;
- AG Construction's bid fails to include the % Portion of Work for RDM Millwork and Cabinets;
- AG Construction's bid fails to include the % Portion of Work for Gillardo Contractors, Inc;

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- AG Construction's bid fails to include the % Portion of Work for Tecta America Southern California, Inc.;
- AG Construction's bid fails to include the % Portion of Work for Rod Construction;
- AG Construction's bid fails to include the % Portion of Work for United Riggers & Erectors, Inc.;
- AG Construction's bid fails to include the % Portion of Work for Cosco Fire Protection, Inc.;
- AG Construction's bid fails to include the % Portion of Work for Inland Pacific Coatings, Inc.;
- AG Construction's bid fails to include the % Portion of Work for Enterprise Security, Inc.;
- AG Construction's bid fails to include the % Portion of Work for South Coast Mechanical LLC.

The percentage portion of work was required to be completed pursuant to the instructions on the Designation of Subcontractors Form. The Form specifically provides "***all information must be filled out.***" The City cannot waive a requirement that it created within the bid documents. Therefore, Newman's Bid is non-responsive because it fails to conform to the Specifications of the Invitation for Bid.

**B. Newman's Bid Must Be Rejected Because it Violates the Subcontractor Listing Laws**

Newman's bid must also be rejected because its failure to list its subcontractors' percentage of work violates the subcontractor listing laws. The purpose of the subcontractor listing law specifically addresses the concerns raised by Newman's subcontractor list.

Public Contract Code Section 4101(b) states that the bidder must include the portion of work to be performed by each subcontractor. This includes the type of work and the percentage of work. Newman failed to list the percentage of work to be performed by each subcontractor. Newman's failure to list the percentage of work to be performed by each contractor encourages bid shopping by Newman to try to find another subcontractor to perform a portion of the work for cheaper. For example, Newman lists Gallardo Contractors Inc. for the concrete portion of work. However, Newman does not list the percentage of concrete work Gallardo Contractors Inc. will be performing. Without a percentage listed, Newman is left with the ability go to bid shopping to find a concrete contractor to perform some portion of Gallardo Contractors Inc.'s work for less, ie. bid shopping.

Furthermore, the court in *MCM Construction, Inc. v. City and County of San Francisco* (1998) 66 Cal.App.4th 359, 374-377, found that a bidder's failure to list the percentage or price of each subcontractors work constitutes material advantage. In *MCM Construction, Inc.*, the bid documents and city regulations applicable to a city project required that ***bidders provide the value of certain designated subcontractor's work***. The Court held that a bidder's failure to include that information for some of the subcontractors was ***a material deviation***. The Court noted that a number of cases determined that a contractor obtained a competitive advantage over other bidders where a contractor's error on a bid could result in a contractor withdrawing its bid pursuant Public Contract Code section 5103, which was interpreted to permit the withdrawal of a bid arising from typographical or arithmetical errors. *Id.* at 376-377. The Court concluded, "the failure to state a dollar amount of work

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to be performed by seven of nine subcontractors is ‘in the nature of a typographical or arithmetical error.’ As such, MCM could have sought relief under the statute and had an advantage not available to other bidders.” *Id.* at 377.

Here, Newman failed to include the percentage of each subcontractor’s work. Like the contractor in *MCM Const., Inc.*, because Newman could have sought relief under Public Contract Code section 5103 for failing to include those values, Newman “had an advantage not available to other bidders.” *MCM Const., Inc., supra*, Cal.App.4th at 377. As a result, Newman’s bid was non-responsive from the face of the bid. See *Taylor Bus Service, Inc., supra*, 195 Cal.App.3d at 1341.

**C. Newman’s Bid is Non-Responsive Because the Elevator Subcontractor it Listed, Arrow Lift, Does Not Install the Electric Lift Provided for in the Specifications, Garaventa Lift.**

Finally, just like AG Construction’s bid, Newman’s bid must also be deemed non-responsive because it also failed to list an elevator subcontractor that installed the electric lift provided for in the specifications, Garaventa Lift.

Newman’s Bid also listed Arrow Lift as the elevator subcontractor. As discussed above, Arrow Lift only installs electric lifts manufactured by Symmetry, not Garaventa Lift as required by the specifications. This deviation from the bid documents cannot be waived because it provided Newman with a \$107,000 material advantage. Even more significant than the advantage provided to AG Construction, here, the bid spread between Kazoni and Newman is less than \$100,000, and thus, less than the electrical lift cost.

Therefore, Newman’s Bid must be rejected because it is non-responsive for failure to complete the Designation for Subcontractors Form, violated the Subcontractor Listing Laws under *Public Contract Code* section 4104, and failed list a subcontractor to install the specified electric lift by Garaventa Lift pursuant to Section 14 2102 of the Specifications in their bids.

#### **IV. CONCLUSION**

AG Construction and Newman’s bids failed to comply with the requirements of the bid documents. The failures of AG Construction and Newman to comply with the bid requirement, as identified in detail above, constitute material deviations from the Invitation for Bid. These failures provide AG Construction and Newman with an unfair competitive advantage. As a result of AG Construction and Newman’s bids being non-responsive, Kazoni requests the City reject AG Construction and Newman’s bids and award the Project to Kazoni as the lowest responsive and responsible bidder.

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

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Sincerely,



LAUREN B. STEC  
Attorney at Law for the Firm  
Enclosures

cc: *Via email only*

Alon Gamliel  
AG Construction  
agconstruction18@gmail.com

Adam Nasry  
Newman Midland Corp.  
estimating @newmanmisland.com

# EXHIBIT A



## SECTION C

### PROPOSAL FOR THE COSTA MESA POLICE DEPARTMENT INDOOR RANGE UPGRADES PROJECT CITY PROJECT NO. 22-03

The Honorable City Council  
City of Costa Mesa  
77 Fair Drive  
Costa Mesa, CA 92626

Dear Council Members:

In compliance with the NOTICE INVITING BIDS FOR THE **COSTA MESA POLICE DEPARTMENT INDOOR RANGE UPGRADES PROJECT, CITY PROJECT NO. 22-03**, a copy which is hereto attached, the undersigned has carefully examined the location of the proposed Work, the Plans, Specifications and other Contract Documents and is therefore satisfied as to the conditions to be encountered, as to the character, quality and quantity of work to be performed and materials to be furnished and as to the requirements of the specifications and the Contract. It is mutually agreed that the submission of a proposal shall be considered prima facie evidence that the BIDDER has made such examination.

If awarded the Contract, the undersigned agrees to commence the Work under the Contract **WITHIN TEN (10) WORKING DAYS AFTER DATE OF CONTRACT, AND COMPLETE SAID WORK WITHIN ONE-HUNDRED-FORTY (140) WORKING DAYS** from the first day of commencement of such work unless legal extension is granted in accordance with the terms set forth in the specifications, and to perform and complete the Work in accordance with the Specifications and other Contract Documents, and to furnish all labor, materials, tools and equipment necessary to complete the work in-place therefor, in the manner and time herein prescribed at the following prices, to wit:

To minimize impacts on day-to-day operations within the basement level of the building, the Contractor shall arrange for and order all materials for the accessibility upgrades in basement restrooms at the start of construction. As part of the baseline construction schedule, the Contractor shall submit for approval by the City, a separate restroom accessibility upgrade schedule. Once all materials for the restroom accessibility upgrades are on-site the Contractor shall complete construction in the basement restroom facilities **WITHIN TWENTY (20) WORKING DAYS** per a separate notice to proceed issued by the City.

#### Proposal Price Break Down

Description	Price*
(A) Price of Project (*)	1,655,495.00
(B) Allowances(**)	\$150,000
(A) + (B) = <b>Base Bid</b>	1,805,495.00

\* Price includes the indirect cost and markup.

\*\* Allowances are identified in Special Provisions SP-06-Allowances. Allowances as set forth in the Contract Documents are to be used as compensation for items as set forth in the Special Provisions. The Allowance amounts are to be included in the total project base bid.

The CITY reserves the right to reject all Bids.

A6  
Bidder's Initials



Contractor's Lawful Name AG Construction

Total written amount for Base Bid (using words):

\$ one million Eight hundred & five thousand four hundred  
ninety five.

Total amount for Base Bid (using numeric format):

\$ 1,805,495.00

**NOTE: A mandatory pre-bid walkthrough of the existing site is required. Bids will not be accepted from any contractor who does not attend the mandatory pre-bid walkthrough.**

AG  
Bidder's Initials

**PROPOSAL BID SCHEDULE  
(CONTINUED)**

**NOTES:**

1. The accuracy of estimate quantities as shown is not guaranteed; the Bidder shall make his/her own estimate from the drawings and field review for verification. If the unit price and the total amount are different, the unit price will control the bid. Payment shall be based on actual work done and/or actual quantities used.
2. The City reserves the right to delete one or more bid items and/or to increase or decrease bid items' quantities, at no additional cost to the City.
3. (\*) A Schedule of Values shall be submitted for review and approval before 4:00 PM on the 4th business days following the contract award. Business days exclude Saturday, Sunday, and City Holidays. Prices shall include indirect costs and markup. Upon request, the Contractor shall provide additional break down of the schedule of values.
4. (\*\*) Allowance is for unforeseen work not included in the contract documents and to be included in the total bid amount as identified as follows. Use of the allowance will be at the sole discretion of the City and must be authorized in writing at the discretion of the City. This Bid item will cover unforeseen work that is not included in the contract documents. Any money used from the project allowance will be authorized via an Allowance Disbursement Form at the City's sole discretion. Any amount of money remaining in the Allowance line item upon completion of the Project will be deducted from the Contract by Deductive Change Order for the full amount(s) remaining therein. The Contractor has no beneficial interest in, and/or claim to, the Allowances and hereby disclaims any and all such interests.
5. (FA) designates force account. Payment shall be made on a time and materials basis, only if directed by the ENGINEER.
6. (F) Designates Final Pay Item. When an item of work is designated as "FINAL PAY ITEM" in the Specifications, the estimated quantity for that item of work shall be the final pay quantity, unless the dimensions of any portion of that item are revised by the Engineer, or the item or any portion of the item is eliminated. If the dimensions of any portion of the item are revised, and the revisions result in an increase or decrease in the estimated quantity of that item of work, the final pay quantity for the item will be revised in the amount represented by the changes in the dimensions. If a final pay item is eliminated, the estimated quantity for the item will be eliminated. If a portion of a final pay item is eliminated, the final pay quantity will be revised in the amount represented by the eliminated portion of the item of work.

The estimated quantity for each item of work designated as "FINAL PAY ITEM" in the Specifications, shall be considered as approximate only, and no guarantee is made that the quantity which can be determined by computations, based on the details and dimensions shown on the plans, will equal the estimated quantity. No allowance will be made in the event that the quantity based on computations does not equal the estimated quantity.

In case of discrepancy between the quantity shown in the Engineer's Estimate for a final pay item and the quantity or summation of quantities for the same item shown on the plans, payment will be based on the quantity shown in the Engineer's Estimate.

7. Bidder agrees to initial or notarize (if applicable) all pages on P-1, P-1a, P-1b, P-2 thru P-12 and uploaded onto PlanetBids.

