

BID FORM

NAME OF BIDDER: Ben's Asphalt, Inc.

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

Bid # 114-23 Asphalt Maintenance at Various Sites

A. BID SCHEDULE

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

BASE BID	BID PRICE (IN WRITTEN FORM)	BID PRICE (IN NUMBERS)
TOTAL BID PRICE + ALLOWANCE	<i>NINE HUNDRED FORTY EIGHT THOUSAND, TWO HUNDRED TWENTY EIGHT DOLLARS AND TWENTY FIVE CENTS</i>	<i>\$ 948,228.²⁵</i>

In case of discrepancy between the written price and the numerical price, the written price shall prevail.

The undersigned agrees that this Bid Form constitutes a firm offer to the District which cannot be withdrawn for the number of calendar days indicated in the Notice Inviting Bids from and after the bid opening, or until a Contract for the Work is fully executed by the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

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

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

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

If awarded the contract, the undersigned agrees that there shall be paid by the undersigned and by all subcontractors to all laborers, workers and mechanics employed in the execution of such

BID SCHEDULE

contract no less than the prevailing wage rate within Orange County for each craft, classification, or type of worker needed to complete the Work contemplated by this contract as established by the Director of the Department of Industrial Relations. A copy of the prevailing rate of per diem wages are on file at the District's Administration Office and shall be made available to interested parties upon request.

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

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

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

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

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

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

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

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

Addenda No. 1

Addenda No. 2

BID SCHEDULE

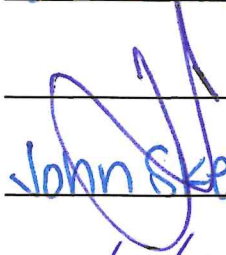
- 12 -

Addenda No. _____

1. Attached is the required bid security in the amount of not less than 10% of the Total Bid Price.
2. Attached is the completed Contractor's Certificate Regarding Workers' Compensation form.
3. Attached is the completed Iran Contracting Act Certificate form.
4. Attached is the completed Public Works Contractor Registration Certification form.
5. Attached is the completed Designation of Subcontractors form.
6. Attached is the completed Information Required of Bidders form.
7. Attached is the Asbestos-Free Material Certification.
8. Attached is the Recycled Content Certification.
9. Attached is the Contractor & Subcontractor Fingerprinting Requirements form.
10. Attached is the Drug-Free Workplace Certificate.
11. Attached is the Contractor's Certificate Regarding Alcoholic Beverage and Tobacco-Free Campus Policy.
12. Attached is the fully executed Non-Collusion Declaration form.

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

Name of Bidder Ben's Asphalt, Inc.

Signature 

Name and Title John Skeffington, CEO

Dated 4/24/23

Newport-Mesa Unified School District- 2022-2023 Pavement Maintenance Project
Project Bid Schedule
 NMUSD Contract No. #####
 3/1/2023



Worksheet					
ITEM NO.	DESCRIPTION	UNIT	Total Line Item Qty (A)	UNIT PRICE (B)	ITEM TOTAL (A x B)
1	Full-Depth AC Removal: Remove/export 6-inches of existing AC, prep/recompact exposed bottom	SF	37,212	.98	36,467.76
2	Full-Depth AC Removal: Remove/export 4-inches of existing AC, prep/recompact exposed bottom	SF	5,551	.80	4,440.80
3	Full-Depth AC Removal: Remove/export 2-inches of existing AC, prep/recompact exposed bottom	SF	11,103	.68	7,550.04
4	Construct 6.0-inch thick AC section, 1/2" Class IIIC3 PG 64-10, 15% RAP max (Area = 39,291 SF) in two lifts.	TN	1,395	168.17	235,015.65
5	Construct 4.0-inch thick AC section, 1/2" Class IIIC3 PG 64-10, 15% RAP max (Area = 5,551 SF) in two lifts.	TN	139	168.17	23,417.13
6	Construct 2.0-inch thick AC section, 1/2" Class IIIC3 PG 64-10, 15% RAP max (Area = 11,103 SF).	TN	139	168.17	23,417.13
7	Remove and replace existing object with full-depth AC (4-inch thickness min, 2-ft x 2 ft area min)	EA	92	22.00	2,024.00
8	Adjust existing utility cover to grade	EA	59	498.00	29,382.00
9	Remove and replace existing accessibility signage with new	EA	3	238.00	714.00
10	Install redwood header boards	LF	1,112	8.20	9,118.40
11	Crackfill (Crafco's cold-pour parking lot sealant or approved equivalent product)	Day	9	6250.00	56,250.00
12	Guardtop Ultra (2 coats) with 2% latex seal coat, including surface preparation	SF	1,312,724	0.185	242,853.94
13	Traffic striping, curb & pavement markings, pavement markers (restore per existing)	LS	1	169,777.00	169,777.00
14	Replace wheel stops (6' width)	EA	2	100.00	200.00
15	Replace wheel stops (4' width)	EA	4	75.00	300.00
16	Mobilization	LS	1	7300.00	7300.00
TOTAL:					948,628.45



Newport-Mesa
Unified School District

NEWPORT-MESA UNIFIED SCHOOL DISTRICT

ADDENDUM NO. 1

Asphalt Maintenance at various Sites

BID No. 114-23

NEWPORT MESA UNIFIED SCHOOL DISTRICT
2985 BEAR ST., BLDG.-A
COSTA MESA, CALIFORNIA 92626

March 29, 2023

The following revisions and/or clarifications shall be made to the BID documents for the above-named work. All work described in the original BID documents and all applicable Sections of the original BID documents shall be included in the contract, except as herein modified:

Acknowledgement of this Addendum shall be made below and submitted with the BID submission. If acknowledgement is not made the proposal may be considered non-responsive.

1. **Add:** Add additional non-mandatory job walk opportunity on Monday April 3, 2023, beginning at 9:30 AM at Newport Coast Elementary School.
2. **Modify:** Change Bid Opening Date to Monday April 24, 2023, at 2:00 PM
3. **Modify:** Change RFI Deadline date to Friday April 14, 2023, at 4:00 PM

All other provisions of the BID remain unchanged.

BELOW, PLEASE ACKNOWLEDGE RECEIPT OF THIS ADDENDUM AND SUBMIT IT WITH YOUR PROPOSAL.

Name:

JOHN STEFFINGTON

Signature:

[Signature]

Firm Name:

BENT'S ASPHALT INC

Address:

2200 S. YALE ST

SANTA ANA CA 92704

Telephone #:

714-540-1700

Fax #:

714-540-1709

(END OF ADDENDUM NO.1)



Newport-Mesa
Unified School District

NEWPORT-MESA UNIFIED SCHOOL DISTRICT

ADDENDUM NO. 2

Asphalt Maintenance at Various Sites

BID No. 114-23

NEWPORT MESA UNIFIED SCHOOL DISTRICT
2985 BEAR ST., BLDG.-A
COSTA MESA, CALIFORNIA 92626

April 5, 2023

The following revisions and/or clarifications shall be made to the BID documents for the above-named work. All work described in the original BID documents and all applicable Sections of the original BID documents shall be included in the contract, except as herein modified:

Acknowledgement of this Addendum shall be made below and submitted with the BID submission. If acknowledgement is not made the proposal may be considered non-responsive.

