

**NEWPORT MESA UNIFIED SCHOOL DISTRICT**

**SECTION 6 – BID FORM**

**To:** NEWPORT-MESA UNIFIED SCHOOL DISTRICT, acting by and through its Governing Board, herein called the "DISTRICT."

1. The undersigned BIDDER, having become familiarized with all the following documents including but not limited to the Invitation to Bid, Instruction to Bidders, Supplementary Instructions to Bidders, Information Available to Bidders, Bid Form, Bid Security, Designation of SUBCONTRACTORS Form, Information Required of Bidder, all prequalification forms pursuant to Public Contract Code Section 20111.5, if any, Noncollusion Declaration, Workers' Compensation Certificate, Faithful Performance Bond, Payment Bond, Agreement, Escrow Agreement, Drug-Free Workplace Certification, Criminal Records Check Certification, Change Order Forms, all insurance requirements, Guarantee forms, CONTRACTOR's Certificate Regarding Non-Asbestos Containing Materials, Disabled Veteran Business Enterprises Certification, if applicable, General Conditions and Supplementary Conditions, if any, Special Conditions, if any, scope of work statement, bid package categories, exhibits, drawings, specifications, and all modifications, addenda and amendments, if any (hereinafter called the Project Documents), the local conditions affecting the performance of the work and the cost of the work at the place where the work is to be done, hereby proposes and agrees to be bound by all the terms and conditions of the Project Documents and agrees to perform, within the time stipulated, the work, including all of its component parts, and everything required to be performed, and to provide and furnish and pay for any and all of the labor, materials, tools, expendable equipment, and all applicable taxes, utility and transportation services necessary to perform the work and complete in a good workmanlike manner all of the work required in accordance with laws, codes, regulations, ordinances and any other legal requirements governing the work, in connection with the following:

**[CONTINUED ON NEXT PAGE]**

NEWPORT MESA UNIFIED SCHOOL DISTRICT

**Project: 2021 Scoreboards Bid #120-21**

All in strict conformity with the Project Documents (aka Contract) on file at the business office of the DISTRICT for the lump sum amounts set forth herein.

**Contract will be awarded to a single CONTRACTOR. The contract will be awarded the lowest responsible bidder.**

**Proposal due on: 05-13-21 @ 2:00 PM**

Total Bid Price – Basis of Award (in words) SIX HUNDRED FOUR THOUSAND FOUR HUNDRED TWENTY THREE

Total Bid Price – Basis of Award (in numerals) \$ 604,423.

**Breakout Pricing**

Corona Del Mar High School Softball Breakout Price (in numerals)

\$ 201,474<sup>33</sup>.

Costa Mesa High School Baseball Breakout Price (in numerals)

\$ 201,474<sup>33</sup>.

Estancia High School Football Breakout Price (in numerals)

\$ 201,474<sup>33</sup>.

**NEWPORT MESA UNIFIED SCHOOL DISTRICT**

**Addenda**

The undersigned BIDDER has thoroughly examined any and all Addenda (if any) issued during the Bid Period and is thoroughly familiar with all the contents thereof and acknowledges receipt of the following Addenda:

**Bidder shall list all Addenda received:**

**1**

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1. Each individual bid term shall be determined from visiting the work site, reviewing the drawings and specifications and all portions of the Project Documents, and shall include all items necessary to complete the work, including the assumption of all obligations, duties, and responsibilities necessary to the successful completion of the PROJECT, and the furnishing of all materials and equipment required to be incorporated in and form a permanent part of the work, and the furnishing of tools, equipment, apparatus, supplies, transportation, facilities, labor, superintendence, and services required to perform and complete the work, all as per the requirements of the Project Documents, whether or not expressly listed or designated.

2. It is understood that the DISTRICT reserves the right to reject any or all bids or to waive any irregularities or informalities in any bids or in the bidding process. BIDDER agrees that this bid shall remain open and not be withdrawn for the period specified in the Instructions to Bidders.

3. The required bid security is attached.

4. The required list(s) of proposed SUBCONTRACTORS is attached hereto, and the undersigned represents and warrants that such list(s) is complete and in compliance with the Subletting and Subcontracting Fair Practices Act. Public Contracta Code Sections 4100, et seq.

5. It is understood and agreed that if written notice of the award of a contract is mailed, faxed, or delivered to the bidder, the bidder will execute and deliver to the DISTRICT the Agreement and will also furnish and deliver to the DISTRICT the Faithful Performance Bond and a separate Payment Bond as specified, and certificates and endorsements of insurance, the Workers' Compensation Certificate, Drug-Free Work Place Certification, the Criminal Records Check Certification, CONTRACTOR's Certificate Regarding Non-Asbestos Containing Materials, and the Disabled Veteran Business Enterprises Certification, if applicable, within ten (10) working days of the notice of award of the Contract, or as otherwise requested in writing by the DISTRICT. It is understood that should BIDDER fail or refuse to return these documents as required by the DISTRICT, the bid security shall be forfeited to the DISTRICT. The BIDDER further agrees that the work shall be commenced by the BIDDER, if awarded the Contract, on or before the tenth (10th) day after receiving the DISTRICT's Notice to Proceed, and shall be completed by the BIDDER in the time specified by the DISTRICT.

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**NEWPORT MESA UNIFIED SCHOOL DISTRICT**

6. Communications conveying notice of award of the Contract, requests for additional information or other correspondence should be addressed to the BIDDER at the address stated below.

7. List the principals in your company that will be assigned and dedicated to this Project:

DRAGOS GAVRILESCU

8. In submitting this bid, the BIDDER offers and agrees that if the bid is accepted, it will assign to DISTRICT all rights, title and interest in and to all causes of action it may have under Section 4 of the Clayton Act (15 U.S.C. Section 15) or under the Cartwright Act (Business & Professions Code Sections 16700, et seq.) arising from purchases of goods, materials, or services by the bidder for sale to the DISTRICT pursuant to the bid. Such assignment shall be made and become effective at the time the DISTRICT tenders final payment under the Contract. (Public Contract Code Section 7103.5; Government Code Sections 4450, 4451 and 4552).