AG  
Bidder's Initials

# **PROPOSAL SCHEDULE** **(CONTINUED)**

(Please Type or Print)

Total Amount for Bid (in written words) \_\_\_\_\_  
 \_\_\_\_\_ (\$ \_\_\_\_\_) \_\_\_\_\_ in figures

Contractor's Lawful Name: AG Construction

Bidder's Name: Alon Gamliel Bidder's Initials: AG

Contractor's License No. 706172 Expiration: 6-30-23

Contractor's Taxpayer I.D. Number: 95-4533599

Contractor's DIR Registration Number: 1000722296

Signature: Alon Gamliel Date: 6-13-22

Contractor's Address: 18960 Ventura Blvd #211  
Tarzana Ca 91356

Telephone Number: (818) 963 1683 Mobile No.: (818) 963 1683

Fax Number: (818) 578-6692 E-mail: agconstruction@gmail.com

24-Hour Emergency Contacts:

Alon Gamliel  
 Name

\_\_\_\_\_  
 Name

\_\_\_\_\_  
 Name

Telephone Number: (818) 963 1683

Mobile No.: (818) 963 1683

Telephone No.: ( )

Mobile No.: ( )

Telephone No.: ( )

Mobile No.: ( )

\_\_\_\_\_  
 Bidder's Initials



**PROPOSAL SCHEDULE****(CONTINUED)**

The Contractor agrees that the City will not be held responsible if any of the approximate quantities shown in the foregoing proposal shall be found incorrect, and he shall not make any claim for damages or for loss of profits because of a difference between the quantities of the various classes of work as estimated and the work actually done. If any error, omission or misstatements shall be discovered in the estimated quantities, it shall not invalidate this contract or release the Contractor from the execution and completion of the whole or part of the work herein specified, in accordance with the specifications and the plans herein mentioned and the prices herein agreed upon and fixed therefore, or excuse him from any of the obligations or liabilities hereunder, or entitle him to any damages or compensation otherwise than as provided for in this contract.

The Contractor agrees that the City shall have the right to increase or decrease the quantity of any bid item or portion of the work or to omit portions of the work as may be deemed necessary or expedient, and that the payment for incidental items or work, not separately provided in the proposal shall be considered included in the price bid for other various items or work.

Accompanying this proposal is "Cash," "Certified Check," or "Bidder's Bond" (circle one) in the amount of \_\_\_\_\_ (\$\_\_\_\_\_) equal to at least ten (10%) percent of the total bid price, payable to the City of Costa Mesa, to guarantee that within fourteen (14) days after written notice is deposited in the mail, or the bidder has received notice by telephone, the bidder will furnish proper Certificates of Insurance, and required bonds satisfactory to the City and execute a contract in accordance with the proposal and in the manner and form required by the contract documents.

The undersigned deposits the above-named security as a proposal guarantee and agrees that it shall be forfeited to the City of Costa Mesa as Liquidated Damages if the above requirements are not complied with.

AG

Bidder's Initials

Alan Gamliel DBA  
AG Construction  
Contractor's Business Name  
18960 Ventura Blvd #211  
Business Address: Street  
Targana Ca 91356  
City State Zip  
818-963-1683  
Business Phone Number  
Alan Gamliel owner  
Name Title  
Targana Ca 91356  
City State Zip

Respectfully Submitted,

Alan Gamliel owner  
Contractor Title  
Alan C owner  
Signed By Title  
706172 6-30-23  
Contractor's License No. and Classification Exp. Date  
6-13-22  
Date  
577 Calvin Ave  
Residence: Street  
818-963 1683  
Residence phone Number

If the bid is by a corporation, state the names of the officers who can sign an agreement on behalf of the corporation and whether more than one officer must sign.

☐ Corporation

Taxpayer I.D. Number: \_\_\_\_\_

Name \_\_\_\_\_  
Name \_\_\_\_\_  
Name \_\_\_\_\_

Can Sign

☐  
☐  
☐

Must Sign

☐  
☐  
☐

If the bid is by a partnership or a joint venture, state the names and addresses of all general partners and joint ventures.

☐ Partnership or Joint Ventures

Taxpayer I.D. Number: \_\_\_\_\_

Name \_\_\_\_\_

Address \_\_\_\_\_

Name \_\_\_\_\_

Address \_\_\_\_\_

If the bidder is a sole proprietorship or another entity that does business under a fictitious name, the bid shall be in the real name of the bidder with a designation following showing "DBA (the fictitious name)"; provided, however, no fictitious name shall be used unless there is a current registration with the Orange County Recorder.

The full names and residences of all persons and parties interested in the foregoing proposal, as principals, are as follows:

NOTE: Give first and last names in full; in case of corporation, give names of President, Secretary, Treasurer and Manager, and affix corporate seal; in case of partnerships and joint ventures, give names of all the individual members.

Alan Gamliel DBA  
AG Construction  
Taxpayer I.D. # 95-4533599

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

AG  
Bidder's Initials

Bidder shall signify receipt of all Addenda here, if any:

<u>Addendum No.</u>	<u>Date Received</u>	<u>Bidder's Signature</u>
1	May 10	Alm
2, 2R	May 19	Alm
3	May 26	Alm
4	Jun 07	Alm

In order to more fully evaluate your firm's background and experience for the project herein proposed, it is requested that you submit a list of Public Works and/or similar construction projects completed, or in progress, within the last 24 months. This information will be used to evaluate whether the bid is responsive and or responsible to the call for bids.

[illegible]

AC

Bidder's Initials



**DESIGNATION OF SUBCONTRACTORS**

In compliance with the "Subletting and Subcontracting Fair Practices Act" being Sections 4100-4113 of the Public Contract Code of the State of California, and any amendments thereto, each bidder shall set forth below the name and location of the place of business of each subcontractor who will perform work or labor or render service to the prime contractor in or about the construction of the work or improvement in an amount in excess of one-half ( $\frac{1}{2}$ ) of one percent (1%) of the prime contractor's total bid or in the case of bids for the construction of streets or highways, including bridges, in excess of one-half ( $\frac{1}{2}$ ) of one percent (1%) of the prime contractor's total bid or ten thousand (\$10,000) dollars, whichever is greater. Bidder shall further set forth the portion of the work, which will be done by each such subcontractor with its Department of Industrial Relations (DIR) registration number. Only one subcontractor for each such portion shall be listed.

If the contractor fails to specify a subcontractor for any portion of the work to be performed under the contract, he/she/it shall be deemed to have agreed to perform the balance of all work, which is not covered, and he/she/it shall not be permitted to subcontract that portion of the work except under the conditions hereinafter set forth.

Subletting or subcontracting of any portion of the work to which no subcontractor was designated in the original bid, shall only be permitted in cases of public emergency or necessity, and then only after a finding reduced to writing as a public record of the Legislative Body of the Owner.

*All information must be filled out and typed. Please use additional pages in this format if needed.*

<i>Bid Item (s) Number</i>	<i>% Portion of Work</i>	<i>Name, Address and E-mail of Subcontractor</i>	<i>State License Number</i>	<i>Class</i>	<i>DIR Registration Number</i>
		Thomson Controls	986047		1000000576
		Diamond Creek	106348		1000701616
		Continental Tile Marble	394		1000002554
		URE Inc	245451		1000004020
		Arrow Lift of Ca	995486		1000027813
		Allison Mechanical	679866		1000002213
		Deto Environmental	1070662		1000707164
		Amlex Construction	490302		1000009822
		Spire Ranges	supplier		

By submission of this proposal, the Bidder certifies:

1. That (I)(we)(it) is able to and will perform the balance of all work which is not covered in the above subcontractors listing.
2. That the AGENCY will be furnished copies of all subcontracts entered into by subcontractor for this project.

AG

Bidder's Initials



**BIDDER'S BOND TO ACCOMPANY PROPOSAL**

(Required if the bidder desires to submit bond instead of a certified or cashier's check.)

KNOW ALL PEOPLE BY THESE PRESENTS:

That we, AG Construction as principals, and Harco National Insurance Company as surety, are held and firmly bound unto the City of Costa Mesa, a municipal corporation, organized under the laws of the State of California and situated in Orange County in the sum of Ten Percent of the Total Bid Amount (\$ 10%) to be paid to the City, its successors and assigns, for which payment well and truly to be made, we bind ourselves, our heirs, executors, and administrators, successors or assigns, jointly and severally firmly by these presents.

THE CONDITION OF THIS OBLIGATION IS SUCH,

That is the certain proposal of the above bounden, AG Construction, if accepted by the City of Costa Mesa, and if the above bounden, AG Construction, his heirs, executors, administrators, successors and assigns, shall duly enter into and execute a contract for such construction, and shall execute and deliver the CERTIFICATE OF INSURANCE and the LABOR AND MATERIAL and the FAITHFUL PERFORMANCE BONDS described within fourteen (14) days from the date of the mailing of a notice of the above bounden, AG Construction, by and from the City, that said contract is ready for execution, then this obligation shall become null and void; otherwise it shall be and remain in full force and virtue.

IN WITNESS WHEREOF:

We hereunto set our hands and seals this 3rd day of June, 2022.

AG Construction

Alan Camilo

Contractor/ Principal  
(Notary Acknowledgement to be attached)

Harco National Insurance Company

Christine Hoang, Attorney-in-Fact

Surety/Power of Attorney  
(Notary Acknowledgment to be attached)

AG  
Bidder's Initials

## 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 OrangeOn 1 JUN 03 2022

before me,

J. Smith, Notary Public

Date

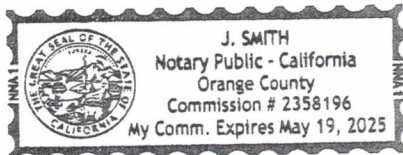
Here Insert Name and Title of the Officer

personally appeared

Christine Hoang

Name(s) of Signer(s)

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



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

WITNESS my hand and official seal.

Signature

Signature of Notary Public

Place Notary Seal and/or Stamp Above

## 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: \_\_\_\_\_

Signer's Name: \_\_\_\_\_

☐ Corporate Officer – Title(s): \_\_\_\_\_☐ Partner – ☐ Limited ☐ General☐ Individual ☐ Attorney in Fact☐ Trustee ☐ Guardian or Conservator☐ Other: \_\_\_\_\_

Signer is Representing: \_\_\_\_\_



**ATTACHMENT 4**  
**POWER OF ATTORNEY**

Bond # N/A

**HARCO NATIONAL INSURANCE COMPANY**  
**INTERNATIONAL FIDELITY INSURANCE COMPANY**

Member companies of IAT Insurance Group, Headquartered: 4200 Six Forks Rd, Suite 1400, Raleigh, NC 27609

**KNOW ALL MEN BY THESE PRESENTS:** That **HARCO NATIONAL INSURANCE COMPANY**, a corporation organized and existing under the laws of the State of Illinois, and **INTERNATIONAL FIDELITY INSURANCE COMPANY**, a corporation organized and existing under the laws of the State of New Jersey, and having their principal offices located respectively in the cities of Rolling Meadows, Illinois and Newark, New Jersey, do hereby constitute and appoint

**P. AUSTIN NEFF, EMILIE GEORGE, CHRISTINE HOANG, IRENE LUONG, JAMES W. MOILANEN, YUNG T. MULLICK, DANIELLE HANSON**

Mission Viejo, CA

their true and lawful attorney(s)-in-fact to execute, seal and deliver for and on its behalf as surety, any and all bonds and undertakings, contracts of indemnity and other writings obligatory in the nature thereof, which are or may be allowed, required or permitted by law, statute, rule, regulation, contract or otherwise, and the execution of such instrument(s) in pursuance of these presents, shall be as binding upon the said **HARCO NATIONAL INSURANCE COMPANY** and **INTERNATIONAL FIDELITY INSURANCE COMPANY**, as fully and amply, to all intents and purposes, as if the same had been duly executed and acknowledged by their regularly elected officers at their principal offices.