1) *Modify: The project bid schedule and plans have been updated. The updates are summarized as follows:*

- Additional 28 SF of 6-inch localized repair area and corresponding tonnage of additional AC at Woodland Elementary School (sheet 8.1)
- Additional 153 lineal-ft of redwood header board added to Newport Harbor High School (sheet 10.2)

All other provisions of the BID remain unchanged.

BELOW, PLEASE ACKNOWLEDGE RECEIPT OF THIS ADDENDUM AND SUBMIT IT WITH YOUR PROPOSAL.

Name:

JOHN SKEFFINGTON

Signature:

Firm Name:

BEN'S ASPHALT INC

Address:

2200 S. YALE ST.

SANTA ANA CA 92704

Telephone #:

714-540-1700

Fax #:

714-540-1709

(END OF ADDENDUM NO.2)

**CONTRACTOR'S CERTIFICATE REGARDING
WORKERS' COMPENSATION**

I am aware of the provisions of Section 3700 of the Labor Code which require every employer to be insured against liability for workers' compensation or to undertake self-insurance in accordance with the provisions of that code, and I will comply with such provisions before commencing the performance of the work of this Contract.

Name of Bidder Ben's Asphalt, Inc.

Signature _____

Name and Title John Skeffington, CFO

Dated 04/14/2023

**CONTRACTOR'S CERTIFICATE REGARDING
WORKERS' COMPENSATION**

IRAN CONTRACTING ACT CERTIFICATION
(Public Contract Code section 2200 et seq.)

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

☐ The Contractor is not:

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

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

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

Signature: _____

Printed Name: John Steffington

Title: CFO

Firm Name: Ben's Asphalt, Inc.

Date: 4/24/23

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

IRAN CONTRACTING ACT CERTIFICATION

PUBLIC WORKS CONTRACTOR REGISTRATION CERTIFICATION

If this bid is due on or after March 1, 2015, then pursuant to Labor Code sections 1725.5 and 1771.1, all contractors and subcontractors that wish to bid on, be listed in a bid proposal, or enter into a contract to perform public work must be registered with the Department of Industrial Relations. See <http://www.dir.ca.gov/Public-Works/PublicWorks.html> for additional information.

No bid will be accepted, nor any contract entered into without proof of the contractor's and subcontractors' current registration with the Department of Industrial Relations to perform public work.

Bidder hereby certifies that it is aware of the registration requirements set forth in Labor Code sections 1725.5 and 1771.1 and is currently registered as a contractor with the Department of Industrial Relations.

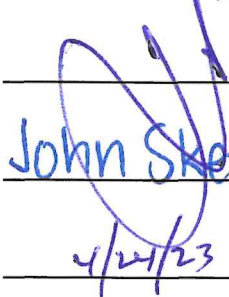
Name of Bidder: Ben's Asphalt, Inc.

DIR Registration Number: 1000001749

Bidder further acknowledges:

1. Bidder shall maintain a current DIR registration for the duration of the project.
2. Bidder shall include the requirements of Labor Code sections 1725.5 and 1771.1 in its contract with subcontractors and ensure that all subcontractors are registered at the time of bid opening and maintain registration status for the duration of the project.
3. Failure to submit this form or comply with any of the above requirements may result in a finding that the bid is non-responsive.

Name of Bidder Ben's Asphalt, Inc.

Signature 

Name and Title John Sketlington, CFO

Dated 4/24/23

**PUBLIC WORKS CONTRACTOR
REGISTRATION CERTIFICATION**

BID BOND

The makers of this bond are, Ben's Asphalt, Inc
Company, as Principal, and The Hanover Insurance
Company, as Surety and are held and firmly bound unto the
NEWPORT-MESA UNIFIED SCHOOL DISTRICT, hereinafter called the District, in the penal
sum of TEN PERCENT (10%) OF THE TOTAL BID PRICE of the Principal submitted to 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 bind ourselves, our heirs, executors, administrators,
successors and assigns, jointly and severally, firmly by these presents.

THE CONDITION OF THIS OBLIGATION IS SUCH that whereas the Principal
has submitted the accompanying bid dated April, 20 23, for Bid # 114-23 Asphalt
Maintenance at Various Sites.

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

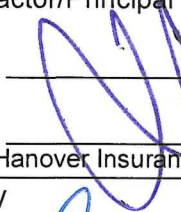
Surety, for value received, hereby stipulates, and agrees that no change,
extension of time, alteration, or addition to the terms of the Contract Documents shall in affect
its obligation under this bond, and Surety does hereby waive notice of any such changes.

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

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

(Corporate Seal)

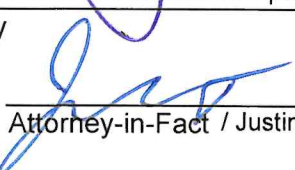
Ben's Asphalt, Inc
Contractor/Principal

By: 

Title: CFO

(Corporate Seal)

The Hanover Insurance Company
Surety

By: 

Attorney-in-Fact / Justin Gruenberg

(Attach Attorney-in-Fact Certificate)

Title: Attorney-in-Fact

The rate of premium on this bond is N/A per thousand.

The total amount of premium charges, \$ N/A (no charge for bid bonds).

(The above must be filled in by corporate attorney)

THIS IS A REQUIRED FORM

Any claims under this bond may be addressed to:

BID BOND

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(Name and Address of Surety)

The Hanover Insurance Group: attn: Bond Claims Dept.
440 Lincoln St
Worcester, MA 01653

(Name and Address of Agent or
Representative for service of
process in California, if different
from above)

Orion Risk Management, an Alera Group Company
1800 Quail St, Suite 110
Newport Beach, CA 92660

(Telephone number of Surety and
Agent or Representative for service
of process in California)

Surety: (800) 343-6044
Agent: (949) 396-0043

Notary Acknowledgment

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

STATE OF CALIFORNIA
COUNTY OF _____

On _____, 20____, before me, _____, Notary Public, personally appeared _____, who proved to me on the basis of satisfactory

Name(s) of Signer(s)

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

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

WITNESS my hand and official seal.

Signature of Notary Public

OPTIONAL

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

CAPACITY CLAIMED BY SIGNER

- ☐ Individual
☐ Corporate Officer

Title(s)

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

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

DESCRIPTION OF ATTACHED DOCUMENT

Title or Type of Document

Number of Pages

Date of Document

Signer(s) Other Than Named Above

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

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 4/24/2023 before me, Gladys Casillas, Notary Public
(insert name and title of the officer)

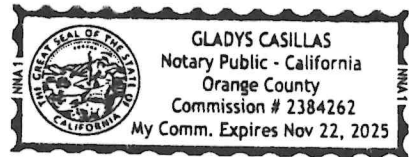
personally appeared John Skeffington,
who proved to me on the basis of satisfactory evidence to be the person~~(s)~~ whose name~~(s)~~ is/~~are~~
subscribed to the within instrument and acknowledged to me that he/~~she/they~~ executed the same in
his/~~her/their~~ authorized capacity~~(ies)~~, and that 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

Gladys Casillas (Seal)



Notary Acknowledgment

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

STATE OF CALIFORNIA
COUNTY OF _____

On _____, 20____, before me, _____, Notary Public, personally appeared _____, who proved to me on the basis of satisfactory

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

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

WITNESS my hand and official seal.