9. The undersigned hereby warrants that the BIDDER has an appropriate license, License No. 809769, Class B, at the time of the bid opening, that such license entitles BIDDER to provide the work, that such license will be in full force and effect throughout the duration of performance of this PROJECT. BIDDER shall be non-responsive if the BIDDER is not licensed as required by the DISTRICT at the time of the bid opening. Any and all SUBCONTRACTORS to be employed by the undersigned shall have appropriate active licenses at the time of the bid opening. BIDDER hereby certifies that its license and the licenses of its SUBCONTRACTORS shall remain active and in good standing at all times during the performance of the Contract and all work thereunder. All work requiring a specialty license and/or certification under applicable law shall be performed by SUBCONTRACTORS (to the prime CONTRACTOR) who possess the required specialty licenses and/or certifications, unless the prime CONTRACTOR itself holds such specialty license(s) and/or certification(s), in which case the prime CONTRACTOR can self-perform such portions of the work under such specialty license(s) and/or certification(s). At the time of submitting its bid, the prime CONTRACTOR shall list all work requiring a specialty license and/or certification and identify: (1) who will perform each portion of such work; and (2) the corresponding specialty license/certification, including the number and holder thereof. Failure to comply with these requirements may result in the bidders bid being deemed non-responsive.

10. The BIDDER hereby certifies that it is, and at all times during the performance of work hereunder shall be, in full compliance with the provisions of the Immigration Reform and Control Act of 1986 ("IRCA") in the hiring of its employees, and the BIDDER shall indemnify, hold harmless and defend the DISTRICT against any and all actions, proceedings, penalties or claims arising out of the BIDDER'S failure to comply strictly with the IRCA.

11. It is understood and agreed that if requested by the DISTRICT, the BIDDER shall furnish a notarized financial statement, references, and other information required by the DISTRICT sufficiently comprehensive to permit an appraisal of BIDDER'S ability to perform the PROJECT.

**NEWPORT MESA UNIFIED SCHOOL DISTRICT**

12. The undersigned hereby warrants that all work shall be completed within (66) SIXTY SIX CALENDAR DAYS from the date specified on the Notice to Proceed issued by the DISTRICT. Time is of the essence. The undersigned agrees that failure to complete the work within the time set forth herein will result in the imposition of liquidated damages for each consecutive calendar day of delay in an amount predicated on the contract dollar value (See Supplementary Conditions). If applicable, liquidated damages will apply to each phase of the project and will run concurrently.

13. The required non-collusion affidavit properly notarized is attached as required by Public Contract Code Section 7106. BIDDER understands and agrees that failure to submit a completed and signed affidavit will render the BIDDER automatically non-responsive.

**14. Required Bid Form Attachments:**

Place a check mark on each line to signify that the required form has been submitted with your bid

a. Bid security:

✓

b. List of designated SUBCONTRACTORS:

✓

c. Non-collusion Declaration:

✓

d. DVBE Good Faith Effort:

✓

e. DVBE Certification:

✓

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The undersigned hereby declares that all of the representations of this bid are made under penalty of perjury under the laws of the State of California.

**INDIVIDUAL:**

Name:

\_\_\_\_\_

Signed:

\_\_\_\_\_

Print Name:

\_\_\_\_\_

Date:

\_\_\_\_\_

Business Address:

\_\_\_\_\_

\_\_\_\_\_

Telephone:

\_\_\_\_\_

\*\*\*\*\*

**PARTNERSHIP:**

NEWPORT MESA UNIFIED SCHOOL DISTRICT

Name: \_\_\_\_\_  
Signed: \_\_\_\_\_  
Print Name: \_\_\_\_\_  
Date: \_\_\_\_\_  
Business Address: \_\_\_\_\_  
\_\_\_\_\_  
Telephone: \_\_\_\_\_  
Other Partner(s): \_\_\_\_\_

.....  
**CORPORATION:**

Name: ASTRA BUILDERS, INC.  
(a CALIFORNIA Corporation<sup>1</sup>)  
Business Address: 1227 S. DALE AVE  
ANAHEIM, CA 92804  
Telephone: 714-404-7057  
Signed by: [Signature], Title: PRESIDENT Date: 05/06/21  
Signed by: [Signature], Title: SECRETARY Date: 05/06/21

\*\*\*\*\*  
**JOINT VENTURE:**

Name: \_\_\_\_\_  
Signed: \_\_\_\_\_, Joint Venture  
Print Names: \_\_\_\_\_  
Date: \_\_\_\_\_  
Business Address: \_\_\_\_\_  
\_\_\_\_\_  
Telephone: \_\_\_\_\_

**Other Parties to  
Joint Venture:**

If an Individual: \_\_\_\_\_  
(name)

\_\_\_\_\_

<sup>1</sup> A corporation awarded the contract shall furnish evidence of its corporate existence and evidence that the officer signing the Agreement and bonds is duly authorized to do so.

**NEWPORT MESA UNIFIED SCHOOL DISTRICT**

Signed by: \_\_\_\_\_  
Print Name: \_\_\_\_\_  
Date: \_\_\_\_\_

Doing Business as: \_\_\_\_\_  
Business Address: \_\_\_\_\_  
Telephone: \_\_\_\_\_

**If a Partnership:** \_\_\_\_\_  
(name)

Signed by: \_\_\_\_\_  
Print Name: \_\_\_\_\_  
Date: \_\_\_\_\_  
Doing Business as: \_\_\_\_\_  
Business Address: \_\_\_\_\_  
Telephone: \_\_\_\_\_

**If a Corporation:** \_\_\_\_\_  
(name)

Signed by: \_\_\_\_\_  
Print Name: \_\_\_\_\_  
Date: \_\_\_\_\_  
Title: \_\_\_\_\_  
Business Address: \_\_\_\_\_  
Telephone: \_\_\_\_\_

**[END OF SECTION 6]**

**NEWPORT MESA UNIFIED SCHOOL DISTRICT**  
**DESIGNATION OF SUBCONTRACTORS**

In compliance with the Subletting and Subcontracting Fair Practices Act (Public Contract Code Sections 4100 et. seq.) and any amendments thereof, each BIDDER shall set forth below: (a) the name, license number, and the location of the place of business of each SUBCONTRACTOR who will perform work or labor or render service to the BIDDER (prime CONTRACTOR) in or about the construction of the work or improvement to be performed under the Contract or a SUBCONTRACTOR licensed by the State of California who, under subcontract to the BIDDER (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 one percent of the BIDDER'S (prime CONTRACTOR's) total bid and (b) the portion of the work which will be done by each SUBCONTRACTOR. The BIDDER (prime CONTRACTOR) shall list only one SUBCONTRACTOR for each such portion as is defined by the BIDDER (prime CONTRACTOR) in this bid.