This Power of Attorney is executed, and may be revoked, pursuant to and by authority of the By-Laws of **HARCO NATIONAL INSURANCE COMPANY** and **INTERNATIONAL FIDELITY INSURANCE COMPANY** and is granted under and by authority of the following resolution adopted by the Board of Directors of **INTERNATIONAL FIDELITY INSURANCE COMPANY** at a meeting duly held on the 13th day of December, 2018 and by the Board of Directors of **HARCO NATIONAL INSURANCE COMPANY** at a meeting held on the 13th day of December, 2018.

**"RESOLVED**, that (1) the Chief Executive Officer, President, Executive Vice President, Senior Vice President, Vice President, or Secretary of the Corporation shall have the power to appoint, and to revoke the appointments of, Attorneys-in-Fact or agents with power and authority as defined or limited in their respective powers of attorney, and to execute on behalf of the Corporation and affix the Corporation's seal thereto, bonds, undertakings, recognizances, contracts of indemnity and other written obligations in the nature thereof or related thereto; and (2) any such Officers of the Corporation may appoint and revoke the appointments of joint-control custodians, agents for acceptance of process, and Attorneys-in-fact with authority to execute waivers and consents on behalf of the Corporation; and (3) the signature of any such Officer of the Corporation and the Corporation's seal may be affixed by facsimile to any power of attorney or certification given for the execution of any bond, undertaking, recognizance, contract of indemnity or other written obligation in the nature thereof or related thereto, such signature and seals when so used whether heretofore or hereafter, being hereby adopted by the Corporation as the original signature of such officer and the original seal of the Corporation, to be valid and binding upon the Corporation with the same force and effect as though manually affixed."

IN WITNESS WHEREOF, **HARCO NATIONAL INSURANCE COMPANY** and **INTERNATIONAL FIDELITY INSURANCE COMPANY** have each executed and attested these presents on this 31st day of December, 2021



STATE OF NEW JERSEY  
County of Essex

Kenneth Chapman

Executive Vice President, Harco National Insurance Company  
and International Fidelity Insurance Company

STATE OF ILLINOIS  
County of Cook



On this 31st day of December, 2021, before me came the individual who executed the preceding instrument, to me personally known, and, being by me duly sworn, said he is the therein described and authorized officer of **HARCO NATIONAL INSURANCE COMPANY** and **INTERNATIONAL FIDELITY INSURANCE COMPANY**; that the seals affixed to said instrument are the Corporate Seals of said Companies; that the said Corporate Seals and his signature were duly affixed by order of the Boards of Directors of said Companies.



IN TESTIMONY WHEREOF, I have hereunto set my hand affixed my Official Seal, at the City of Newark, New Jersey the day and year first above written.

Shirelle A. Outley a Notary Public of New Jersey  
My Commission Expires April 4, 2023

**CERTIFICATION**

I, the undersigned officer of **HARCO NATIONAL INSURANCE COMPANY** and **INTERNATIONAL FIDELITY INSURANCE COMPANY** do hereby certify that I have compared the foregoing copy of the Power of Attorney and affidavit, and the copy of the Sections of the By-Laws of said Companies as set forth in said Power of Attorney, with the originals on file in the home office of said companies, and that the same are correct transcripts thereof, and of the whole of the said originals, and that the said Power of Attorney has not been revoked and is now in full force and effect.

IN TESTIMONY WHEREOF, I have hereunto set my hand on this day, June 03, 2022

Irene Martins, Assistant Secretary

Nº 6046

STATE OF CALIFORNIA  
DEPARTMENT OF INSURANCE  
SAN FRANCISCO

Amended

## Certificate of Authority

THIS IS TO CERTIFY, That, pursuant to the Insurance Code of the State of California,

Harco National Insurance Company

of Rolling Meadows, Illinois, organized under the laws of Illinois, subject to its Articles of Incorporation or other fundamental organizational documents, is hereby authorized to transact within this State, subject to all provisions of this Certificate, the following classes of insurance: Fire, Marine, Surety, Plate Glass, Liability, Workers' Compensation, Common Carrier Liability, Boiler and Machinery, Burglary, Credit, Sprinkler, Team and Vehicle, Automobile, Aircraft, and Miscellaneous as such classes are now or may hereafter be defined in the Insurance Laws of the State of California.

THIS CERTIFICATE is expressly conditioned upon the holder hereof now and hereafter being in full compliance with all, and not in violation of any, of the applicable laws and lawful requirements made under authority of the laws of the State of California as long as such laws or requirements are in effect and applicable, and as such laws and requirements now are, or may hereafter be changed or amended.

IN WITNESS WHEREOF, effective as of the 31st day of December, 19 94, I have hereunto set my hand and caused my official seal to be affixed this 3rd day of January, 19 95.



By

John G. Gargano  
Insurance Commissioner  
Victoria S. Sidbury  
Deputy

NOTES:

Qualification with the Secretary of State must be accomplished as required by the California Corporations Code promptly after issuance of this Certificate of Authority. Failure to do so will be a violation of Ins. Code Sec. 701 and will be grounds for revoking this Certificate of Authority pursuant to the covenants made in the application therefor and the conditions contained herein.

**CONTRACT ASSURANCE**

The CONTRACTOR or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The CONTRACTOR shall carry out applicable requirements of 49 CFR part 26 in the award and administration of DOT-assisted contracts. Failure by the CONTRACTOR to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as recipient deems appropriate.

The CONTRACTOR will require that the above provision is included in all subcontracts.

AG

Bidder's Initials



**NONCOLLUSION AFFIDAVIT**

The bidders, by its officers and agents or representatives present at the time of filing this bid, being duly sworn on their oaths say, that neither they nor any of them have in any way directly or indirectly entered into any arrangement or agreement with any other bidder, or with any public officer of such CITY OF COSTA MESA whereby such affiant or affiants or either of them has paid or is to pay to such bidder or public officer any sum of money, or has given or is to give to such other bidder or public officer anything of value whatever, or such affiant or affiants or either of them has not directly or indirectly, entered into any arrangement or agreement with any other bidder or bidders, which tends to or does lessen or destroy free competition in the letting of the contract sought for on the attached bids; that no bid has been accepted from any subcontractor or supplier through any bid depository, the By-Laws, Rules, or Regulations of which prohibit or prevent the Contractor from considering any bid from any subcontractor or supplier which is not processed through said bid depository, or which prevent any subcontractor or supplier from bidding to any Contractor who does not use the facilities or accept bids from or through such bid depository; that bidder has not bid as subcontractor to other bidders; that no inducement of any form or character other than that which appears upon the face of the bid will be suggested, offered, paid or delivered to any person of the contract, nor has this bidder any agreement or understanding of any kind whatsoever, with any person whomsoever to pay, deliver to, or share with any other person in any way or manner, any of the proceeds of the contracts sought by this bid.

AG Construction

Contractor Firm Name

Alan Gamble

Name of Principal

owner

Title

Alan Gamble

Signature

Subscribed and sworn to before me by:

\_\_\_\_\_  
This \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

My Commission Expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public

see attached

A.G.

Bidder's Initials

## 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 LOS ANGELES

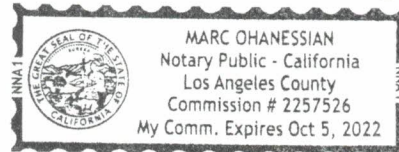
On 05/26/2022 before me, MARC OHANESSIAN, Notary Public,  
(Here insert name and title of the officer)

personally appeared ALON SAMUEL,

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

(Notary Seal)

### ADDITIONAL OPTIONAL INFORMATION

#### DESCRIPTION OF THE ATTACHED DOCUMENT

(Title or description of attached document)

(Title or description of attached document continued)

Number of Pages \_\_\_\_\_ Document Date \_\_\_\_\_

(Additional information)

#### CAPACITY CLAIMED BY THE SIGNER

- ☐ Individual (s)  
☐ Corporate Officer

(Title)

- ☐ Partner(s)  
☐ Attorney-in-Fact  
☐ Trustee(s)  
☐ Other \_\_\_\_\_

#### INSTRUCTIONS FOR COMPLETING THIS FORM

Any acknowledgment completed in California must contain verbiage exactly as appears above in the notary section or a separate acknowledgment form must be properly completed and attached to that document. The only exception is if a document is to be recorded outside of California. In such instances, any alternative acknowledgment verbiage as may be printed on such a document so long as the verbiage does not require the notary to do something that is illegal for a notary in California (i.e. certifying the authorized capacity of the signer). Please check the document carefully for proper notarial wording and attach this form if required.

- 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

**CONTRACTOR'S CERTIFICATION  
OF  
WORKERS' COMPENSATION INSURANCE REQUIREMENTS  
FOR  
PUBLIC WORKS PROJECTS  
(Labor Code §1861)**

I am aware of the provisions of Section 3700 of the California Labor Code which requires 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.

Dated: 6-13-22

CONTRACTOR

Alon Gamliel  
AG Construction  
Company Name

PROJECT: COSTA MESA POLICE DEPARTMENT INDOOR RANGE UPGRADE  
CITY PROJECT NO. 22-03

AG  
Bidder's Initials



**DRUG-FREE WORKPLACE POLICY**

CONTRACTOR, upon notification of contract award, shall establish a Drug-Free Awareness Program to inform employees of the dangers of drug abuse in the workplace, the penalties that may be imposed upon employees for drug abuse violations occurring in the workplace, and the employee assistance programs available to employees. Each employee engaged in the performance of a CITY contract must be notified of this Drug-Free Awareness Program, and must abide by its terms. Failure to establish a program, notify employees, or inform CITY of a drug-related workplace conviction will constitute a material breach of contract and cause for immediate termination of the contract by CITY.

CONTRACTOR shall conform to all the requirements of CITY'S Policy No. 100-5. A copy of this policy is attached to the sample contract agreement as an attachment in the Project Specifications.

A.G.  
Bidder's Initials



BIDDER/APPLICANT/CONTRACTOR  
CAMPAIGN CONTRIBUTION DISCLOSURE FORM

Proposer/Consultant/Applicant is required to identify any campaign contribution or cumulative contributions greater than \$249 to any city council member in the twelve months prior to submitting an application, proposal, statement of qualifications or bid requiring approval by the City Council.

Date	Name of Donor	Company/Business Affiliation	Name of Recipient	Amount
N/A				

Except as described above, I/we have not made any campaign contribution in the amount of \$250 or more to any Costa Mesa City Council Member in the twelve months preceding this Application/Proposal.

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

Alon Gamliel DBA AG Construction / Alon  
Bidder/Applicant/Proposer

6-13-22  
Date

AG  
Bidder's Initials

# EXHIBIT B

**SECTION 14 2101  
ELECTRIC LIFT**

**PART 1 GENERAL**

**1.01 SECTION INCLUDES**

- A. Design/Build system for an Electric/Hydraulic Lift: Limited Use, Limited Application.
- B. Deferred Review and Approval by Building Department and Structural Engineer of Record.
- C. Deferred Review and Approval and Certification by State Governing Authorities.