Signature of Notary Public

OPTIONAL

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CAPACITY CLAIMED BY SIGNER

- ☐ Individual
☐ Corporate Officer

Title(s)

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

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

DESCRIPTION OF ATTACHED DOCUMENT

Title or Type of Document

Number of Pages

Date of Document

Signer(s) Other Than Named Above

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

END OF BID BOND

BID BOND
- 20 -

THE HANOVER INSURANCE COMPANY
MASSACHUSETTS BAY INSURANCE COMPANY
CITIZENS INSURANCE COMPANY OF AMERICA

POWER OF ATTORNEY

THIS Power of Attorney limits the acts of those named herein, and they have no authority to bind the Company except in the manner and to the extent herein stated.

KNOW ALL PERSONS BY THESE PRESENTS:

That THE HANOVER INSURANCE COMPANY and MASSACHUSETTS BAY INSURANCE COMPANY, both being corporations organized and existing under the laws of the State of New Hampshire, and CITIZENS INSURANCE COMPANY OF AMERICA, a corporation organized and existing under the laws of the State of Michigan, (hereinafter individually and collectively the "Company") does hereby constitute and appoint,

Trisha Engelhart, Braden Cluck, Anne Erickson and/or Justin Gruenberg

Of **Orion Risk Management Insurance Services, Inc. of Newport Beach, CA** each individually, if there be more than one named, as its true and lawful attorney(s)-in-fact to sign, execute, seal, acknowledge and deliver for, and on its behalf, and as its act and deed any place within the United States, any and all surety bonds, recognizances, undertakings, or other surety obligations. The execution of such surety bonds, recognizances, undertakings or surety obligations, in pursuance of these presents, shall be as binding upon the Company as if they had been duly signed by the president and attested by the secretary of the Company, in their own proper persons. Provided however, that this power of attorney limits the acts of those named herein; and they have no authority to bind the Company except in the manner stated and to the extent of any limitation stated below:

Any such obligations in the United States, not to exceed Fifty Million and No/100 (\$50,000,000) in any single instance

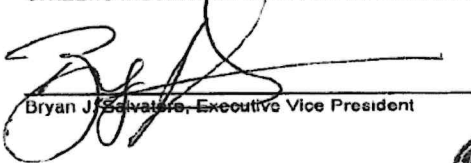
That this power is made and executed pursuant to the authority of the following Resolutions passed by the Board of Directors of said Company, and said Resolutions remain in full force and effect:

RESOLVED: That the President or any Vice President, in conjunction with any Vice President, be and they hereby are authorized and empowered to appoint Attorneys-in-fact of the Company, in its name and as it acts, to execute and acknowledge for and on its behalf as surety, any and all bonds, recognizances, contracts of indemnity, waivers of citation and all other writings obligatory in the nature thereof, with power to attach thereto the seal of the Company. Any such writings so executed by such Attorneys-in-fact shall be binding upon the Company as if they had been duly executed and acknowledged by the regularly elected officers of the Company in their own proper persons.

RESOLVED: That any and all Powers of Attorney and Certified Copies of such Powers of Attorney and certification in respect thereto, granted and executed by the President or Vice President in conjunction with any Vice President of the Company, shall be binding on the Company to the same extent as if all signatures therein were manually affixed, even though one or more of any such signatures thereon may be facsimile. (Adopted October 7, 1981 – The Hanover Insurance Company; Adopted April 14, 1982 – Massachusetts Bay Insurance Company; Adopted September 7, 2001 – Citizens Insurance Company of America and affirmed by each Company on March 24, 2014)

IN WITNESS WHEREOF, THE HANOVER INSURANCE COMPANY, MASSACHUSETTS BAY INSURANCE COMPANY and CITIZENS INSURANCE COMPANY OF AMERICA have caused these presents to be sealed with their respective corporate seals, duly attested by two Vice Presidents, this 11th day of March, 2022.

THE HANOVER INSURANCE COMPANY
MASSACHUSETTS BAY INSURANCE COMPANY
CITIZENS INSURANCE COMPANY OF AMERICA


Bryan J. Salvatore, Executive Vice President

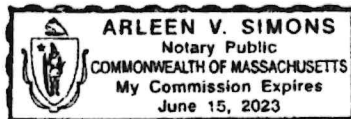
THE HANOVER INSURANCE COMPANY
MASSACHUSETTS BAY INSURANCE COMPANY
CITIZENS INSURANCE COMPANY OF AMERICA

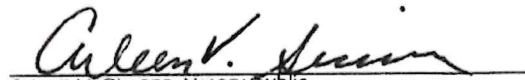

James H. Kawiecki, Vice President



THE COMMONWEALTH OF MASSACHUSETTS)
COUNTY OF WORCESTER) ss.

On this 11th day of March, 2022 before me came the above named Executive Vice President and Vice President of The Hanover Insurance Company, Massachusetts Bay Insurance Company and Citizens Insurance Company of America, to me personally known to be the individuals and officers described herein, and acknowledged that the seals affixed to the preceding instrument are the corporate seals of The Hanover Insurance Company, Massachusetts Bay Insurance Company and Citizens Insurance Company of America, respectively, and that the said corporate seals and their signatures as officers were duly affixed and subscribed to said instrument by the authority and direction of said Corporations.




Arleen V. Simons, Notary Public
My Commission Expires June 15, 2023

I, the undersigned Vice President of The Hanover Insurance Company, Massachusetts Bay Insurance Company and Citizens Insurance Company of America, hereby certify that the above and foregoing is a full, true and correct copy of the Original Power of Attorney issued by said Companies, and do hereby further certify that the said Powers of Attorney are still in force and effect.

GIVEN under my hand and the seals of said Companies, at Worcester, Massachusetts, this 20th day of April, 2023.

CERTIFIED COPY

THE HANOVER INSURANCE COMPANY
MASSACHUSETTS BAY INSURANCE COMPANY
CITIZENS INSURANCE COMPANY OF AMERICA

John A. Rowedder, Vice President

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 Orange)

On 04/20/2023 before me, Trisha Engelhart, Notary Public
Date Here Insert Name and Title of the Officer

Personally appeared Justin Gruenberg
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 *Trisha Engelhart*
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

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

Description of Attached Document

Title or Type of Document Bid Bond Document Date 04/20/2023

Number of Pages 5 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's Name _____
☐ Corporate Officer—Title(s) _____
☐ Partner ☐ Limited ☐ General
☐ Individual ☐ Attorney in Fact
☐ Trustee ☐ Guardian or Conservator
☐ Other _____

Signer Is Representing The Hanover

Signer Is Representing _____

DESIGNATION OF SUBCONTRACTORS

In compliance with the Subletting and Subcontracting Fair Practices Act of the Public Contract Code of the State of California, each bidder shall set forth below: (a) the name and the location of the place of business, (b) CSLB contractor license number, (c) DIR registration number, and (d) the portion of the work which will be done by each subcontractor who will perform work or labor or render service to the Contractor in or about the construction of the work in an amount in excess of one-half of one percent (1/2%) of the Contractor's Total Bid Price. Notwithstanding the foregoing, if the work involves the construction of streets and highways, then the Contractor shall list each subcontractor who will perform work or labor or render service to Contractor in or about the work in an amount in excess of one percent (1/2%) of the Contractor's Total Bid Price. No additional time shall be granted to provide the below requested information.