The BIDDER (prime CONTRACTOR) shall possess an "B-License" for this contract/project. All work requiring a specialty license and/or certification under applicable law shall be performed by SUBCONTRACTORS (to the prime CONTRACTOR) who possess the required specialty licenses and/or certifications, unless the prime CONTRACTOR itself holds such specialty license(s) and/or certification(s), in which case the prime CONTRACTOR can self-perform such portions of the work under such specialty license(s) and/or certification(s). At the time of submitting its bid, the prime CONTRACTOR shall list all work requiring a specialty license and/or certification and identify: (1) who will perform each portion of such work; and (2) the corresponding specialty license/certification, including the license/certification number and holder thereof. Failure to comply with these requirements may result in the bidders bid being deemed non-responsive.

If a BIDDER (prime CONTRACTOR) fails to specify a SUBCONTRACTOR, or if a BIDDER (prime CONTRACTOR) specifies more than one SUBCONTRACTOR for the same portion of work to be performed under the Contract in excess of one-half of one percent of the BIDDER'S (prime CONTRACTOR's) total bid, BIDDER shall be deemed to have agreed that BIDDER is fully qualified to perform that portion, and that BIDDER alone will perform that portion. Violation of this requirement (including the procurement of a SUBCONTRACTOR for the PROJECT if no SUBCONTRACTOR is specified) can result in the DISTRICT invoking the remedies of Public Contract Code Sections 4110 and 4111.

No BIDDER (prime CONTRACTOR) whose bid is accepted shall (a) substitute any SUBCONTRACTOR, (b) permit any SUBCONTRACTOR to be voluntarily assigned or transferred or allow it to be performed by anyone other than the original SUBCONTRACTOR listed in the original bid, or (c) sublet or subcontract any portion of the work in excess of one-half of one percent of the BIDDER'S (prime CONTRACTOR's) total bid as to which the original bid did not designate a SUBCONTRACTOR, except as authorized in the Subletting and Subcontracting Fair Practices Act. Subletting or subcontracting of any portion of the work in excess of one-half of one percent of the BIDDER'S (prime CONTRACTOR's) total bid as to which no SUBCONTRACTOR was designated in the original bid shall only be permitted in cases of public emergency or necessity, only after a finding reduced to writing as a public record of the DISTRICT awarding this PROJECT setting forth the facts constituting the emergency or necessity.

**NEWPORT MESA UNIFIED SCHOOL DISTRICT**

Note: If alternate bids are called for and BIDDER intends to use different or additional SUBCONTRACTORS on the alternates, a separate list of SUBCONTRACTORS must be provided for each such alternate. Identify additional list of SUBCONTRACTORS by Alternate Bid No. \_\_\_\_\_.

[illegible]

Dated: 05/06/21

Name of Bidder

By:

(Signature of Bidder)

Print Name: DRAGOS GAVRILESCU

Address: 1227 S. DALE AVE  
ANAHEIM, CA 92804

NEWPORT MESA UNIFIED SCHOOL DISTRICT

**NONCOLLUSION DECLARATION TO BE EXECUTED BY  
BIDDER AND SUBMITTED WITH BID**

(Public Contract Code section 7106)

The undersigned declares:

I am the PRESIDENT of ASTRA BUILDERS, INC. the party making the foregoing bid.

The bid is not made in the interest of, or on behalf of, any undisclosed person, partnership, company, association, organization, or corporation. The bid is genuine and not collusive or sham. The bidder has not directly or indirectly induced or solicited any other bidder to put in a false or sham bid. The bidder has not directly or indirectly colluded, conspired, connived, or agreed with any bidder or anyone else to put in a sham bid, or to refrain from bidding. The bidder has not in any manner, directly or indirectly, sought by agreement, communication, or conference with anyone to fix the bid price of the bidder or any other bidder, or to fix any overhead, profit, or cost element of the bid price, or of that of any other bidder. All statements contained in the bid are true. The bidder has not, directly or indirectly, submitted his or her bid price or any breakdown thereof, or the contents thereof, or divulged information or data relative thereto, to any corporation, partnership, company, association, organization, bid depository, or to any member or agent thereof, to effectuate a collusive or sham bid, and has not paid, and will not pay, any person or entity for such purpose.

Any person executing this declaration on behalf of a bidder that is a corporation, partnership, joint venture, limited liability company, limited liability partnership, or any other entity, hereby represents that he or she has full power to execute, and does execute, this declaration on behalf of the bidder.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration is executed on 05/06/21 [date], at ANAHEIM [city], CALIFORNIA [state].



Signature

DRAGOS GAURILESCU

Print Name

[END OF SECTION 7]

**SECTION 4 – SUPPLEMENTARY INSTRUCTIONS TO BIDDERS****CERTIFICATION – PARTICIPATION OF  
DISABLED VETERAN BUSINESS ENTERPRISES  
IN ACCORDANCE WITH EDUCATION CODE 17076.11**

In accordance with Education Code Section 17076.11, the DISTRICT has a participation goal for Disabled Veteran Business Enterprises of at least three percent (3%) per year of the overall dollar amount of funds allocated by the DISTRICT by the State Allocation Board pursuant to the Leroy F. Greene School Facilities Act of 1998 for construction or modernization of school buildings and expended each year by the DISTRICT. At the time of execution of the contract, the CONTRACTOR will provide a statement to the DISTRICT of anticipated participation of Disabled Veteran Business Enterprises in the PROJECT. Before, and as a condition precedent for final payment under the Contract, the CONTRACTOR will provide appropriate documentation to the DISTRICT identifying the amount paid to Disabled Veteran Business Enterprises pursuant to the Contract, so that the DISTRICT can assess its success at meeting this goal.