**1.02 REFERENCE STANDARDS**

- A. ASME A17.1/CSA B-44. Section 5.2 LU/LA Elevators. ADA (Americans with Disabilities Act)

**1.03 ADMINISTRATIVE REQUIREMENTS**

- A. Coordination:
  - 1. Coordinate with existing Conditions including electrical and mechanical.
  - 2. Coordinate with existing Built conditions.
  - 3. Coordinate with required clearances.
  - 4. Coordinate with Structural modifications as shown on the Drawings.
  - 5. Coordinate with State and Local regulations.
- B. Deferred Approvals:
  - 1. Contractor to Submit Shop Drawings, etc. for Building Department and Structural Engineer of Record Review and Approval.
  - 2. Contractor to Submit Electrical/Power requirements for coordination with existing Building power supply. Electrical Engineer of Record shall review the information.

**1.04 SUBMITTALS**

- A. Product Data: Approvals and Warranties.
- B. Shop Drawings: Indicate vertical and horizontal clearances and existing conditions.
- C. Erection Drawings: Indicate required clearances and method of installation (including access through building).
- D. Manufacturer's Instructions: Indicate installation process.
- E. Installer's qualification statement.
- F. Testing agency's qualification statement.
- G. Executed warranty.

**1.05 QUALITY ASSURANCE**

- A. Manufacturer Qualifications: Company specializing in manufacturing products specified in this section, with at least three years of documented experience.
- B. Installer Qualifications: Company specializing in performing work of the type specified and with at least three years of documented experience.

**1.06 FIELD CONDITIONS**

- A. Existing Conditions: Review existing site and utilities.

**1.07 WARRANTY**

- A. Manufacturer Warranty: Provide standard two (2) year manufacturer warranty for lift and support equipment. Complete forms in Owner's name and register with manufacturer. Start of warranty to be at Substantial Completion.

**PART 2 PRODUCTS**

**2.01 SYSTEMS**

- A. Manufacturers:
  - 1. Garaventa Lift, [www.garaventalift.com](http://www.garaventalift.com).

2. Substitutions: Previously Reviewed and Approved Equals will be Accepted..
- B. Design Criteria:
  1. Design based on Garaventa Style 1 (one exit/entry).
  2. Three (3) stop (Basement, 1st Floor, 2nd Floor)
- C. Operation:
  1. Power Supply:
    - a. Elevator: Standard 208 VAC three Phase, (option 230 VAC single phase)
    - b. Lighting: 120 VAC single phase, 15 amps.
    - c. Coordinate with existing Lift power.
    - d. Provide and install new Disconnect at Lift Mechanical Room.
    - e. Provide and Install new computerized (PLC) controller with Emergency Backup power system.
- D. Finish:
  1. Wall Finishes: Laminate Plastic (selected during Construction from standard options)
  2. Wall Trim Finishes: Stainless Steel
  3. Floor Finish:

## **2.02 OPTIONS**

- A. Integrated hands free telephone and Phone Monitoring.
- B. Accessible/ADA braille markings. Car direction lantern with audio and visual signals.
- C. Safety Devices: Full height photo-electric door sensors
- D. Emergency battery lowering system. Emergency manual lowering valve. Safety brake system automatic bi-directional floor levelling. Stop keyswitch and alarm button in car. Final limit switch. overspeed valve. Pit Prop.

## **PART 3 EXECUTION**

### **3.01 INSTALLATION**

- A. Install in accordance with manufacturer's written instructions.

### **3.02 SYSTEM STARTUP**

- A. Manufacturer Services: Provide services of manufacturer's field representative to perform systems startup.
- B. Prepare and start equipment and systems in accordance with manufacturers' instructions and recommendations.

### **3.03 CLEANING**

- A. Clean all surfaces prior to Final closeout.

### **3.04 CLOSEOUT ACTIVITIES**

- A. Demonstrate proper operation of equipment to Owner's designated representative.
- B. Approvals: Provide documentation indicating approvals as required by State and Local governing jurisdictions.
- C. Training: Train Owner's personnel on operation and maintenance of system.
  1. Training Reference: Operation and maintenance manual and additional training materials as required.
  2. Provide minimum of One hour of training.

### **3.05 PROTECTION**

- A. Protect installed Elevator from subsequent construction operations.

## **END OF SECTION**

**SECTION 21 0500****COMMON WORK RESULTS FOR FIRE SUPPRESSION-MODIFICATIONS****PART 1 GENERAL****1.01 SECTION INCLUDES**

- A. Design/Build general scope of work for Proposed modifications to Existing Fire Sprinkler System.
- B. Deferred Fire Department/Bldg Department Submittal and Approval requirements.
- C. Pipe, fittings, sleeves, escutcheons, seals, and connections for sprinkler systems.
- D. Pipe hangers and supports.
- E. Pipe sleeves.
- F. New Seismic bracing at existing and new areas of remodel (~ 2,000 s.f.)

**1.02 REFERENCE STANDARDS**

- A. ASTM C592 - Standard Specification for Mineral Fiber Blanket Insulation and Blanket-Type Pipe Insulation (Metal-Mesh Covered) (Industrial Type); 2016.
- B. ASTM E814 - Standard Test Method for Fire Tests of Penetration Firestop Systems; 2013a (Reapproved 2017).
- C. FM (AG) - FM Approval Guide; current edition.
- D. ITS (DIR) - Directory of Listed Products; current edition.
- E. NFPA 13 - Standard for the Installation of Sprinkler Systems; Most Recent Edition Adopted by Authority Having Jurisdiction, Including All Applicable Amendments and Supplements.
- F. NFPA 14 - Standard for the Installation of Standpipe and Hose Systems; 2016.
- G. UL (DIR) - Online Certifications Directory; Current Edition.

**1.03 SUBMITTALS**

- A. Provide and submit complete Design/Build submittal package to Design Team prior to formal submittal to local governing authority. Design Team will quickly review for general conformance with design intent.
- B. Product Data: Provide manufacturer's catalog information.
- C. Shop Drawings: Indicate pipe materials used, jointing methods, supports, and floor and wall penetration seals. Indicate installation, layout, weights, mounting and support details, and piping connections.
- D. Plans: Provide Plans showing existing system (as needed for modification to the existing system). A CAD Drawing file will be available with the Floor Plan for Contractors Use. All existing conditions will require verification.
- E. Project Record Documents: Record actual locations of all components.
- F. Operation and Maintenance Data: Include installation instructions and spare parts lists.

**1.04 QUALITY ASSURANCE**

- A. Manufacturer Qualifications: Company specializing in manufacturing the Products specified in this section with minimum three years documented experience.
- B. Installer Qualifications: Company specializing in performing work of the type specified in this section.
  - 1. Minimum three years experience.
- C. Conform to FM (AG), UL (DIR), and ITS (DIR) or Warnock Hersey requirements.
- D. Valves: Bear FM (AG), UL (DIR), and ITS (DIR) or Warnock Hersey product listing label or marking. Provide manufacturer's name and pressure rating marked on valve body.

- E. Products Requiring Electrical Connection: Listed and classified as suitable for the purpose specified and indicated.
- F. Clean equipment, pipes, valves, and fittings of grease, metal cuttings, and sludge that may have accumulated from the installation and testing of the system.

#### **1.05 DESIGN/BUILD SCOPE OF WORK**

- A. The sprinkler system design shall be reviewed and approved by authorities having jurisdiction.
- B. Sprinkler Occupancy Hazard Classification: Light Hazard (unless more stringent percentage is required by local governing jurisdiction).
- C. Maximum Protection Area per Sprinkler: Per UL listing.
- D. Seismic Performance: Sprinkler piping shall withstand the effects of earthquake motions determined according to NFPA 13 and ASCE/SEI 7 and local governing jurisdictions.
- E. Shop Drawings: For wet-pipe sprinkler systems. Including plans, elevations, sections, details, and attachments to other work.
  - 1. Wiring Diagrams: for power, signal and control wiring
  - 2. Coordination Drawings: Sprinkler systems, drawn to scale, on which the following items are shown and coordinated with each other, using input from installers of the items involved:
    - a. Domestic water piping
    - b. HVAC ducting and piping
    - c. Light fixtures
    - d. Existing and New structural components to remain
    - e. Pistol Range Ceiling Baffle System
- F. General Sprinkler Head design:
  - 1. Sprinkler Head manufacturer: Subject to compliance with requirements, provide products by one of the following: AFAC Inc., Globe Fire Sprinkler Corporation, Reliable Automatic Sprinkler Co., Inc., Tyco Fire & Building Products LP, Venus Fire Protection, Victaulic Company, Viking Corporation.
  - 2. Sprinkler Head/Escutcheons Finish: match existing system.
  - 3. At all new/remodeled Areas: At exposed ceilings (hard-lid and acoustical ceiling panels) provide semi recessed heads.
  - 4. At Shooting Range: provide exposed heads with wire cages. See Drawings for suggested partially protected layout behind Baffle system.

#### **1.06 DELIVERY, STORAGE, AND HANDLING**

- A. Deliver and store valves in shipping containers, with labeling in place.
- B. Provide temporary protective coating on cast iron and steel valves.
- C. Provide temporary end caps and closures on piping and fittings. Maintain in place until installation.

#### **1.07 WARRANTY**

- A. Correct defective Work within a one year period after Date of Substantial Completion.

### **PART 2 PRODUCTS**

#### **2.01 FIRE PROTECTION SYSTEMS**

- A. Sprinkler Systems: Comply with NFPA 13.
- B. Welding Materials and Procedures: Comply with ASME BPVC-IX.

#### **2.02 PIPE SLEEVES**

- A. Plastic, Sheet Metal, or Moisture-Resistant Fiber: Pipe passing through interior walls, partitions, and floors, unless steel or brass sleeves are specified below.



**2.03 PIPE HANGERS AND SUPPORTS**

- A. Hangers for Pipe Sizes 1/2 to 1-1/2 inch (15 to 40 mm): Malleable iron, adjustable swivel, split ring.
- B. Hangers for Pipe Sizes 2 inches (50 mm) and Over: Carbon steel, adjustable, clevis.
- C. Seismic braces: Carbon steel, adjustable, and/or as needed.

**PART 3 EXECUTION****3.01 PREPARATION**

- A. Ream pipe and tube ends. Remove burrs. Bevel plain end ferrous pipe.
- B. Remove scale and foreign material, from inside and outside, before assembly.
- C. Prepare piping connections to equipment with flanges or unions.