If no subcontractor is specified, for a portion of the work, or if more than one subcontractor is specified for the same portion of Work, to be performed under the Contract in excess of one-half of one percent (1/2%) of the Contractor's Total Bid Price or \$10,000, whichever is greater if the work involves streets or highways, then the Contractor shall be deemed to have agreed that it is fully qualified to perform that Work, and that it shall perform that portion itself.

Work to be done by Subcontractor	Name of Subcontractor	Location of Business	CSLB Contractor License Number	DIR Registration Number
NONE - N/A				

DESIGNATION OF SUBCONTRACTORS

Work to be done by Subcontractor	Name of Subcontractor	Location of Business	CSLB Contractor License Number	DIR Registration Number

Work to be done by Subcontractor	Name of Subcontractor	Location of Business	CSLB Contractor License Number	DIR Registration Number

Work to be done by Subcontractor	Name of Subcontractor	Location of Business	CSLB Contractor License Number	DIR Registration Number

Name of Bidder Ben's Asphalt, Inc.

Signature _____

Name and Title John Skeffington, CFO

Dated 4/24/23

INFORMATION REQUIRED OF BIDDERS

A. INFORMATION ABOUT BIDDER

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

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

- 1.0 Name of Bidder: Ben's Asphalt, Inc.
- 2.0 Type, if Entity: Corporation
- 3.0 Bidder Address: 2200 S. Yale St, Santa Ana, CA 92704
- Facsimile Number (714) 540-1709 Telephone Number (714) 540-1700
- 4.0 How many years has Bidder's organization been in business as a Contractor? 60+ years
- 5.0 How many years has Bidder's organization been in business under its present name? 60+ years
- 5.1 Under what other or former names has Bidder's organization operated? N/A
- 6.0 If Bidder's organization is a corporation, answer the following:
- 6.1 Date of Incorporation: 1992
- 6.2 State of Incorporation: California
- 6.3 President's Name: William J. Skettington
- 6.4 Vice-President's Name(s): John Skettington, CFO
- 6.5 Secretary's Name: _____
- 6.6 Treasurer's Name: _____
- 7.0 If an individual or a partnership, answer the following: N/A
- 7.1 Date of Organization: _____
- 7.2 Name and address of all partners (state whether general or limited partnership): _____

INFORMATION REQUIRED OF BIDDERS

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

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

NONE - N/A

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

Asphalt, Seal, Stripe, Concrete

11.0 Has Bidder ever failed to complete any work awarded to it? If so, note when, where, and why: NO

12.0 Within the last five years, has any officer or partner of Bidder's organization ever been an officer or partner of another organization when it failed to complete a contract? If so, attach a separate sheet of explanation: NO

13.0 List Trade References: All American Asphalt: (951) 736-7600

Vulcan Materials: (818) 553-8800

RJ Noble: (714) 637-1550

14.0 List Bank References (Bank and Branch Address):

Name: Manufacturer's Bank Contact: Amy Johnston

Phone #: 949-253-5667 Address: 1301 Dyer St Ste. 100

Newport Beach, CA 92660

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

Orion Risk Management, Justin Gruenberg 949-316-0043

1800 Quail St Ste. 110, Newport Beach, CA 92660

INFORMATION REQUIRED OF BIDDERS

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

[illegible]

JOB NUMBER**Asphalt Repair and Replacement**

7305	BB	2910 W. BALL ROAD - ANAHEIM PAN AMERICAN PROPERTIES, INC. - TUSTIN	\$ 4,350.00
7309	JT	NORTHGATE #25 - HAWTHORNE NORTHGATE MARKETS - ANAHEIM	\$ 13,690.00
6879	JT	CO#1: STANTON ADA - STANTON DUCKETT WILSON - LOS ANGELES	\$ 580.41
7312	TI	UFP RIVERSIDE LLC - RIVERSIDE UFP RIVERSIDE LLC - RIVERSIDE	\$ 75,885.00
7313	MA	7962 ROCKWELL AVE. - MIDWAY CITY JIM LOHMAN - MIDWAY CITY	\$ 5,414.77
7314	TI	VICTORIA VILLAGE - HIGHLAND MIRACLE MILE PROPERTIES - LOS ANGELES	\$ 5,405.00
7251	JT	CO#2: 1538-1549 E. QUINCY AVE. - ORANGE MORGAN SKENDERIAN - NEWPORT BEACH	\$ 2,173.00
7317	LW	ACCELERATED URGENT CARE - LAGUNA HILLS PLATINUM X CONSTRUCTION - IRVINE	\$ 5,795.40
7318	BB	SFATEY KLEEN - CARSON SFATEY KLEEN - CARSON	\$ 197,075.00
7319	LW	NATIONAL JOB: WALMART STORE #1660 - PALMDALE WALMART STORES, INC. - BENTONVILLE, AR	\$ 13,207,222.00
7320	LW	NATIONAL JOB: WALMART STORE #1915 - YUCCA VALLEY WALMART STORES, INC. - BENTONVILLE, AR	\$ 1,830,066.00
7321	LW	NATIONAL JOB: WALMART STORE #1805 - LA QUINTA WALMART STORES, INC. - BENTONVILLE, AR	\$ 1,278,666.00
7322	LW	NATIONAL JOB: WALMART STORES, INC. - FONTANA WALMART STORES, INC. - BENTONVILLE, AR	\$ 1,133,776.00
7323	BB	23061 AVENIDA DE LA CARLOTA - LAGUNA HILLS PRECISION FIRE SYSTEMS - ALISO VIEJO	\$ 4,000.00
6710	JT	CO#4: ADA WORK - NEWBURY PARK DUCKETT WILSON - LOS ANGELES	\$ 2,454.92
7324	MA	99 MARKET - SAN DIEGO ALL FOUR CONSTRUCTION - SAN DEIGO	\$ 43,638.13
7325	JT	5550 E. 7TH ST. - LONG BEACH FARMERS & MERCHANTS BANK - LONG BEACH	\$ 47,999.00
7326	LW	NATIONAL JOB: PILOT #381 - HESPERIA PILOT TRAVEL CENTERS - KNOXVILLE, TN	\$ 113,505.68
7327	LW	NATIONAL JOB: BEST BUY #3211 - ARDMORE, OK BEST BUY STORES, INC.	\$ 4,864.00