The CONTRACTOR may provide the anticipated participation of Disabled Veteran Business Enterprises in terms of percentage of its total Contract Price or the dollar amount anticipated to be paid to Disabled Veteran Business Enterprises or by providing the names of the Disabled Veteran Business Enterprises that will participate in the PROJECT. If there is a discrepancy between the anticipated goals and the actual goals at completion of the PROJECT or a failure to meet the anticipated goal or dollar amounts, the DISTRICT will require the CONTRACTOR to provide, at the completion of the PROJECT, a detailed statement of the reason(s) for the discrepancy or failure to meet the anticipated goals or dollar amounts.

I certify that I have read the above and will comply with the anticipated participation of Disabled Veteran Business Enterprises in the Contract.



Signature

PRESIDENT

Title

1227 S. DAVE AVE.

Address

714-404-7057

Telephone

DLGEL2004@YAHOO.COM

E-mail

DRAGOS GAVRILESCU

Typed or Printed Name

ASTRA BUILDERS, INC.

Company

ANAHEIM, CA 92804

City, State, Zip

714-952-2713

Fax

**NEWPORT MESA UNIFIED SCHOOL DISTRICT**  
**DVBE Instructions / Forms**

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**Disabled Veteran Business Enterprise Participation (DVBE) Information**

**DVBE Definition**  
(for this document only)

**California  
Require-  
ments**

- A California firm whose ownership, daily management, and operational controls meets all statutory DVBE certification requirements, as documented by the possession of a certification letter issued by the Department of General Services, Office of Small Business and DVBE Certification [OSDC](hereafter referred to as DGS).
- The State of California requires a three percent (3%) participation level in state contracts to further disabled veteran business enterprise (DVBE) participation in California.
- Only DVBEs, possessing a current DVBE certification issued by DGS, may be claimed for participation. Over 600 DVBE firms are presently certified.

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**DHS Rights /  
Requirements**

- Unless DVBE participation is exempted by DHS, a 3% DVBE participation level is required for all service contracts with a total value of \$10,000 or more.
- DHS reserves the right to exempt any contract from DVBE participation when it is determined to be in the Department's best interest to do so.
- DHS reserves the right to waive DVBE participation requirements at any time prior to the bid/proposal submission deadline. Said waivers may be announced by way of a faxed or written correction notice, administrative bulletin, or bid document addendum.

**For answers  
or help, dial:**

**(916) 375-4940**

- DHS reserves the right to waive "Good Faith Effort" advertising when DHS believes that bidding time lines do not permit sufficient advertising.
- DHS reserves the right to contact bidders/proposers during the bidding/evaluation process to collect clarifying information or to request corrections, as necessary, to DVBE documentation.
- **The accompanying instructions must be strictly followed.** Failure to do so may be grounds for bid/proposal disqualification.  
**Dial (916) 375-4940, if you have a question or need help.**

NEWPORT MESA UNIFIED SCHOOL DISTRICT

DVBE Instructions

Participation  
Requirements  
of this  
Solicitation

- Each prime CONTRACTOR must either achieve 3% DVBE participation or demonstrate that an adequate "Good Faith Effort" (GFE) was made to achieve DVBE participation.
- Firms submitting bid responses with either less than 3% DVBE participation **and/or** a less than adequate GFE, will be deemed nonresponsive and ineligible to receive a contract award.

How to Calculate  
3% Participation

- Unless instructed otherwise in the bid document, first determine the total dollar value/amount that will be bid, then multiply this figure by 3% to determine how much of the contract budget should be spent on DVBE supplied services, labor, supplies, materials, or equipment.

How to Meet  
Participation  
Require-  
ments

1. ***If the prime CONTRACTOR IS a DVBE***, commit to use your own workforce alone or in combination with other DVBEs to perform commercially useful services/functions equal to no less than 3% of the contract bid amount. If this fits your firm's situation, do the following:

Go to page 23. On the form entitled "**Actual DVBE Participation**", list your firm's name, the name of other participating DVBEs, complete all items, and attach a copy of the DVBE certification issued by DGS to your firm and all other participating DVBE firms.

**OR**

2. ***If the prime CONTRACTOR IS NOT a DVBE***, it must commit to use or subcontract out an amount equal to 3% of the total contract bid amount to qualified DVBE service providers and/or suppliers. If this fits your firm's situation, do the following:

Go to page 23. On the form entitled "**Actual DVBE Participation**", list the proposed DVBEs, complete all items, and attach a copy of each DVBE's current DVBE certification issued by DGS.

**OR**

3. ***If the prime CONTRACTOR IS NOT a DVBE, and the bid document is solely soliciting electronic data processing (EDP), information technology (IT), and/or telecommunications services, goods, supplies, equipment, and/or EDP and/or telecommunications services***, do the following:

Submit a copy of your firm's "Notice of Approved DVBE Business Utilization Plan" issued by DGS' Procurement Division (PD).

*Start right away,  
do not delay.*

*(Continued on the next page)*

NEWPORT MESA UNIFIED SCHOOL DISTRICT

DVBE Instructions

**How to Meet  
Participation  
Requirements**  
(continued)

*Start right away,  
do not delay.*

Business Utilization Plans, when allowed, must be submitted to DGS' Procurement Division (PD) prior to the bid/proposal submission deadline and must be subsequently approved. ***Business Utilization Plans may not be submitted in lieu of actual DVBE participation or in lieu of performing the DVBE good faith effort process for construction or non-EDP or non-IT service contracts.***

Instructions and additional information about Business Utilization Plans may be obtained from:

Department of General Services – Procurement Division  
Office of Small Business and DVBE Outreach and Education  
707 Third Street, 2<sup>nd</sup> Floor  
P.O. Box 989052  
West Sacramento, CA 95798-9052

or by calling:

DGS' Receptionist at (800) 559-5529 or (916) 375-4400

**OR**

4. ***Conduct all five (5) steps of the "Good Faith Effort (GFE)"*** process to show what efforts were made to achieve DVBE participation. If your firm is not a certified DVBE or your firm cannot achieve a full 3% DVBE participation level of the total contract bid amount, do the following:

Go to page 20. Follow the instructions for each of the 5 good faith effort steps. Document your firm's GFE efforts on the form entitled "Good Faith Effort" appearing on pages 24 and 25.