**3.02 INSTALLATION**

- A. Install sprinkler system and service main piping, hangers, and supports in accordance with NFPA 13.
- B. Install standpipe piping, hangers, and supports in accordance with NFPA 14.
- C. Route piping in orderly manner, plumb and parallel to building structure. Maintain gradient.
- D. Install piping to conserve building space, to not interfere with use of space and other work.
- E. Group piping whenever practical at common elevations.
- F. Install piping at centers of acoustical ceiling panels (where occurs).
- G. Install piping to allow for expansion and contraction without stressing pipe, joints, or connected equipment.
- H. Pipe Hangers and Supports:
  - 1. Install hangers to provide minimum 1/2 inch (15 mm) space between finished covering and adjacent work.
  - 2. Place hangers within 12 inches (300 mm) of each horizontal elbow.
  - 3. Use hangers with 1-1/2 inch (40 mm) minimum vertical adjustment. Design hangers for pipe movement without disengagement of supported pipe.
  - 4. Support vertical piping at every other floor. Support riser piping independently of connected horizontal piping.
  - 5. Where several pipes can be installed in parallel and at same elevation, provide multiple or trapeze hangers.
- I. Slope piping and arrange systems to drain at low points. Use eccentric reducers to maintain top of pipe level.
- J. Prepare pipe, fittings, supports, and accessories for finish painting. Where pipe support members are welded to structural building framing, scrape, brush clean, and apply one coat of zinc-rich primer to welding.
- K. Provide sleeves when penetrating walls and partitions. Seal pipe including sleeve penetrations to achieve fire resistance equivalent to fire separation required.
  - 1. Aboveground Piping:
    - a. Pack solid using mineral fiber complying with ASTM C592.
    - b. Fill space with an elastomer caulk to a depth of 0.50 inch (15 mm) where penetrations occur between conditioned and unconditioned spaces.
  - 2. All Rated Openings: Caulk tight with firestopping material complying with ASTM E814 in accordance with Section 07 8400 to prevent the spread of fire, smoke, and gases.
  - 3. Caulk exterior wall sleeves watertight with lead and oakum or mechanically expandable chloroprene inserts with mastic-sealed components.
- L. Manufactured Sleeve-Seal Systems:

## ATTACHMENT 4

1. Install manufactured sleeve-seal systems in sleeves located in grade slabs and exterior concrete walls at piping entrances into building.
  2. Provide sealing elements of the size, quantity, and type required for the piping and sleeve inner diameter or penetration diameter.
  3. Locate piping in center of sleeve or penetration.
  4. Install field assembled sleeve-seal system components in annular space between sleeve and piping.
  5. Tighten bolting for a watertight seal.
  6. Install in accordance with manufacturer's recommendations.
- M. Escutcheons:
1. Install and firmly attach escutcheons at piping penetrations into finished spaces.
  2. Provide escutcheons on both sides of partitions separating finished areas through which piping passes.
  3. Use chrome plated escutcheons in occupied spaces and to conceal openings in construction.
- N. When installing more than one piping system material, ensure system components are compatible and joined to ensure the integrity of the system. Provide necessary joining fittings. Ensure flanges, unions, and couplings for servicing are consistently provided.

### 3.03 CLEANING

- A. Upon completion of work, clean all parts of the installation.
- B. Clean equipment, pipes, valves, and fittings of grease, metal cuttings, and sludge that may have accumulated from the installation and testing of the system.

**END OF SECTION**

# EXHIBIT C

## SECTION C

### PROPOSAL FOR THE COSTA MESA POLICE DEPARTMENT INDOOR RANGE UPGRADES PROJECT CITY PROJECT NO. 22-03

The Honorable City Council  
City of Costa Mesa  
77 Fair Drive  
Costa Mesa, CA 92626

Dear Council Members:

In compliance with the NOTICE INVITING BIDS FOR THE **COSTA MESA POLICE DEPARTMENT INDOOR RANGE UPGRADES PROJECT, CITY PROJECT NO. 22-03**, a copy which is hereto attached, the undersigned has carefully examined the location of the proposed Work, the Plans, Specifications and other Contract Documents and is therefore satisfied as to the conditions to be encountered, as to the character, quality and quantity of work to be performed and materials to be furnished and as to the requirements of the specifications and the Contract. It is mutually agreed that the submission of a proposal shall be considered prima facie evidence that the BIDDER has made such examination.

If awarded the Contract, the undersigned agrees to commence the Work under the Contract **WITHIN TEN (10) WORKING DAYS AFTER DATE OF CONTRACT, AND COMPLETE SAID WORK WITHIN ONE-HUNDRED-FORTY (140) WORKING DAYS** from the first day of commencement of such work unless legal extension is granted in accordance with the terms set forth in the specifications, and to perform and complete the Work in accordance with the Specifications and other Contract Documents, and to furnish all labor, materials, tools and equipment necessary to complete the work in-place therefor, in the manner and time herein prescribed at the following prices, to wit:

To minimize impacts on day-to-day operations within the basement level of the building, the Contractor shall arrange for and order all materials for the accessibility upgrades in basement restrooms at the start of construction. As part of the baseline construction schedule, the Contractor shall submit for approval by the City, a separate restroom accessibility upgrade schedule. Once all materials for the restroom accessibility upgrades are on-site the Contractor shall complete construction in the basement restroom facilities **WITHIN TWENTY (20) WORKING DAYS** per a separate notice to proceed issued by the City.


#### Proposal Price Break Down

Description	Price*
<b>(A) Price of Project (*)</b>	1,698,130
<b>(B) Allowances(**)</b>	<b>\$150,000</b>
<b>(A) + (B) = Base Bid</b>	1,848,130

\* Price includes the indirect cost and markup.

\*\* Allowances are identified in Special Provisions SP-06-Allowances. Allowances as set forth in the Contract Documents are to be used as compensation for items as set forth in the Special Provisions. The Allowance amounts are to be included in the total project base bid.

The CITY reserves the right to reject all Bids.

  
Bidder's Initials

Contractor's Lawful Name NEWMAN MIDLAND CORP


Total written amount for Base Bid (using words):

\$ one million eight hundred forty eight thousand one hundred thirty dollars

Total amount for Base Bid (using numeric format):

\$ 1,848,130.00

**NOTE: A mandatory pre-bid walkthrough of the existing site is required. Bids will not be accepted from any contractor who does not attend the mandatory pre-bid walkthrough.**

  
Bidder's Initials

## PROPOSAL BID SCHEDULE (CONTINUED)

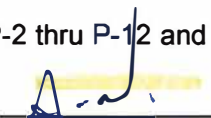
### NOTES:

1. The accuracy of estimate quantities as shown is not guaranteed; the Bidder shall make his/her own estimate from the drawings and field review for verification. If the unit price and the total amount are different, the unit price will control the bid. Payment shall be based on actual work done and/or actual quantities used.
2. The City reserves the right to delete one or more bid items and/or to increase or decrease bid items' quantities, at no additional cost to the City.
3. (\*) A Schedule of Values shall be submitted for review and approval before 4:00 PM on the 4th business days following the contract award. Business days exclude Saturday, Sunday, and City Holidays. Prices shall include indirect costs and markup. Upon request, the Contractor shall provide additional break down of the schedule of values.
4. (\*\*) Allowance is for unforeseen work not included in the contract documents and to be included in the total bid amount as identified as follows. Use of the allowance will be at the sole discretion of the City and must be authorized in writing at the discretion of the City. This Bid item will cover unforeseen work that is not included in the contract documents. Any money used from the project allowance will be authorized via an Allowance Disbursement Form at the City's sole discretion. Any amount of money remaining in the Allowance line item upon completion of the Project will be deducted from the Contract by Deductive Change Order for the full amount(s) remaining therein. The Contractor has no beneficial interest in, and/or claim to, the Allowances and hereby disclaims any and all such interests.
5. (FA) designates force account. Payment shall be made on a time and materials basis, only if directed by the ENGINEER.
6. (F) Designates Final Pay Item. When an item of work is designated as "FINAL PAY ITEM" in the Specifications, the estimated quantity for that item of work shall be the final pay quantity, unless the dimensions of any portion of that item are revised by the Engineer, or the item or any portion of the item is eliminated. If the dimensions of any portion of the item are revised, and the revisions result in an increase or decrease in the estimated quantity of that item of work, the final pay quantity for the item will be revised in the amount represented by the changes in the dimensions. If a final pay item is eliminated, the estimated quantity for the item will be eliminated. If a portion of a final pay item is eliminated, the final pay quantity will be revised in the amount represented by the eliminated portion of the item of work.

The estimated quantity for each item of work designated as "FINAL PAY ITEM" in the Specifications, shall be considered as approximate only, and no guarantee is made that the quantity which can be determined by computations, based on the details and dimensions shown on the plans, will equal the estimated quantity. No allowance will be made in the event that the quantity based on computations does not equal the estimated quantity.

In case of discrepancy between the quantity shown in the Engineer's Estimate for a final pay item and the quantity or summation of quantities for the same item shown on the plans, payment will be based on the quantity shown in the Engineer's Estimate.

7. Bidder agrees to initial or notarize (if applicable) all pages on P-1, P-1a, P-1b, P-2 thru P-12 and uploaded onto PlanetBids.


  
Bidder's Initials

# PROPOSAL SCHEDULE (CONTINUED)

(Please Type or Print)

Total Amount for Bid (in written words) one million eight hundred forty eight thousand one hundred thirty dollars(\$ 1,848,130.00 )Contractor's Lawful Name: NEWMAN MIDLAND CORP <sup>in figures</sup>Bidder's Name: ADAM NASRY Bidder's Initials: \_\_\_\_\_Contractor's License No. 757755 Expiration: 01/31/2023Contractor's Taxpayer I.D. Number: 33-0839761Contractor's DIR Registration Number: 1000004166Signature:  Date: 06/13/2022Contractor's Address: 1355 REDONDO AVE., #12, LONG BEACH, CA 90804Telephone Number: ( 562 ) 494-1773 Mobile No.: ( 562 ) 254-1901Fax Number: ( 562 ) 494-1775 E-mail: ESTIMATING@NEWMANMIDLAND.COM

## 24-Hour Emergency Contacts:

ADAM NASRY  
NameTelephone Number: ( 562 ) 494-1773Mobile No.: ( 562 ) 254-1901BILAL HADDAD  
NameTelephone No.: ( 562 ) 494-1773Mobile No.: ( 909 ) 660-9851TEAGAN HEIDENRICH  
NameTelephone No.: ( 562 ) 494-1773Mobile No.: ( 714 ) 401-5189
  
Bidder's Initials



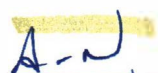
**PROPOSAL SCHEDULE****(CONTINUED)**

The Contractor agrees that the City will not be held responsible if any of the approximate quantities shown in the foregoing proposal shall be found incorrect, and he shall not make any claim for damages or for loss of profits because of a difference between the quantities of the various classes of work as estimated and the work actually done. If any error, omission or misstatements shall be discovered in the estimated quantities, it shall not invalidate this contract or release the Contractor from the execution and completion of the whole or part of the work herein specified, in accordance with the specifications and the plans herein mentioned and the prices herein agreed upon and fixed therefore, or excuse him from any of the obligations or liabilities hereunder, or entitle him to any damages or compensation otherwise than as provided for in this contract.

The Contractor agrees that the City shall have the right to increase or decrease the quantity of any bid item or portion of the work or to omit portions of the work as may be deemed necessary or expedient, and that the payment for incidental items or work, not separately provided in the proposal shall be considered included in the price bid for other various items or work.

Accompanying this proposal is "Cash," "Certified Check," or **"Bidder's Bond"** (circle one) in the amount of one hundred eighty four thousand eight hundred thirteen dollars (\$ 184,813) equal to at least ten (10%) percent of the total bid price, payable to the City of Costa Mesa, to guarantee that within fourteen (14) days after written notice is deposited in the mail, or the bidder has received notice by telephone, the bidder will furnish proper Certificates of Insurance, and required bonds satisfactory to the City and execute a contract in accordance with the proposal and in the manner and form required by the contract documents.

The undersigned deposits the above-named security as a proposal guarantee and agrees that it shall be forfeited to the City of Costa Mesa as Liquidated Damages if the above requirements are not complied with.