7328	JT	3918 LONG BEACH BLVD. - LONG BEACH AMERICA WEST PROPERTIES - LAKE FOREST	\$ 7,299.00
7329	LW	NATIONAL JOB: PILOT #237 - SALINAS PILOT TRAVEL CENTERS - KNOXVILLE, TN	\$ 57,819.69
7331	JZ	WHITTIER CHAMBER OF COMMERCE - WHITTIER WHITTIER CHAMBER OF COMMERCE - WHITTIER	\$ 500.00
7332	JT	FONTANA CENTER - FONTANA DUCKETT WILSON - LOS ANGELES	\$ 54,314.00
6979	JT	CO#6: ALISO VIEJO PARK PLAZA - ALISO VIEJO POWERSTONE PM - IRVINE	\$ 7,856.00
7083	TI	CO#1: STONEGATE HOA - RANCHO CUCAMONGA COMMON INTREST MGMT. - RANCHO CUCAMONGA	\$ 1,865.00
7334	JT	FRIENDS CHURCH - YORBA LINDA FRIENDS CHURCH - YORBA LINDA	\$ 18,908.00
7335	LW	6107 STONEHURST PLAZA - YORBA LINDA BRANDON SMITH - YORBA LINDA	\$ 6,264.50
7336	JT	16662, 16742, 16792 GOTHARD ST- HUNTINGTON BEACH GOTHARD PROPERTIES C/O AMERICA WEST PROPERTIES - LAKE FOREST	\$ 15,000.00
7335	LW	CO#1: 6107 STONEHURST PLAZA - YORBA LINDA BRANDON SMITH - YORBA LINDA	\$ 833.00
7337	JT	1629-1649 MONROVIA AVE. - COSTA MESA TRICO REALTY, INC. - COSTA MESA	\$ 36,773.00
7338	JT	921-957 NEWHALL STREET - COSTA MESA TRICO REALTY, INC. - COSTA MESA	\$ 30,534.00
7339	JT	2800 E. IMPERIAL HWY. - BREA	\$ 55,527.00
7340	DA	33936-33938 ALCAZAR DR. - DANA POINT STODDER - LAGUNA BEACH	\$ 8,931.50
7341	LW	NATIONAL JOB: WENDY'S - ESCONDIDO WKS RESTAURANT GROUP - LAKEWOOD	\$ 55,367.07
7342	JT	NEWBURY PARK - NEWBURY PARK DUCKETT WILSON - LOS ANGELES	\$ 5,770.00
7343	LW	7530 SUZI LANE - WESTMINSTER RAY THAGARD - WESTMINSTER	\$ 9,441.05
7102	DA	CO#1: WHITTIER GATEWAY - WHITTER ROBERTSON PROPERTIES GROUP - LOS ANGELES	\$ 1,500.00
7158	DA	CO#1: 917-921 W. 17TH ST. - SANTA ANA VALOR MEDICAL GROUP - GARDENA	\$ 1,832.80

7284	TI	CO#1: INDUSTRIAL LOT - CHINO FABTECH INDUSTRIES, INC. - LAKE HAVASU, AZ	\$ 435.00
7221	JT	CO#1: HILLVIEW SERRANO HOA - LAKE FOREST POWERSTONE PM - IRVINE	\$ 10,446.00
7345	JT	TRI COUNTRY SAND BLASTING - WESTMINSTER TRI COUNTRY SAND BLASTING - WESTMINSTER	\$ 3,400.00
7346	JR	ANTIGUA HOA - DANA POINT WESTERN PACIFIC CONSTRUCTION SERVICES - TUSTIN	\$ 532,100.00
7347	JR	BAKER RANCH - LAKE FOREST CRUMMACK HUSEBY, INC. - LAKE FOREST	\$ 9,975.00
7348	JR	VENTANA RIDGE HOA - ALISO VIEJO POWERSTONE PM - IRVINE	\$ 3,275.00

C. LIST OF COMPLETED PROJECTS - LAST THREE YEARS

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

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

Please see attached.

Project Client	Description of Bidder's Work	Period of Performance	Cost of Bidder's Work

Contractors Name

Questions concerning recent construction projects completed:

1. Contractor shall provide information about its six most recently completed K-14 projects and its three largest completed private projects within the last five years. Names and references must be current and verifiable.

Project Name: CHINO PARCELS

Location: MERRILL AVE & FLIGHT AVE, CHINO, CA 91710

Owner: MILLIE AND SEVERSON

Owner Contact (name, current phone number, and email):

ED GORDON

562-493-3611

Architect or Engineer: N/A

Architect or Engineer Contact (name, current phone number, and email):

N/A

Construction Manager or General Contractor (name, current phone number, and email):

N/A

Description of Project, Scope of Work Performed:

ASPHALT, STRIPING

Total Value of Construction (including change orders): \$6,750,249.70

Original Scheduled Completion Date: NOT PROV.

Time Extensions Granted (number of days): NOT PROV.

Actual Date of Completion: FEBRUARY 2021

*Subcontractors only need to provide one of the General Contractor/Owner/Construction Manager for the project.
We need at least one contact name, phone number, and email address*

Contractors Name

Questions concerning recent construction projects completed:

1. **Contractor shall provide information about its six most recently completed K-14 projects and its three largest completed private projects within the last five years. Names and references must be current and verifiable.**

Project Name: SPECTRUM TERRACE

Location: LAGUNA CANYON RD & I-405, IRVINE, CA 92618

Owner: MILLIE AND SEVERSON

Owner Contact (name, current phone number, and email):

ERIK BRUNNE

949-225-3205

Architect or Engineer: N/A

Architect or Engineer Contact (name, current phone number, and email):

N/A

Construction Manager or General Contractor (name, current phone number, and email):

N/A

Description of Project, Scope of Work Performed:

ASPHALT, SEAL, STRIPING

Total Value of Construction (including change orders): \$1,404,356.00

Original Scheduled Completion Date: NOT PROV.

Time Extensions Granted (number of days): NOT PROV.

Actual Date of Completion: NOVEMBER 2022

Subcontractors only need to provide one of the General Contractor/Owner/Construction Manager for the project. We need at least one contact name, phone number, and email address

Contractors Name

Questions concerning recent construction projects completed:

1. **Contractor shall provide information about its six most recently completed K-14 projects and its three largest completed private projects within the last five years. Names and references must be current and verifiable.**

Project Name: SEEFRIED PROJECT ALTON

Location: 25 PARKER, IRVINE, CA 92618

Owner: MILLIE AND SEVERSON

Owner Contact (name, current phone number, and email):

MICHAEL LYNCH

562-493-3611

Architect or Engineer: N/A

Architect or Engineer Contact (name, current phone number, and email):

N/A

Construction Manager or General Contractor (name, current phone number, and email):

N/A

Description of Project, Scope of Work Performed:

ASPHALT, SEAL, STRIPING

Total Value of Construction (including change orders): \$2,055,598.35

Original Scheduled Completion Date: NOT PROV.

Time Extensions Granted (number of days): NOT PROV.