*(Continued on the next page)*

DVBE Instructions

GFE Steps /  
Instructions

*Document your  
GFE efforts on  
the form in this  
package entitled  
"Good Faith  
Effort".*

*Do not delay until  
the final days before  
your bid is due to  
start this process.*

*These five steps  
may require 4  
weeks or more  
to complete.*

**NOTE:**  
This is a new  
requirement for  
DHS contracts →

1. Dial (916) 324-0140, the DHS Contract Management Unit voice mail telephone line, to obtain:
  - a. A referral to another state agency that provides a list of DVBE firms, publication resources, or other information.
  - b. Assistance in completing the DVBE forms in this package.
  - c. Answers to questions about DVBE participation and/or GFE documentation requirements.
2. Contact other state AND federal agencies AND local DVBE organizations for assistance in identifying potential DVBE service providers or suppliers.
  - a. Contact one or more California state agencies. The Office of Small Business and DVBE Certification (OSDC) program of DGS qualifies as one of these contacts. Dial DGS' live operator at (800) 559-5529 to obtain the current DVBE Resource Packet or visit DGS' Internet site at <http://www.dgs.ca.gov/osbcr> to download the complete list of certified DVBEs.
  - b. Contact one or more local California DVBE organizations listed in the DVBE Resource Packet.
  - c. Contact the Federal Small Business Administration (SBA) for a listing of potential DVBEs via the following Internet site: <http://pro-net.sba.gov>. SBA will not accept telephone contacts. Before using a DVBE referred by the Federal SBA to meet goal participation, verify that the named DVBE is registered with DGS as a certified California DVBE.
  - d. Enter on the form entitled "Good Faith Effort": Date/time of contact; name of organization contacted; contact method; and telephone number, e-mail, or Internet address. As proof of contacts at Internet websites, attach a copy of each Internet website page that you visit (e.g., DGS' OSDC and federal SBA).
3. Unless GFE advertising is waived by DHS due to time constraints, advertisements for DVBE service providers, SUBCONTRACTORS or suppliers must be placed in at least:
  - a. One "trade" publication related to a trade or industry, *and*
  - b. One "focus" publication whose ads are specifically distributed and focused to reach DVBE firms. **OR**
  - c. One publication that qualifies as both "trade" and "focus". See the DVBE Resource Packet for a listing of applicable publications.

(Continued on the next page)

NEWPORT MESA UNIFIED SCHOOL DISTRICT

DVBE Instructions

**GFE Steps /  
Instructions**  
(continued)

Document your GFE efforts on the form in this package entitled "Good Faith Effort".

*Do not delay until the final days before your bid is due to start this process.*

*These five steps may require 4 or more weeks to complete.*

**3c. GFE advertising instructions (continued)**

- 1) Ad placement may be specifically directed to publications that distribute their ads to businesses in the geographical areas where the work will be performed.

- 2) **Ads should appear in publications 10–14 calendar days** prior to the date your bid or proposal response is due to be submitted to DHS. Ads for DHS procurements do not need to be publicized for any specific length of time.

Give potential SUBCONTRACTORS/suppliers ample time (i.e., no less than 3-5 working days) to respond to your ad(s), while allowing your firm sufficient time to seriously consider each firm that responds.

- 3) **Ads should contain** information similar to the following:

[Enter your company name]  
Is seeking qualified DVBE vendors to provide  
[Enter description/list of services/supplies, etc.]  
in [Enter geographical service area/location, if applicable]  
for DHS IFB/RFP [Enter DHS IFB/RFP number or Project Name]  
Contact: [Enter your name, address, telephone number, fax number, and/or e-mail ID]  
Submit qualifications by: [date/time] or  
Submit bids by: [date/time]

- 4) Ads placed in general circulation newspapers including the *LA Times* or the *Sacramento Bee* are not acceptable.

- 5) If GFE advertising has not been waived by DHS, attach to the form entitled "**Good Faith Effort**" appearing on pages 8–9, either a copy of the ad(s) or a written description citing the exact wording of the ad(s). Indicate, in Step 3 on the Good Faith Effort form, the publication date, whether the publication is a trade publication, focus publication, or both, and whether an ad copy or written ad content is attached.

**4. Transmit direct solicitations or invitations to bid to potential DVBEs, identified in Steps 2 and/or 3, by way of mail, telephone, personal e-mail, fax, or other method.**

- a. Submit **a single sample** of one direct solicitation.
- b. If contact was by telephone, document the conversation, date of contact, person contacted, and business opportunities discussed.

*(Continued on the next page)*

NEWPORT MESA UNIFIED SCHOOL DISTRICT

DVBE Instructions

**GFE Steps /  
Instructions**  
(continued)

Document your  
GFE efforts on the  
form in this  
package entitled  
"Good Faith  
Effort".

*Do not delay until  
the final days  
before your bid is  
due to start this  
process.*

*These five steps  
may require 4 or  
more weeks to  
complete.*

**Participation  
and GFE forms  
appear in the  
pages that  
follow.**

**Use of  
Proposed  
DVBEs**

c. Submit a list of the DVBE firms to whom your firm transmitted direct solicitations (i.e., bidders list). Include each firm's name, address and telephone number.

**5. Show that the interested DVBE firms that responded to your ad(s) and/or direct solicitations were considered.** Bidding firms are strongly encouraged to achieve full or partial DVBE participation, when performing the GFE process.

a. List the DVBE firms that responded to your ad(s) or direct solicitations, if any. If no responses are received, indicate "none", as instructed in Step 5 on page 25.

**For each DVBE listed in Step 5 on page 25, indicate if your firm:**

1) **WILL USE** the DVBE for a specific percentage amount of your bid. For each firm you will use, do the following:

List the name of these DVBEs on the form entitled "**Actual DVBE Participation**". Indicate whom the DVBE will contract with, the nature of their services or supplies, the claimed percentage of use, and their contracting tier. Attach, to this form, a copy of the current DVBE certification issued to the DVBE by DGS.