  
Bidder's Initials

Respectfully Submitted,

NEWMAN MIDLAND CORP  
 Contractor's Business Name  
 1355 REDONDO AVE., #12  
 Business Address: Street  
 LONG BEACH CA 90804  
 City State Zip  
 (562) 494-1773  
 Business Phone Number  
 ADAM NASRY PRESIDENT & SECRETARY  
 Name Title  
 LONG BEACH CA 90804  
 City State Zip

NEWMAN MIDLAND CORP GENERAL CONTRACTOR  
 Contractor Title  
 ADAM NASRY, PRESIDENT & SECRETARY  
 Signed By Title  
 757755 AND B 01/31/2023  
 Contractor's License No. and Classification Exp. Date  
 06/13/2022  
 Date  
 957 BLUE HERON, SEAL BEACH, CA 90740  
 Residence: Street  
 (562) 254-1901  
 Residence phone Number

If the bid is by a corporation, state the names of the officers who can sign an agreement on behalf of the corporation and whether more than one officer must sign.

☒ Corporation

Taxpayer I.D. Number: 33-0839761

Name ADAM NASRY, PRESIDENT  
 Name ADAM NASRY, SECRETARY  
 Name ADAM NASRY, TREASURER

Can Sign

☐  
☐  
☒

Must Sign

☒  
☒  
☐

If the bid is by a partnership or a joint venture, state the names and addresses of all general partners and joint ventures.

☐ Partnership or Joint Ventures

Taxpayer I.D. Number: N/A

Name N/A

Address N/A

Name N/A

Address N/A

If the bidder is a sole proprietorship or another entity that does business under a fictitious name, the bid shall be in the real name of the bidder with a designation following showing "DBA (the fictitious name)"; provided, however, no fictitious name shall be used unless there is a current registration with the Orange County Recorder.

The full names and residences of all persons and parties interested in the foregoing proposal, as principals, are as follows:

NOTE: Give first and last names in full; in case of corporation, give names of President, Secretary, Treasurer and Manager, and affix corporate seal; in case of partnerships and joint ventures, give names of all the individual members.

ADAM NASRY, PRESIDENT

N/A

ADAM NASRY, SECRETARY

N/A

ADAM NASRY, TREASURER

N/A

ADAM NASRY, MANAGER

N/A

  
 Bidder's Initials

**Bidder shall signify receipt of all Addenda here, if any:**

## CONSTRUCTION PROJECT REFERENCES

<u>Date Project Awarded</u>	<u>Awarding Agency</u>	<u>Agency's Contract Administrator Contact Information</u>
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This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

57

**DESIGNATION OF SUBCONTRACTORS**

In compliance with the "Subletting and Subcontracting Fair Practices Act" being Sections 4100-4113 of the Public Contract Code of the State of California, and any amendments thereto, each bidder shall set forth below the name and location of the place of business of each subcontractor who will perform work or labor or render service to the prime contractor in or about the construction of the work or improvement in an amount in excess of one-half (½) of one percent (1%) of the prime contractor's total bid or in the case of bids for the construction of streets or highways, including bridges, in excess of one-half (½) of one percent (1%) of the prime contractor's total bid or ten thousand (\$10,000) dollars, whichever is greater. Bidder shall further set forth the portion of the work, which will be done by each such subcontractor with its Department of Industrial Relations (DIR) registration number. Only one subcontractor for each such portion shall be listed.

If the contractor fails to specify a subcontractor for any portion of the work to be performed under the contract, he/she/it shall be deemed to have agreed to perform the balance of all work, which is not covered, and he/she/it shall not be permitted to subcontract that portion of the work except under the conditions hereinafter set forth.

Subletting or subcontracting of any portion of the work to which no subcontractor was designated in the original bid, shall only be permitted in cases of public emergency or necessity, and then only after a finding reduced to writing as a public record of the Legislative Body of the Owner.

*All information must be filled out and typed. Please use additional pages in this format if needed.*

<b>Bid Item (s) Number</b>	<b>% Portion of Work</b>	<b>Name, Address and E-mail of Subcontractor</b>	<b>State License Number</b>	<b>Class</b>	<b>DIR Registration Number</b>
<b>Electrical</b>		PMK Professional Inc 17925 Skypark Cir Suite C, Irvine, CA 92614 koushyar@pmkpro.com	959668	C7, C10, B	1000004512
Elevator		PS37-3LLLC DBA Arrow Lift of California 101 Sunnyside Ave., Suite 101, Clovis, CA 93619 brent.louvieve@arrowlift.com	995486	C11	1000027813
Millwork		Retail Display Manufacturing Inc DBA RDM Millwork and Cabinets 760 E Lamber Red. Ste F, La Habra, CA 90631 pauline@rdmmillwork.com"	1018811	C61/D34, C6	1000051455
Concrete		Gallardo Contractors, Inc. 204 East Flora St, Santa Ana, CA 92707 edgallardo@earthlink.net	926928	B	1000026072
Roofing		Tecta America Southern California Inc 1217 E. Wakeham Ave, Santa Ana, CA 92705 jwaskelis@tectaamerica.com	811111	B, C39, C43	1000000837
Structural Steel		Troys Ornamental Iron Craft Inc. DBA Rod Construction 8150 Electric Ave., Stanton, CA 90680 Elika@troysiron.com	945177	B, C23, C13	1000412581
Plumbing		United Riggers & Erectors Inc. 4188 Valley Blvd., Walnut, CA 91789 tpimentel@urenet.com	245451	B, C61/D21, C51, A, C8, C36	1000004020
Fire Sprinklers		Cosco Fire Protection Inc. 29222 Rancho Viejo Rd., STE 205, San Juan Capistrano, CA 92675 choward@coscofire.com	577621	C10, C16	1000002305
Painting		Inland Pacific Coatings Inc. 3556 Lytle Creek Rd, Lytle Creek, CA 92358 clherrera.ipc@gmail.com	585185	C33	1000043948
Camera		Enterprise Security Inc 22860 Savi Ranch Parkway, Yorba Linda, CA 92887 jason.howlds@entersecuritiys.com	821590	C7, C10, C28	1000014496

By submission of this proposal, the Bidder certifies:

1. That (I)(we)(it) is able to and will perform the balance of all work which is not covered in the above subcontractors listing.
2. That the AGENCY will be furnished copies of all subcontracts entered into by subcontractor for this project.

  
Bidder's Initials



**DESIGNATION OF SUBCONTRACTORS**

In compliance with the "Subletting and Subcontracting Fair Practices Act" being Sections 4100-4113 of the Public Contract Code of the State of California, and any amendments thereto, each bidder shall set forth below the name and location of the place of business of each subcontractor who will perform work or labor or render service to the prime contractor in or about the construction of the work or improvement in an amount in excess of one-half (½) of one percent (1%) of the prime contractor's total bid or in the case of bids for the construction of streets or highways, including bridges, in excess of one-half (½) of one percent (1%) of the prime contractor's total bid or ten thousand (\$10,000) dollars, whichever is greater. Bidder shall further set forth the portion of the work, which will be done by each such subcontractor with its Department of Industrial Relations (DIR) registration number. Only one subcontractor for each such portion shall be listed.

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*All information must be filled out and typed. Please use additional pages in this format if needed.*

<b><i>Bid Item (s) Number</i></b>	<b><i>% Portion of Work</i></b>	<b><i>Name, Address and E-mail of Subcontractor</i></b>	<b><i>State License Number</i></b>	<b><i>Class</i></b>	<b><i>DIR Registration Number</i></b>
HVAC		South Coast Mechanical LLC 800 E. Orangethorpe Ave, Anaheim, CA 92801 msantangelo@scfacilityservices.com	857144	B, C4, C10, C20, C36	1000000842

By submission of this proposal, the Bidder certifies:

1. That (I)(we)(it) is able to and will perform the balance of all work which is not covered in the above subcontractors listing.
2. That the AGENCY will be furnished copies of all subcontracts entered into by subcontractor for this project.



Bidder's Initials

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<b><i>Bid Item (s) Number</i></b>	<b><i>% Portion of Work</i></b>	<b><i>Name, Address and E-mail of Subcontractor</i></b>	<b><i>State License Number</i></b>	<b><i>Class</i></b>	<b><i>DIR Registration Number</i></b>

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1. That (I)(we)(it) is able to and will perform the balance of all work which is not covered in the above subcontractors listing.
2. That the AGENCY will be furnished copies of all subcontracts entered into by subcontractor for this project.

  
Bidder's Initials



**BIDDER'S BOND TO ACCOMPANY PROPOSAL**

(Required if the bidder desires to submit bond instead of a certified or cashier's check.)

KNOW ALL PEOPLE BY THESE PRESENTS:


That we, Newman Midland Corp as principals, and United Fire & Casualty Company as surety, are held and firmly bound unto the City of Costa Mesa, a municipal corporation, organized under the laws of the State of California and situated in Orange County in the sum of Ten Percent of the Total Bid Amount (\$10.0% of Bid Amount) to be paid to the City, its successors and assigns, for which payment well and truly to be made, we bind ourselves, our heirs, executors, and administrators, successors or assigns, jointly and severally firmly by these presents.

THE CONDITION OF THIS OBLIGATION IS SUCH,

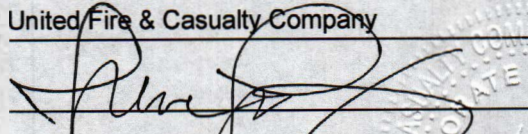
That is the certain proposal of the above bounden, Newman Midland Corp, if accepted by the City of Costa Mesa, and if the above bounden, Newman Midland Corp, his heirs, executors, administrators, successors and assigns, shall duly enter into and execute a contract for such construction, and shall execute and deliver the CERTIFICATE OF INSURANCE and the LABOR AND MATERIAL and the FAITHFUL PERFORMANCE BONDS described within fourteen (14) days from the date of the mailing of a notice of the above bounden, Newman Midland Corp, by and from the City, that said contract is ready for execution, then this obligation shall become null and void; otherwise it shall be and remain in full force and virtue.

IN WITNESS WHEREOF:

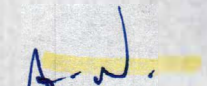
We hereunto set our hands and seals this 3rd day of June, 2022.

Newman Midland Corp  
  
ADAM NASRY, PRESIDENT & SECRETARY

Contractor/ Principal  
 (Notary Acknowledgement to be attached)

United Fire & Casualty Company  
  
Irene Luong, Attorney-in-Fact

Surety/Power of Attorney  
 (Notary Acknowledgment to be attached)

  
Bidder's Initials

# CALIFORNIA ALL-PURPOSE 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 JUN 03 2022 before me, Christine Hoang, Notary Public,  
Date Insert Name of Notary exactly as it appears on the official seal

personally appeared Irene Luong

Name(s) of Signer(s)

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

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

Witness my hand and official seal.