Actual Date of Completion: SEPTEMBER 2022

Subcontractors only need to provide one of the General Contractor/Owner/Construction Manager for the project. We need at least one contact name, phone number, and email address

Contractors Name

Questions concerning recent construction projects completed:

1. Contractor shall provide information about its six most recently completed K-14 projects and its three largest completed private projects within the last five years. Names and references must be current and verifiable.

Project Name: ESTES BANNING TRUCK TERMINAL

Location: 2000 E Barbour St, Banning, CA 92220

Owner: BREMCO CONSTRUCTION

Owner Contact (name, current phone number, and email):

GREG DARLING

562-595-4687

Architect or Engineer: N/A

Architect or Engineer Contact (name, current phone number, and email):

N/A

Construction Manager or General Contractor (name, current phone number, and email):

N/A

Description of Project, Scope of Work Performed:

ASPHALT

Total Value of Construction (including change orders): \$3,346,230.60

Original Scheduled Completion Date: NOT PROV.

Time Extensions Granted (number of days): NOT PROV.

Actual Date of Completion: MARCH 2023

*Subcontractors only need to provide one of the General Contractor/Owner/Construction Manager for the project.
We need at least one contact name, phone number, and email address*

Contractors Name

Questions concerning recent construction projects completed:

1. Contractor shall provide information about its six most recently completed K-14 projects and its three largest completed private projects within the last five years. Names and references must be current and verifiable.

Project Name: TESLA

Location: 2796 TANGER WAY, BARSTOW, CA 92311

Owner: CRAIG REALTY GROUP

Owner Contact (name, current phone number, and email):

STEVE CRAIG

949-224-4100

Architect or Engineer: N/A

Architect or Engineer Contact (name, current phone number, and email):

N/A

Construction Manager or General Contractor (name, current phone number, and email):

N/A

Description of Project, Scope of Work Performed:

ASPHALT, SEAL, STRIPE

Total Value of Construction (including change orders): \$1,238,604.80

Original Scheduled Completion Date: NOT PROV.

Time Extensions Granted (number of days): NOT PROV.

Actual Date of Completion: MAY 2022

*Subcontractors only need to provide one of the General Contractor/Owner/Construction Manager for the project.
We need at least one contact name, phone number, and email address*

Contractors Name

Questions concerning recent construction projects completed:

1. Contractor shall provide information about its six most recently completed K-14 projects and its three largest completed private projects within the last five years. Names and references must be current and verifiable.

Project Name: ENDERS ELEMENTARY SCHOOL

Location: 12302 SPRINGDALE ST., GARDEN GROVE, CA 92845

Owner: LOU ELARDO

Owner Contact (name, current phone number, and email):

714-663-600

pm-lou@ggusd.us

Architect or Engineer: N/A

Architect or Engineer Contact (name, current phone number, and email):

N/A

Construction Manager or General Contractor (name, current phone number, and email):

N/A

N/A

Description of Project, Scope of Work Performed:

ASPHALT, SEAL COAT, STRIPING

Total Value of Construction (including change orders): \$127,500.00

Original Scheduled Completion Date: NOT PROV.

Time Extensions Granted (number of days): NOT PROV.

Actual Date of Completion: March 2023

*Subcontractors only need to provide one of the General Contractor/Owner/Construction Manager for the project.
We need at least one contact name, phone number, and email address*

Contractors Name

Questions concerning recent construction projects completed:

1. Contractor shall provide information about its six most recently completed K-14 projects and its three largest completed private projects within the last five years. Names and references must be current and verifiable.

Project Name: CHAPMAN

Location: 11700 CHAPMAN AVE, GARDEN GROVE, CA 92840

Owner: JERRY HILLS

Owner Contact (name, current phone number, and email):

714-663-600

jhills@ggusd.us

Architect or Engineer: N/A

Architect or Engineer Contact (name, current phone number, and email):

N/A

Construction Manager or General Contractor (name, current phone number, and email):

N/A

N/A

Description of Project, Scope of Work Performed:

ASPHALT, SEAL COAT, STRIPING

Total Value of Construction (including change orders): \$190,000.00

Original Scheduled Completion Date: NOT PROV.

Time Extensions Granted (number of days): NOT PROV.

Actual Date of Completion: March 2023

*Subcontractors only need to provide one of the General Contractor/Owner/Construction Manager for the project.
We need at least one contact name, phone number, and email address*

Contractors Name

Questions concerning recent construction projects completed:

1. Contractor shall provide information about its six most recently completed K-14 projects and its three largest completed private projects within the last five years. Names and references must be current and verifiable.

Project Name: DEL OBISPO ES PLAYGROUND AND STAFF LOT

Location: 25591 Camino Del Avion, San Juan Capistrano, CA 92675

Owner: BEN DEWEES

Owner Contact (name, current phone number, and email):

949-234-9527

BNDewees@capousd.org

Architect or Engineer: N/A

Architect or Engineer Contact (name, current phone number, and email):

N/A

Construction Manager or General Contractor (name, current phone number, and email):

N/A

N/A

Description of Project, Scope of Work Performed:

ASPHALT

Total Value of Construction (including change orders): \$114,436.00

Original Scheduled Completion Date: NOT PROV.

Time Extensions Granted (number of days): NOT PROV.

Actual Date of Completion: June 2022

*Subcontractors only need to provide one of the General Contractor/Owner/Construction Manager for the project.
We need at least one contact name, phone number, and email address*

Contractors Name

Questions concerning recent construction projects completed:

1. Contractor shall provide information about its six most recently completed K-14 projects and its three largest completed private projects within the last five years. Names and references must be current and verifiable.

Project Name: WOODBURY ELEMENTARY SCHOOL

Location: 11362 WOODBURY RD., GARDEN GROVE, CA 94843

Owner: JERRY FLORES

Owner Contact (name, current phone number, and email):

714-663-600

gflores2@ggusd.us

Architect or Engineer: N/A

Architect or Engineer Contact (name, current phone number, and email):

N/A

Construction Manager or General Contractor (name, current phone number, and email):

N/A

N/A

Description of Project, Scope of Work Performed:

ASPHALT, STRIPING

Total Value of Construction (including change orders): \$177,000.00

Original Scheduled Completion Date: NOT PROV.

Time Extensions Granted (number of days): NOT PROV.

Actual Date of Completion: February 2023

*Subcontractors only need to provide one of the General Contractor/Owner/Construction Manager for the project.
We need at least one contact name, phone number, and email address*

Contractors Name

Questions concerning recent construction projects completed:

1. Contractor shall provide information about its six most recently completed K-14 projects and its three largest completed private projects within the last five years. Names and references must be current and verifiable.

Project Name: Vista Del Mar - San Clemente

Location: 1130 Avenida Talega, San Clemente, CA 92673

Owner: Ben Dewees

Owner Contact (name, current phone number, and email):

949-234-9527

BNDewees@capousd.org

Architect or Engineer: N/A

Architect or Engineer Contact (name, current phone number, and email):

N/A

Construction Manager or General Contractor (name, current phone number, and email):

N/A

Description of Project, Scope of Work Performed:

ASPHALT

Total Value of Construction (including change orders): \$112,985.00

Original Scheduled Completion Date: NOT PROV.