**OR**

2) **WILL NOT USE** the DVBE after giving consideration to such things as the DVBE's qualifications, availability, capacity to perform/deliver, location, reference checks, and/or the services offered or goods supplied, etc.

For each of these firms, indicate, in Step 5 on page 25, the business reason(s) for not choosing to use the DVBE.

If awarded the contract, the selected CONTRACTOR must faithfully use each DVBE proposed for use and identified on the form entitled "**Actual DVBE Participation**". Exceptions are only allowed if the CONTRACTOR submits a Request for Substitution to the DHS Program Contract Manager and that request is subsequently granted by DHS.

Substitution instructions appear in the "Special Terms and Conditions" exhibit clause entitled "Use of Disabled Veteran Business Enterprises". A copy of this exhibit is attached to the bid document and/or will be attached to the contract.

*(Continued on the next page)*

**NEWPORT MESA UNIFIED SCHOOL DISTRICT**

**ACTUAL DVBE PARTICIPATION**

| <b>NAME OF DVBE FIRM<br/>PROPOSED FOR USE</b><br>(Prime is to enter its own name, if<br>the Prime is a certified DVBE) | <b>FIRM THAT DVBE WILL<br/>CONTRACT WITH</b><br>(Prime is to enter "Self", if the<br>Prime is a certified DVBE) | <b>NATURE OF WORK OR GOODS<br/>TO BE PROVIDED BY DVBE</b> | <b>DVBE<br/>%<br/>Claimed</b> | <b>TIER</b><br>(See legend<br>below) |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------|-------------------------------|--------------------------------------|
|                                                                                                                        |                                                                                                                 |                                                           |                               |                                      |

**DVBE % Claimed:** Enter the percentage level of actual DVBE participation met, regardless of whether or not a full three percent (3%) of the total contract bid amount was achieved. **Do not enter percentages as a decimal or fraction**, instead round numbers to the nearest whole number. **Do Not Enter any Dollar Figures in the "DVBE % Claimed" column.** The budget sheets, if required, that are submitted in your proposal should reflect the DVBE service providers identified above, unless you are uncertain of the budget period in which the DVBE will be used.

**TIER =**      0 = Prime CONTRACTOR   1 = SUBCONTRACTOR/Supplier to the Prime      2 = SUBCONTRACTOR/Supplier to Level 1  
                 3 = SUB CONTRACTOR/Supplier to Level 2, etc.

**Attach to this form, a copy of the current DVBE certification** issued by DGS for each DVBE listed in the first column. If a new or renewed certification request was recently approved by DGS, but the confirming certification has not yet been received, place a footnote next to the DVBE's name and indicate on this form "Cert Pending" or "Cert To Follow".

Unless specifically indicated in the bid document, DHS will not accept state or federal business utilization plans in lieu of meeting DVBE participation and/or GFE requirements.

**If necessary or desired, this form may be photocopied or reproduced in a like form for use in your bid response.** If you choose to render a like copy by computer or other means, the instructions appearing on pages 1–6 may be omitted.

Please do not return or include in the bid response, a copy of the DVBE instructions preceding this form.

|                                      |  |                  |             |
|--------------------------------------|--|------------------|-------------|
| <b>Bidding/Proposing Firm's Name</b> |  | <b>Signature</b> |             |
| <b>Printed Name/Title</b>            |  |                  | <b>Date</b> |

**NEWPORT MESA UNIFIED SCHOOL DISTRICT**

**GOOD FAITH EFFORT**

**Steps 1 and 2**

Show the date and method of contact with DHS and show the contacts made with one or more other California state agencies and the Federal SBA and one or more California local DVBE organizations (see DGS' Resource Packet).

| DATE OF CONTACT | TIME OF CONTACT | NAME OF AGENCY OR ORGANIZATION CONTACTED                         | CONTACT METHOD<br>(Enter voice mail, internet access, or name of person contacted)                                  | PHONE NUMBER, E-MAIL, OR WWW ADDRESS |
|-----------------|-----------------|------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------|--------------------------------------|
| 05/06/21        | 10:30 AM        | Dept. of Health Services                                         | VOICE MAIL                                                                                                          | (916) 324-0140                       |
| 05/06/21        | 10:36 AM        | Dept. of General Services' Small Business and DVBE Certification | Voice mail                                                                                                          | (916) 375-4940<br>(800) 559-5529     |
| 05/06/21        | 10:40 AM        | Dept. of General Services' Small Business and DVBE Certification | Internet access **                                                                                                  | dgs.ca.gov/osbcr                     |
|                 |                 | Federal Small Business Admin.                                    | Internet access only **                                                                                             | pro-net.sba.gov                      |
|                 |                 |                                                                  |                                                                                                                     |                                      |
|                 |                 |                                                                  |                                                                                                                     |                                      |
|                 |                 |                                                                  |                                                                                                                     |                                      |
|                 |                 |                                                                  |                                                                                                                     |                                      |
|                 |                 |                                                                  |                                                                                                                     |                                      |
|                 |                 |                                                                  | ** Attach one copy of each Internet website page that you visit as proof of this portion of your good faith effort. |                                      |

**Step 3**

Show proof of advertising in one trade and one DVBE focus publication, OR one publication qualifying as both a trade and a DVBE focus publication. Be certain to attach the appropriate ad copies or other cited documentation.

| NAME OF PUBLICATION SOURCE | PUBLICATION DATE(S) | TYPE OF PUBLICATION<br>Check the one that applies. |       |      | COPY OF AD ATTACHED | AD CONTENT ATTACHED |
|----------------------------|---------------------|----------------------------------------------------|-------|------|---------------------|---------------------|
|                            |                     | Trade                                              | Focus | Both |                     |                     |
|                            |                     |                                                    |       |      |                     |                     |
|                            |                     |                                                    |       |      |                     |                     |
|                            |                     |                                                    |       |      |                     |                     |
|                            |                     |                                                    |       |      |                     |                     |

**Step 4**

Show proof that direct invitations to bid were transmitted to potential DVBEs by way of mail, telephone, personal e-mail, fax, or other method.