Signature

Signature of Notary Public Christine Hoang



Place Notary Seal Above

## OPTIONAL

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

- ☐ Individual  
☐ Corporate Officer — Title(s): \_\_\_\_\_  
☐ Partner ☐ Limited ☐ General  
☐ Attorney in Fact  
☐ Trustee  
☐ Guardian or Conservator  
☐ Other: \_\_\_\_\_

RIGHT THUMBPRINT  
OF SIGNER

Top of thumb here

Signer is Representing:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Signer's Name: \_\_\_\_\_

- ☐ Individual  
☐ Corporate Officer — Title(s): \_\_\_\_\_  
☐ Partner ☐ Limited ☐ General  
☐ Attorney in Fact  
☐ Trustee  
☐ Guardian or Conservator  
☐ Other: \_\_\_\_\_

RIGHT THUMBPRINT  
OF SIGNER

Top of thumb here

Signer is Representing:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_





**ATTACHMENT 4**  
 UNITED FIRE & CASUALTY COMPANY, CEDAR RAPIDS, IA  
 UNITED FIRE & INDEMNITY COMPANY, WEBSTER, TX  
 FINANCIAL PACIFIC INSURANCE COMPANY, LOS ANGELES, CA  
 CERTIFIED COPY OF POWER OF ATTORNEY  
 (original on file at Home Office of Company – See Certification)

**Inquiries: Surety Department**  
**118 Second Ave SE**  
**Cedar Rapids, IA 52401**

KNOW ALL PERSONS BY THESE PRESENTS, That United Fire & Casualty Company, a corporation duly organized and existing under the laws of the State of Iowa; United Fire & Indemnity Company, a corporation duly organized and existing under the laws of the State of Texas; and Financial Pacific Insurance Company, a corporation duly organized and existing under the laws of the State of California (herein collectively called the Companies), and having their corporate headquarters in Cedar Rapids, State of Iowa, does make, constitute and appoint

**JAMES W. MOILANEN, YUNG T. MULLICK, P. AUSTIN NEFF, IRENE LUONG, EMILIE GEORGE, CHRISTINE HOANG, DANIELLE HANSON, EACH INDIVIDUALLY**

their true and lawful Attorney(s)-in-Fact with power and authority hereby conferred to sign, seal and execute in its behalf all lawful bonds, undertakings and other obligatory instruments of similar nature provided that no single obligation shall exceed \$40,000,000.00 and to bind the Companies thereby as fully and to the same extent as if such instruments were signed by the duly authorized officers of the Companies and all of the acts of said Attorney, pursuant to the authority hereby given and hereby ratified and confirmed.

The Authority hereby granted shall expire the 16th day of May, 2024 unless sooner revoked by United Fire & Casualty Company, United Fire & Indemnity Company, and Financial Pacific Insurance Company.

This Power of Attorney is made and executed pursuant to and by authority of the following bylaw duly adopted by the Boards of Directors of United Fire & Casualty Company, United Fire & Indemnity Company, and Financial Pacific Insurance Company.

**“Article VI – Surety Bonds and Undertakings”**

Section 2, Appointment of Attorney-in-Fact. “The President or any Vice President, or any other officer of the Companies may, from time to time, appoint by written certificates attorneys-in-fact to act in behalf of the Companies in the execution of policies of insurance, bonds, undertakings and other obligatory instruments of like nature. The signature of any officer authorized hereby, and the Corporate seal, may be affixed by facsimile to any power of attorney or special power of attorney or certification of either authorized hereby; such signature and seal, when so used, being adopted by the Companies as the original signature of such officer and the original seal of the Companies, to be valid and binding upon the Companies with the same force and effect as though manually affixed. Such attorneys-in-fact, subject to the limitations set forth in their respective certificates of authority shall have full power to bind the Companies by their signature and execution of any such instruments and to attach the seal the Companies thereto. The President or any Vice President, the Board of Directors or any other officer of the Companies may at any time revoke all power and authority previously given to any attorney-in-fact.

IN WITNESS WHEREOF, the COMPANIES have each caused these presents to be signed by its vice president and its corporate seal to be hereto affixed this

16th day of May, 2022



UNITED FIRE & CASUALTY COMPANY  
 UNITED FIRE & INDEMNITY COMPANY  
 FINANCIAL PACIFIC INSURANCE COMPANY

By: *Dennis J. Richmann*  
 Vice President

State of Iowa, County of Linn, ss:

On 16th day of May, 2022, before me personally came Dennis J. Richmann to me known, who being by me duly sworn, did depose and say; that he resides in Cedar Rapids, State of Iowa; that he is a Vice President of United Fire & Casualty Company, a Vice President of United Fire & Indemnity Company, and a Vice President of Financial Pacific Insurance Company the corporations described in and which executed the above instrument; that he knows the seal of said corporations; that the seal affixed to the said instrument is such corporate seal; that it was so affixed pursuant to authority given by the Board of Directors of said corporations and that he signed his name thereto pursuant to like authority, and acknowledges same to be the act and deed of said corporations.



*Judith A. Jones*  
 Notary Public  
 My commission expires: 4/23/2024

I, Mary A. Bertsch, Assistant Secretary of United Fire & Casualty Company and Assistant Secretary of United Fire & Indemnity Company, and Assistant Secretary of Financial Pacific Insurance Company, do hereby certify that I have compared the foregoing copy of the Power of Attorney and affidavit, and the copy of the Section of the bylaws and resolutions of said Corporations as set forth in said Power of Attorney, with the ORIGINALS ON FILE IN THE HOME OFFICE OF SAID CORPORATIONS, and that the same are correct transcripts thereof, and of the whole of the said originals, and that the said Power of Attorney has not been revoked and is now in full force and effect.

In testimony whereof I have hereunto subscribed my name and affixed the corporate seal of the said Corporations this 3rd day of June, 2022.



By: *Mary A. Bertsch*  
 Assistant Secretary,  
 UF&C & UF&I & FPIC

No. 2416-6

STATE OF CALIFORNIA  
**DEPARTMENT OF INSURANCE**  
SAN FRANCISCO

Amended  
**Certificate of Authority**

THIS IS TO CERTIFY *that, pursuant to the Insurance Code of the State of California,*

**United Fire & Casualty Company**

*of Iowa, organized under the laws of Iowa, subject to its Articles of Incorporation or other fundamental organizational documents, is hereby authorized to transact within this State, subject to all provisions of this Certificate, the following classes of insurance:*

**Fire, Marine, Surety, Plate Glass, Liability, Workers' Compensation,  
Common Carrier Liability, Boiler and Machinery, Burglary,  
Sprinkler, Team and Vehicle, Automobile, and Miscellaneous**

*as such classes are now or may hereafter be defined in the Insurance Laws of the State of California.*

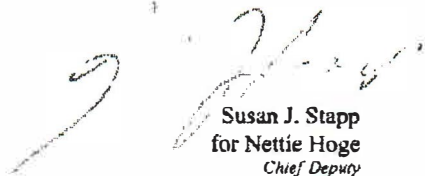
THIS CERTIFICATE *is expressly conditioned upon the holder hereof now and hereafter being in full compliance with all, and not in violation of any, of the applicable laws and lawful requirements made under authority of the laws of the State of California as long as such laws or requirements are in effect and applicable, and as such laws and requirements now are, or may hereafter be changed or amended.*

IN WITNESS WHEREOF, *effective as of the 16<sup>th</sup> day of July, 2014,*  
*I have hereunto set my hand and caused my official seal to be affixed*  
*this 16<sup>th</sup> day of July, 2014.*



By

Dave Jones  
Insurance Commissioner

  
Susan J. Stapp  
for Nettie Hoge  
Chief Deputy

**NOTICE:**

Qualification with the Secretary of State must be accomplished as required by the California Corporations Code promptly after issuance of this Certificate of Authority. Failure to do so will be a violation of Insurance Code section 701 and will be grounds for revoking this Certificate of Authority pursuant to the covenants made in the application therefor and the conditions contained herein.

## 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 LOS ANGELES

On JUNE 10, 2022 before me, TEAGAN N. HEIDENRICH, NOTARY PUBLIC  
(insert name and title of the officer)

personally appeared ADAM NASRY  
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.

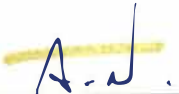
Signature [Signature] (Seal)



**CONTRACT ASSURANCE**

The CONTRACTOR or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The CONTRACTOR shall carry out applicable requirements of 49 CFR part 26 in the award and administration of DOT-assisted contracts. Failure by the CONTRACTOR to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as recipient deems appropriate.

The CONTRACTOR will require that the above provision is included in all subcontracts.

  
Bidder's Initials



**NONCOLLUSION AFFIDAVIT**

The bidders, by its officers and agents or representatives present at the time of filing this bid, being duly sworn on their oaths say, that neither they nor any of them have in any way directly or indirectly entered into any arrangement or agreement with any other bidder, or with any public officer of such CITY OF COSTA MESA whereby such affiant or affiants or either of them has paid or is to pay to such bidder or public officer any sum of money, or has given or is to give to such other bidder or public officer anything of value whatever, or such affiant or affiants or either of them has not directly or indirectly, entered into any arrangement or agreement with any other bidder or bidders, which tends to or does lessen or destroy free competition in the letting of the contract sought for on the attached bids; that no bid has been accepted from any subcontractor or supplier through any bid depository, the By-Laws, Rules, or Regulations of which prohibit or prevent the Contractor from considering any bid from any subcontractor or supplier which is not processed through said bid depository, or which prevent any subcontractor or supplier from bidding to any Contractor who does not use the facilities or accept bids from or through such bid depository; that bidder has not bid as subcontractor to other bidders; that no inducement of any form or character other than that which appears upon the face of the bid will be suggested, offered, paid or delivered to any person of the contract, nor has this bidder any agreement or understanding of any kind whatsoever, with any person whomsoever to pay, deliver to, or share with any other person in any way or manner, any of the proceeds of the contracts sought by this bid.

NEWMAN MIDLAND CORP

Contractor Firm Name

ADAM NASRY

Name of Principal  
PRESIDENT & SECRETARY

Title

Signature

Subscribed and sworn to before me by:

ADAM NASRY

This 13TH day of JUNE, 2022.

My Commission Expires: 05/20/2025



(Notary Public

TEAGAN N. HEIDENRICH, NOTARY PUBLIC

A. N.  
Bidder's Initials



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 LOS ANGELES

Subscribed and sworn to (or affirmed) before me on this 13TH  
day of JUNE, 2022, by A DA MNASRY

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



(Seal)

Signature

TEAGAN N. HEIDENRICH, NOTARY PUBLIC

**CONTRACTOR'S CERTIFICATION  
OF  
WORKERS' COMPENSATION INSURANCE REQUIREMENTS  
FOR  
PUBLIC WORKS PROJECTS  
(Labor Code §1861)**

I am aware of the provisions of Section 3700 of the California Labor Code which requires 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.

Dated: 06/13/2022

CONTRACTOR

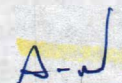


ADAM NASRY, PRESIDENT & SECRETARY

NEWMAN MIDLAND CORP

Company Name

PROJECT: COSTA MESA POLICE DEPARTMENT INDOOR RANGE UPGRADE  
CITY PROJECT NO. 22-03



Bidder's Initials



**DRUG-FREE WORKPLACE POLICY**

CONTRACTOR, upon notification of contract award, shall establish a Drug-Free Awareness Program to inform employees of the dangers of drug abuse in the workplace, the penalties that may be imposed upon employees for drug abuse violations occurring in the workplace, and the employee assistance programs available to employees. Each employee engaged in the performance of a CITY contract must be notified of this Drug-Free Awareness Program, and must abide by its terms. Failure to establish a program, notify employees, or inform CITY of a drug-related workplace conviction will constitute a material breach of contract and cause for immediate termination of the contract by CITY.

CONTRACTOR shall conform to all the requirements of CITY'S Policy No. 100-5. A copy of this policy is attached to the sample contract agreement as an attachment in the Project Specifications.