Time Extensions Granted (number of days): NOT PROV.

Actual Date of Completion: JUNE 2022

*Subcontractors only need to provide one of the General Contractor/Owner/Construction Manager for the project.
We need at least one contact name, phone number, and email address*

D. EXPERIENCE AND TECHNICAL QUALIFICATIONS QUESTIONNAIRE

Personnel:

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

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

JOHN STEFFINGTON	- C.F.O.	10%
LUKE WHEELER	- PROJECT MANAGER	20%
RANDY PEREZ	- SUPERINTENDANT	20%

2. Summarize each person's specialized education:

JOHN STEFFINGTON	- 30+ YEARS AND PARTNER
LUKE WHEELER	- 18+ YEARS AS PROJECT MANAGER @ BEN'S
RANDY PEREZ	- 15+ YEARS AS SUPER INTENDANT @ BEN'S

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

JOHN STEFFINGTON	- 30 YEARS
LUKE WHEELER	- 22 YEARS
RANDY PEREZ	- 20 YEARS

4. Summarize such experience:

JOHN STEFFINGTON	- ADMINISTRATIVE, LEGAL, FINANCIAL & INSURANCE
LUKE WHEELER	- FIELD, ESTIMATING & PROJECT MANAGEMENT
RANDY PEREZ	- FIELD OPERATIONS, CREW LABOR & PROJECT MGMT.

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

Changes Occurring Since Prequalification

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

INFORMATION REQUIRED OF BIDDERS

Additional Bidder's Statements:

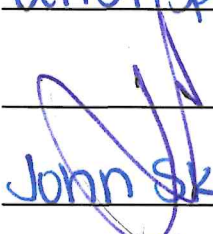
If the Bidder feels that there is additional information which has not been included in the questionnaire above, and which would contribute to the qualification review, it may add that information in a statement here or on an attached sheet, appropriately marked:

E. VERIFICATION AND EXECUTION

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

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

Name of Bidder Ben's Asphalt, Inc.

Signature 

Name and Title John Skeffington, CFO

Dated 4/24/23

ASBESTOS-FREE MATERIALS CERTIFICATION

The undersigned declares that he or she is the person who executed the bid for the _____ (hereinafter referred to as the "Project"), and submitted it to the **NEWPORT-MESA UNIFIED SCHOOL DISTRICT** (hereinafter referred to as the "District") on behalf of Ben's Asphalt Inc. (hereinafter referred to as the "Contractor").

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

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

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

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

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

The asbestos consultant shall be chosen and approved by the Architect or the District who shall have sole discretion and final determination in this matter. The work will be not accepted until asbestos contamination is reduced to levels deemed acceptable by the Asbestos Consultant.

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

Executed on this 24TH day of April, 2023 at Santa Ana, Ca.

Name of Bidder Ben's Asphalt, Inc

Signature _____

Name and Title John Skiffington, CEO

Dated 4/24/23

ASBESTOS-FREE MATERIALS CERTIFICATION

Notary Acknowledgment

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

STATE OF CALIFORNIA
COUNTY OF _____

On _____, 20____, before me, _____, Notary Public, personally appeared _____, who proved to me on the basis of satisfactory

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

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

WITNESS my hand and official seal.

Signature of Notary Public

OPTIONAL

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

CAPACITY CLAIMED BY SIGNER

DESCRIPTION OF ATTACHED DOCUMENT

- ☐ Individual
☐ Corporate Officer

Title(s)

- ☐ Partner(s) ☐ Limited
☐ General

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

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

Title or Type of Document

Number of Pages

Date of Document

Signer(s) Other Than Named Above

ASBESTOS-FREE MATERIALS CERTIFICATION

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)

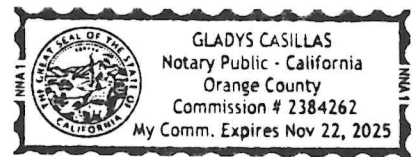
On 4/24/23 before me, Gladys Casillas, Notary Public
(insert name and title of the officer)

personally appeared John Skeffington,
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 Gladys Casillas (Seal)



RECYCLED CONTENT CERTIFICATION

The undersigned declares that he or she is the person who executed the bid for the BID # 114-23 ASPHALT MAINTENANCE AT VARIOUS SITES (hereinafter referred to as the "Project"), and submitted it to the **NEWPORT-MESA UNIFIED SCHOOL DISTRICT** (hereinafter referred to as the "District") on behalf of hereinafter referred to as the "Contractor").

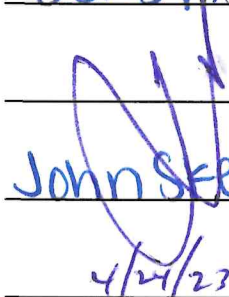
Pursuant to Public Contract Code Section 10308.5, all contractors are required to certify in writing under penalty of perjury the minimum (if not exact) percentage of recycled content in materials, goods, or supplies offered or products used in the performance of their contract, regardless of whether the product meets the required recycled product percentage as defined in Sections 12161 and 12200. The recycled content shall include both post-consumer material and secondary material as defined in Public Contract Code Sections 12161 and 12200 shall apply.

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

0 % Post consumer Material 0 % Secondary Material.

Executed on this 24TH day of April, 2023 at Santa Ana, Ca

Name of Bidder Beris Asphalt, Inc.

Signature 

Name and Title John Skeffington, CFO

Dated 4/24/23

RECYCLED CONTENT CERTIFICATION

Notary Acknowledgment

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

STATE OF CALIFORNIA

COUNTY OF _____

On _____, 20____, before me, _____, Notary Public, personally appeared _____, who proved to me on the basis of satisfactory

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

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

WITNESS my hand and official seal.


Signature of Notary Public

OPTIONAL

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

CAPACITY CLAIMED BY SIGNER

- ☐ Individual
- ☐ Corporate Officer

Title(s)

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

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

DESCRIPTION OF ATTACHED DOCUMENT

Title or Type of Document

Number of Pages

Date of Document

Signer(s) Other Than Named Above

RECYCLED CONTENT CERTIFICATION

ACKNOWLEDGMENT

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State of California
County of Orange)

On 4/24/23 before me, Gladys Casillas, Notary Public
(insert name and title of the officer)

personally appeared John Skeffington,
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
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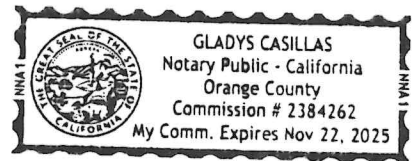
I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature

Gladys Casillas

(Seal)



CONTRACTOR & SUBCONTRACTOR FINGERPRINTING REQUIREMENTS

CONTRACTOR CERTIFICATION

With respect to the Contract dated April 24, 2023 by and between
NEWPORT-MESA UNIFIED SCHOOL DISTRICT ("District") and
Ber's Asphalt, Inc. ("Contractor"), Contractor hereby certifies to the District's
governing board that it has completed the criminal background check requirements of Education
Code Section 45125.1 and that none of its employees that may come in contact with District's
pupils have been convicted of a violent felony listed in Penal Code section 667.5(c) or a serious
felony listed in Penal Code section 1192.7(c).