A. Attach, to this form, a **single sample** of an invitation to bid or solicitation that was transmitted directly to potential DVBEs. You may attach:

- One copy of the letter used to solicit bids from potential DVBEs, or
- One copy of the narrative content of an e-mailed invitation to bid sent to potential DVBEs, or
- A description of the verbal dialog with potential DVBEs, including date of contact, person contacted, and business opportunities discussed.

B. Attach to this form a copy of the DVBE bidder list. This is the list of DVBE firms to whom direct solicitations or invitations to bid were transmitted.

- Include each DVBE firm's name, address, and telephone number.

*(Continued on the next page)*

**NEWPORT MESA UNIFIED SCHOOL DISTRICT**

**Step 5**

Show that your firm has considered the interested DVBE firms that responded to your firm's ad(s) and/or direct solicitations. If no responses were received, indicate "none" on the first line of Column 1.

| NAME OF DVBE(S)<br>THAT<br>RESPONDED<br>(This column is self-explanatory)<br><br>COLUMN 1 | INDICATE YOUR PROPOSED<br>USE OF EACH DVBE<br>(Complete the appropriate column below and<br>show percentage use, if applicable) |                                     | REASON(S) FOR NOT<br>CHOOSING TO USE THIS<br>DVBE<br>(Enter a business reason for not<br>selecting<br>each firm identified in Column<br>2B)<br><br>COLUMN 3 |
|-------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                           | COLUMN 2A<br>Will Use __ Percent                                                                                                | COLUMN<br>2B<br>X = Will Not<br>Use |                                                                                                                                                             |
|                                                                                           | _____ %                                                                                                                         |                                     |                                                                                                                                                             |
|                                                                                           | _____ %                                                                                                                         |                                     |                                                                                                                                                             |
|                                                                                           | _____ %                                                                                                                         |                                     |                                                                                                                                                             |
|                                                                                           | _____ %                                                                                                                         |                                     |                                                                                                                                                             |
|                                                                                           | _____ %                                                                                                                         |                                     |                                                                                                                                                             |
|                                                                                           | _____ %                                                                                                                         |                                     |                                                                                                                                                             |
|                                                                                           | _____ %                                                                                                                         |                                     |                                                                                                                                                             |
|                                                                                           | _____ %                                                                                                                         |                                     |                                                                                                                                                             |
|                                                                                           | _____ %                                                                                                                         |                                     |                                                                                                                                                             |

**Completion Instructions**

For each entry in Column 2A, transfer the firm's name and claimed percentage value to the form entitled "**Actual DVBE Participation**". **Do not enter percentages as a decimal or fraction.** instead round numbers to the nearest whole number. Complete Column 2A, only for those DVBE's that your firm fully intends to use. An entry in Column 2A will impose an obligation on your firm to use the DVBE firm shown for the percentage value claimed.

Place an "X" in Column 2B for each interested DVBE that your firm does not intend to use.

Complete Column 3 for each "X" placed in Column 2B. In Column 3, indicate the business reason(s) for not selecting the DVBE firm.

***If necessary or desired, this form may be photocopied or reproduced in a like form for use in your bid response.*** If you choose to render a like copy by computer or other means, the instructions appearing on pages 1-6 may be omitted.

Sole authority rests with DHS to determine whether or not a bidder/proposer has successfully documented actual DVBE participation and/or whether a bidder/proposer has made an adequate GFE to achieve participation. Bidders/proposers may, at their sole option, choose to submit both forms in this package (documenting both full participation and a GFE) as insurance against a finding that the actual participation claimed is unacceptable. Should a bidder/proposer choose to do so, it may fax its proposed DVBE participation and/or Good Faith Effort forms to DHS at (916) 323-4091 for a preliminary acceptance review, prior to submitting these forms in a bid/proposal response. Do not transmit any other bid response materials to this telephone number. Preliminary DVBE acceptance reviews will be completed within 3 working days of receipt.

|                               |           |
|-------------------------------|-----------|
| Bidding/Proposing Firm's Name | Signature |
| Printed Name/Title            | Date      |

**[END OF SECTION 4]**

**NEWPORT MESA UNIFIED SCHOOL DISTRICT**  
**BID BOND**

KNOW ALL PERSONS BY THESE PRESENT, that we ASTRA BUILDERS, INC., as Principal, and CONTRACTORS BONDING AND INSURANCE COMPANY as Surety, a California admitted surety insurer, are held and firmly bound unto the NEWPORT MESA UNIFIED SCHOOL DISTRICT, hereinafter called the DISTRICT, in the sum of TEN PERCENT (10%) OF THE TOTAL AMOUNT OF THE BID submitted by the Principal to the DISTRICT for the work described below for the payment of which sum in lawful money of the United States, well and truly to be made, we jointly and severally bind ourselves, our heirs, executors, administrators, successors and assigns.

The condition of this obligation is such that whereas the Principal has submitted the accompanying bid dated MAY 13, 2021, for SCOREBOARDS 2021 CORONA DEL MAR HIGH SCHOOL SOFTBALL, COSTA MESA HIGH SCHOOL BASEBALL, ESTANICA HIGH SCHOOL FOOTBALL: BID #126-21.

NOW, THEREFORE, if the Principal shall not withdraw said bid within the period specified therein after the opening of the same, or, if no period be specified, within ninety (90) days after said opening; and if the Principal is awarded the contract, and shall within the period specified therefore, or, if no period be specified, within fifteen (15) working days after the notice of award of the contract, or as otherwise requested in writing by the DISTRICT, enter into a written contract with the DISTRICT, in accordance with the bid as accepted and give bonds with good and sufficient surety or sureties, as may be required for the faithful performance and proper fulfillment of such contract and for the payment for labor and materials used for the performance of the contract, furnish certificates and endorsements evidencing the required insurance is in effect and furnish and deliver to the DISTRICT the Workers' Compensation Certificate, Drug-Free Work Place Certification, the Criminal Records Check Certification, CONTRACTOR's Certificate Regarding Non-Asbestos Containing Materials, and the Disabled Veteran Business Enterprises Certification, if applicable, then the above obligation shall be void and of no effect, otherwise the bond amount shall be forfeited to the DISTRICT.