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**Bidder's Initials**



Proposer/Consultant/Applicant is required to identify any campaign contribution or cumulative contributions greater than \$249 to any city council member in the twelve months prior to submitting an application, proposal, statement of qualifications or bid requiring approval by the City Council.

[illegible]

Except as described above, I/we have not made any campaign contribution in the amount of \$250 or more to any Costa Mesa City Council Member in the twelve months preceding this Application/Proposal.

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

and correct

**ADAM NASRY, PRESIDENT & SECRETARY**

Bidder/Applicant/Proposer

06/13/2022

Date \_\_\_\_\_

AN  
Bidder's Initials



# CITY OF COSTA MESA

P.O. BOX 12000 77 FAIR DRIVE CALIFORNIA 92628-1200

FROM THE DEPARTMENT OF PUBLIC SERVICES/ENGINEERING DIVISION

**DATE:** May 10, 2022

**TO:** ALL PROSPECTIVE BIDDERS

**SUBJECT: ADDENDUM NO. 1 – COSTA MESA POLICE DEPARTMENT INDOOR RANGE UPGRADE, CITY PROJECT NO. 22-03**

Please forward this addendum to the appropriate individual as soon as possible. To assist our office in confirming the delivery of this addendum, please sign acknowledging receipt herein and e-mail a copy of this sheet to bobby.fouladi@costamesaca.com. **A COPY WILL NOT BE SENT BY MAIL.**

Received by: \_\_\_\_\_

ADAM NASRY, PRESIDENT & SECRETARY

Company: NEWMAN MIDLAND CORP

All bidders shall register with PlanetBids.com in order to retrieve addenda. It is the responsibility of each prospective bidder to check the City's PlanetBids.com portal at: <https://www.planetbids.com/portal/portal.cfm?CompanyID=45476> on a DAILY basis through the close of bids for any applicable addenda or updates.

This addendum, effective on this date, addresses the following items:

**MANDATORY**

PRE-BID JOB WALK DATE : 9:00 A.M., Tuesday, May 24, 2022 NO CHANGE

PRE BID JOB WALK LOCATION 99 Fair Drive Costa Mesa, CA 92626 NO CHANGE

BID OPENING DATE: 1:00 P.M., Monday, June 13, 2022 NO CHANGE

ADDENDUM 1 PLAN UPDATES: **ARCHITECT'S SUMMARY AND UPDATED  
ADDENDUM 1 APPENDIX A PLANS DATED 5/10/2022  
POSTED TO PLANET BIDS 5/10/2022**

Please acknowledge receipt of the Addendum 1 plan update and summary by Gillis + Panichapan Architects on the Proposal Page "P-4".

Sincerely,

Bobby Fouladi, P.E.  
Senior Engineer

Posted to PlanetBids.com:  
22-03 CMPD Addendum 1 - GPa Summary (3 pages)  
22-03 CMPD Addendum 1 – GPa 5.10.22 Bid Set (49 Sheets)



*Recalled***CITY OF COSTA MESA**

P.O. BOX 12000 77 FAIR DRIVE CALIFORNIA 92628-1200

FROM THE DEPARTMENT OF PUBLIC SERVICES/ENGINEERING DIVISION

DATE: May 19, 2022

TO: ALL PROSPECTIVE BIDDERS

SUBJECT: ADDENDUM NO. 2 – COSTA MESA POLICE DEPARTMENT INDOOR RANGE  
UPGRADE, CITY PROJECT NO. 22-03

Please forward this addendum to the appropriate individual as soon as possible. To assist our office in confirming the delivery of this addendum, please sign acknowledging receipt herein and e-mail a copy of this sheet to [bobby.fouladi@costamesaca.com](mailto:bobby.fouladi@costamesaca.com). **A COPY WILL NOT BE SENT BY MAIL.**

Received by: *[Signature]**Adam Nasry President & Secretary*Company: *Newman Midland Corp*

All bidders shall register with PlanetBids.com in order to retrieve addenda. It is the responsibility of each prospective bidder to check the City's PlanetBids.com portal at: <https://www.planetbids.com/portal/portal.cfm?CompanyID=45476> on a DAILY basis through the close of bids for any applicable addenda or updates.

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**MANDATORY**

<b><u>PRE-BID JOB WALK DATE:</u></b>	9:00 A.M., Tuesday, May 24, 2022	NO CHANGE
<b><u>PRE BID JOB WALK LOCATION</u></b>	99 Fair Drive Costa Mesa, CA 92626	NO CHANGE
<b><u>BID OPENING DATE:</u></b>	1:00 P.M., Monday, June 13, 2022	NO CHANGE

**ADDENDUM 2 UPDATES:**

1. Add the following to **BID ITEM No. 1** in section **101-2.2** of the Special Provisions:

***As part of the base bid for construction, the Contractor shall include a Hazardous Materials Survey and Report to evaluate existing building materials in areas where demolition, new construction, and renovations are scheduled to take place.***

Revised Page **SP-2** and **SP-3** Released as attachments to this Addendum 2 and to Planetbids.com

2. Approved Substitution Request 01 - Bullet Resistant Door and Vision Glass  
Submitted by: Chicago Bullet Proof  
Released as an attachments to this Addendum 2 and posted to Planetbids.com
3. Q&A responses to bidder questions posted on Planetbids.com.  
Released as an attachments to this Addendum 2 and posted to Planetbids.com





# CITY OF COSTA MESA

P.O. BOX 12000 77 FAIR DRIVE CALIFORNIA 92628-1200

FROM THE DEPARTMENT OF PUBLIC SERVICES/ENGINEERING DIVISION

**DATE:** May 19, 2022

**TO:** ALL PROSPECTIVE BIDDERS

**SUBJECT: ADDENDUM NO. 2 – COSTA MESA POLICE DEPARTMENT INDOOR RANGE UPGRADE, CITY PROJECT NO. 22-03**

Please forward this addendum to the appropriate individual as soon as possible. To assist our office in confirming the delivery of this addendum, please sign acknowledging receipt herein and e-mail a copy of this sheet to [bobby.fouladi@costamesaca.com](mailto:bobby.fouladi@costamesaca.com). **A COPY WILL NOT BE SENT BY MAIL.**

Received by:  , ADAM NASRY, PRESIDENT & SECRETARY

Company: NEWMAN MIDLAND CORP

All bidders shall register with PlanetBids.com in order to retrieve addenda. It is the responsibility of each prospective bidder to check the City's PlanetBids.com portal at: <https://www.planetbids.com/portal/portal.cfm?CompanyID=45476> on a DAILY basis through the close of bids for any applicable addenda or updates.

This addendum, effective on this date, addresses the following items:

## MANDATORY

<u>PRE-BID JOB WALK DATE :</u>	9:00 A.M., Tuesday, May 24, 2022	NO CHANGE
<u>PRE BID JOB WALK LOCATION</u>	99 Fair Drive Costa Mesa, CA 92626	NO CHANGE
<u>BID OPENING DATE:</u>	1:00 P.M., Monday, June 13, 2022	NO CHANGE

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Revised Page **SP-2** and **SP-3** Released as attachments to this Addendum 2 and to Planetbids.com

2. Approved Substitution Request 01 - Bullet Resistant Door and Vision Glass  
Submitted by: Chicago Bullet Proof  
Released as an attachments to this Addendum 2 and posted to Planetbids.com
3. Q&A responses to bidder questions posted on Planetbids.com.  
Released as an attachments to this Addendum 2 and posted to Planetbids.com



# CITY OF COSTA MESA

P.O. BOX 12000 77 FAIR DRIVE CALIFORNIA 92628-1200

FROM THE DEPARTMENT OF PUBLIC SERVICES/ENGINEERING DIVISION

**DATE:** May 26, 2022

**TO:** ALL PROSPECTIVE BIDDERS

**SUBJECT: ADDENDUM NO. 3 – COSTA MESA POLICE DEPARTMENT INDOOR RANGE UPGRADE, CITY PROJECT NO. 22-03**

Please forward this addendum to the appropriate individual as soon as possible. To assist our office in confirming the delivery of this addendum, please sign acknowledging receipt herein and e-mail a copy of this sheet to [bobby.fouladi@costamesaca.com](mailto:bobby.fouladi@costamesaca.com). **A COPY WILL NOT BE SENT BY MAIL.**

Received by: [Signature], ADAM NASRY, PRESIDENT & SECRETARY

Company: NEWMAN MIDLAND CORP

All bidders shall register with PlanetBids.com in order to retrieve addenda. It is the responsibility of each prospective bidder to check the City's PlanetBids.com portal at: <https://www.planetbids.com/portal/portal.cfm?CompanyID=45476> on a DAILY basis through the close of bids for any applicable addenda or updates.

This addendum, effective on this date, addresses the following items:

**MANDATORY**

PRE-BID JOB WALK DATE: 9:00 A.M., Tuesday, May 24, 2022 **COMPLETED**

PRE BID JOB WALK LOCATION 99 Fair Drive Costa Mesa, CA 92626 **COMPLETED**

BID OPENING DATE: 1:00 P.M., Monday, June 13, 2022 **NO CHANGE**

**ADDENDUM 3 UPDATES:**

1. **ARCHITECT'S ADDEDNUM 3 SUMMARY AND ATTACHMENTS**  
by Gillis + Panichapan Architects
2. **Q&A** responses to bidder questions posted on Planetbids.com.  
Released as an attachments to this Addendum 3 and posted to Planetbids.com



# CITY OF COSTA MESA

P.O. BOX 12000 77 FAIR DRIVE CALIFORNIA 92628-1200

FROM THE DEPARTMENT OF PUBLIC SERVICES/ENGINEERING DIVISION

**DATE:** June 7, 2022

**TO:** ALL PROSPECTIVE BIDDERS

**SUBJECT: ADDENDUM NO. 4 – COSTA MESA POLICE DEPARTMENT INDOOR RANGE UPGRADE, CITY PROJECT NO. 22-03**

Please forward this addendum to the appropriate individual as soon as possible. To assist our office in confirming the delivery of this addendum, please sign acknowledging receipt herein and e-mail a copy of this sheet to [bobby.fouladi@costamesaca.com](mailto:bobby.fouladi@costamesaca.com). **A COPY WILL NOT BE SENT BY MAIL.**

Received by: [Signature] , ADAM NASRY, PRESIDENT & SECRETARY

Company: NEWMAN MIDLAND CORP

All bidders shall register with PlanetBids.com in order to retrieve addenda. It is the responsibility of each prospective bidder to check the City's PlanetBids.com portal at: <https://www.planetbids.com/portal/portal.cfm?CompanyID=45476> on a DAILY basis through the close of bids for any applicable addenda or updates.

This addendum, effective on this date, addresses the following items:

**MANDATORY**

<u>PRE-BID JOB WALK DATE :</u>	9:00 A.M., Tuesday, May 24, 2022	<b>COMPLETED</b>
<u>PRE BID JOB WALK LOCATION</u>	99 Fair Drive Costa Mesa, CA 92626	<b>COMPLETED</b>
<u>BID OPENING DATE:</u>	1:00 P.M., Monday, June 13, 2022	<b>NO CHANGE</b>

**ADDENDUM 4 UPDATES:**

- 1. ARCHITECT'S ADDEDNUM 4 – InVeris Substitution Request Review and Determination by Gillis + Panichapan Architects**
- 2. Q&A responses to bidder questions posted on Planetbids.com.**  
Released as an attachments to this Addendum 4 and posted to Planetbids.com