Contractor's Representative

Date

4/24/23

CONTRACTOR EXEMPTION

Pursuant to Education Code sections 45125.1 and 45125.2, the **NEWPORT-MESA
UNIFIED SCHOOL DISTRICT** ("District") has determined that Ber's Asphalt, Inc.
("Contractor") is exempt from the criminal background check certification requirements for
the Contract dated _____, 20__ by and between the District and Contractor
("Contract") because:

- The Contractor's employees will have limited contact with District students during the course of the Contract.
- Emergency or exceptional circumstances exist; or
- With respect to contractors constructing, reconstructing, rehabilitating, or repairing a school facility, as provided in Section 45125.2, the Contractor has agreed to ensure the safety of pupils at the school facility by the following method(s) specified in Section 45125.2: _____.

School District Official

Date

CONTRACTOR & SUBCONTRACTOR FINGERPRINTING REQUIREMENTS

CONTRACTOR & SUBCONTRACTOR FINGERPRINTING REQUIREMENTS

SUBCONTRACTOR'S CERTIFICATION

The **NEWPORT-MESA UNIFIED SCHOOL DISTRICT** ("District") entered into a Contract for services with _____ ("Contractor") on or about _____, 20____ ("Contract"). This certification is submitted by _____, a subcontractor to the Contractor for purposes of that Contract ("Subcontractor"). Subcontractor hereby certifies to the District's governing board that it has completed the criminal background check requirements of Education Code section 45125.1 and that none of its employees that may come in contact with District pupils have been convicted of a violent felony listed in Penal Code section 667.5(c) or a serious felony listed in Penal Code section 1192.7(c).

Subcontractor's Representative

Date

SUBCONTRACTOR'S EXEMPTION

The **NEWPORT-MESA UNIFIED SCHOOL DISTRICT** ("District") entered into a Contract for services with _____ ("Contractor") on or about _____, 20____ ("Contract"). Pursuant to Education Code sections 45125.1 and 45125.2, the District has determined that _____, a subcontractor to the Contractor for purposes of that Contract ("Subcontractor"), is exempt from the criminal background check certification requirements for the Contract because:

The Subcontractor's employees will have limited contact with District students during the course of the Contract.

Emergency or exceptional circumstances exist; or

With respect to contractors constructing, reconstructing, rehabilitating, or repairing a school facility, as provided in Section 45125.2, the Contractor and/or Subcontractor have agreed to ensure the safety of pupils at the school facility by the following method(s) specified in Section 45125.2:

_____.

School District Official

Date

CONTRACTOR & SUBCONTRACTOR FINGERPRINTING REQUIREMENTS

DRUG-FREE WORKPLACE CERTIFICATION

This Drug-Free Workplace Certification form is part of the Contract made by and between the **NEWPORT-MESA UNIFIED SCHOOL DISTRICT** (hereinafter referred to as the "District") and

Ben's Asphalt, Inc.

(hereinafter referred to as the "Contractor") for the Bid # 114-23 ASPHALT MAINTENANCE @ VARIOUS SITES Project (hereinafter referred to as the "Project"). This form is required from all successful bidders pursuant to the Drug-Free Workplace Act of 1990 (Government Code Section 8350 et seq.) The Drug-Free Workplace Act of 1990 requires that every person or organization awarded a contract or grant for procurement of any property or service from any State agency must certify that it will provide a drug-free workplace by doing certain specified acts. In addition, the Act provides that each contract or grant awarded by a State agency may be subject to suspension of payments or termination, and the contractor or grantee may be subject to debarment from future contracting, if the contracting agency determines that specified acts have occurred.

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

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

I, the undersigned, agree to fulfill the terms and requirements of the Drug-Free Workplace Act as it now exists or may hereinafter be amended. Particularly, I shall

DRUG FREE WORKPLACE CERTIFICATION

abide by Government Code Section 8355 when performing the Contract for the Project by:

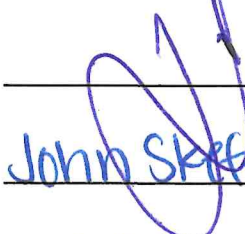
- A. Publishing a statement notifying employees concerning the prohibition of controlled substance at my workplace.
- B. Establishing a drug-free awareness program; and
- C. Requiring that each employee engaged in the performance of the contract be given a copy of the statement required by Section 8355(a) and agree to abide by the terms of that statement.

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

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

Executed on this 24th day of APRIL,
20 23 at SANTA ANA CA.

Name of Bidder Ben's Asphalt, Inc.

Signature 

Name and Title John Skiffington, CEO

Dated 4/24/2023

DRUG FREE WORKPLACE CERTIFICATION

Notary Acknowledgment

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

STATE OF CALIFORNIA
COUNTY OF _____

On _____, 20____, before me, _____, Notary Public, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

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

WITNESS my hand and official seal.

Signature of Notary Public

OPTIONAL

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

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- ☐ Individual
☐ Corporate Officer

Title(s)

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

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

DESCRIPTION OF ATTACHED DOCUMENT

Title or Type of Document

Number of Pages

Date of Document

Signer(s) Other Than Named Above

DRUG FREE WORKPLACE CERTIFICATION

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State of California
County of Orange

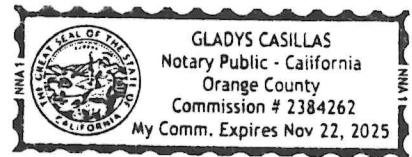
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(insert name and title of the officer)

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WITNESS my hand and official seal.

Signature Gladys Casillas (Seal)

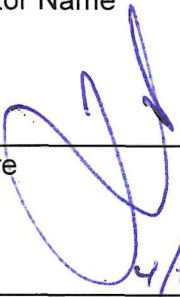


**CONTRACTOR'S CERTIFICATE REGARDING ALCOHOLIC BEVERAGE AND
TOBACCO-FREE CAMPUS POLICY**

The Contractor agrees that it will abide by and implement the District's Alcoholic Beverage and Tobacco-Free Campus Policy, which prohibits the use of alcoholic beverages and tobacco products, of any kind and at any time, in District-owned or leased buildings, on DISTRICT property and in DISTRICT vehicles. The Contractor shall procure signs stating, "ALCOHOLIC BEVERAGE AND TOBACCO USE IS PROHIBITED" and shall ensure that these signs are prominently displayed in all entrances to school property at all times.

Beris Asphalt, Inc.

Contractor Name


Signature

4/24/23
Date

**CONTRACTOR'S CERTIFICATE REGARDING ALCOHOLIC BEVERAGE AND TOBACCO-
FREE CAMPUS POLICY**

NON-COLLUSION DECLARATION

The undersigned declares:

I am the CFO of Ben's Asphalt, 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 4/24/23 [date], at Santa Ana [city], California [state].

Name of Bidder Ben's Asphalt, Inc.

Signature _____

Name John Skeffington

Title CFO

NON-COLLUSION DECLARATION