Surety, for value received, hereby stipulates and agrees that no change, extension of time, alteration or addition to the terms of the contract or the call for bids, or to the work to be performed there under, or the specifications accompanying the same, shall in any way affect its obligation under this bond, and it does hereby waive notice of any such change, extension of time, alteration or addition to the terms of said contract or the call for bids, or to the work, or to the specifications.

In the event suit is brought upon this bond by the DISTRICT and judgment is recovered, the Surety shall pay all costs incurred by the DISTRICT in such suit, including reasonable attorney's fees to be fixed by the court. The amount of costs and attorneys' fees shall be recoverable against the surety, even if such costs and fees exceed the penal sum of this bond.

NEWPORT MESA UNIFIED SCHOOL DISTRICT

IN WITNESS HEREOF, the parties have executed this bond under their several seals this 3RD day of MAY, 2021, the name and corporate seal of each corporate party being hereto affixed and duly signed by its undersigned authorized representative.

(Corporate Seal of  
Principal, if  
Corporation)



ASTRA BUILDERS, INC.  
Principal (Proper Name of Bidder)

By:

Signature

DRAGOS GAVRILESCU  
Print Name

PRESIDENT  
Title

(Corporate Seal of Surety)



(Attach Attorney-in-Fact Certificate  
and Required Acknowledgements) By:

CONTRACTORS BONDING AND INSURANCE COMPANY  
Surety

Signature

MARK D. IATAROLA  
Print Name

ATTORNEY-IN-FACT  
Title

111 PACIFICA, SUITE 350, IRVINE, CA 92618  
Address

949/341-9169  
Telephone No.

**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

CIVIL CODE § 1189

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

State of California

County of SAN DIEGOOn 5/3/2021

Date

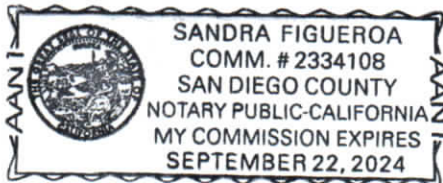
before me, SANDRA FIGUEROA, NOTARY PUBLIC

Here Insert Name and Title of the Officer

personally appeared MARK D. IATAROLA

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.

Place Notary Seal and/or Stamp Above

Signature

A handwritten signature in blue ink, appearing to read "Sandra Figueroa".

Signature of Notary Public

**OPTIONAL**

Completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

**Description of Attached Document**

Title or Type of Document: \_\_\_\_\_

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

Signer(s) Other Than Named Above: \_\_\_\_\_

**Capacity(ies) Claimed by Signer(s)**Signer's Name: MARK D. IATAROLA☐ Corporate Officer – Title(s): \_\_\_\_\_☐ Partner – ☐ Limited ☐ General☐ Individual ☒ Attorney in Fact☐ Trustee ☐ Guardian of Conservator☐ Other: \_\_\_\_\_

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

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

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

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

# POWER OF ATTORNEY

## RLI Insurance Company Contractors Bonding and Insurance Company

9025 N. Lindbergh Dr. Peoria, IL 61615  
Phone: 800-645-2402

### Know All Men by These Presents:

That this Power of Attorney is not valid or in effect unless attached to the bond which it authorizes executed, but may be detached by the approving officer if desired.

That **RLI Insurance Company** and/or **Contractors Bonding and Insurance Company**, each an Illinois corporation, (separately and together, the "Company") do hereby make, constitute and appoint:

Mark D. Iatarola, John G. Maloney, Helen Maloney, Sandra Figueroa, Tracy Lynn Rodriguez, jointly or severally

in the City of Escondido, State of California its true and lawful Agent(s) and Attorney(s) in Fact, with full power and authority hereby conferred, to sign, execute, acknowledge and deliver for and on its behalf as Surety, in general, any and all bonds and undertakings in an amount not to exceed Twenty Five Million Dollars (\$25,000,000.00) for any single obligation.

The acknowledgment and execution of such bond by the said Attorney in Fact shall be as binding upon the Company as if such bond had been executed and acknowledged by the regularly elected officers of the Company.

**RLI Insurance Company** and/or **Contractors Bonding and Insurance Company**, as applicable, have each further certified that the following is a true and exact copy of a Resolution adopted by the Board of Directors of each such corporation, and is now in force, to-wit:

"All bonds, policies, undertakings, Powers of Attorney or other obligations of the corporation shall be executed in the corporate name of the Company by the President, Secretary, any Assistant Secretary, Treasurer, or any Vice President, or by such other officers as the Board of Directors may authorize. The President, any Vice President, Secretary, any Assistant Secretary, or the Treasurer may appoint Attorneys in Fact or Agents who shall have authority to issue bonds, policies or undertakings in the name of the Company. The corporate seal is not necessary for the validity of any bonds, policies, undertakings, Powers of Attorney or other obligations of the corporation. The signature of any such officer and the corporate seal may be printed by facsimile."

IN WITNESS WHEREOF, the **RLI Insurance Company** and/or **Contractors Bonding and Insurance Company**, as applicable, have caused these presents to be executed by its respective Vice President with its corporate seal affixed this 23rd day of November, 2020.



**RLI Insurance Company  
Contractors Bonding and Insurance Company**

By: Barton W. Davis Vice President

### CERTIFICATE

On this 23rd day of November, 2020, before me, a Notary Public, personally appeared Barton W. Davis, who being by me duly sworn, acknowledged that he signed the above Power of Attorney as the aforesaid officer of the **RLI Insurance Company** and/or **Contractors Bonding and Insurance Company** and acknowledged said instrument to be the voluntary act and deed of said corporation.

I, the undersigned officer of **RLI Insurance Company** and/or **Contractors Bonding and Insurance Company**, do hereby certify that the attached Power of Attorney is in full force and effect and is irrevocable; and furthermore, that the Resolution of the Company as set forth in the Power of Attorney, is now in force. In testimony whereof, I have hereunto set my hand and the seal of the **RLI Insurance Company** and/or **Contractors Bonding and Insurance Company** this 3RD day of MAY, 2021.

By: Catherine D. Glover  
Catherine D. Glover Notary Public

**RLI Insurance Company  
Contractors Bonding and Insurance Company**

By: Jeffrey D. Dick  
Jeffrey D. Dick Corporate Secretary

