



**BID FORM NO. 1**  
**Proposal Form and Bid Items**

Page 1 of 5

*This form must be completed in ink and changes must be initialed.*

Honorable Board of Directors  
 Santa Clara Valley Water District (District)

Pursuant to, and in compliance with, the Notice to Bidders and the Contract Documents, relating to the **PENITENCIA DELIVERY MAIN AND PENITENCIA FORCE MAIN SEISMIC RETROFIT PROJECT**, the undersigned Bidder having become thoroughly familiar with the terms and conditions of the Contract Documents and with local conditions affecting the performance and costs of the Work and having fully inspected the Work site in all particulars, hereby proposes and agrees to fully perform the Work, including providing any and all labor and materials and performing all Work required to construct and complete said Work within the contract time stated and in accordance with the requirements of the Contract Documents, for the following sum of money.

The undersigned Bidder agrees to complete all the Work within **597** calendar days from the first chargeable day of the Contract, as stated in the Notice to Begin Work. The Bidder agrees to enter into a Contract with the District and provide the required bonds and insurance in accordance with Articles 4.03. & 4.04. of the Standard Provisions. If the Bidder fails to meet these requirements within the time specified in Article 4.04 of the Standard Provisions the Bidder's security accompanying this Proposal may be forfeited and become the property of the District. No Contract exists until all Contract bonds and insurance documents have been accepted by the District.

**TOTAL BID: \$ 22,886,050.<sup>00</sup>**

Bidder acknowledges receipt of the following Addenda to the Bid Documents:  
 Addenda are posted online at [www.valleywater.org/Programs/Construction.aspx](http://www.valleywater.org/Programs/Construction.aspx).

**NO** Addenda received

Addenda received as follows:

Addendum No. <u>1</u>	Date <u>01/27/16</u>	Addendum No. <u>3</u>	Date <u>03/04/16</u>
Addendum No. <u>2</u>	Date <u>02/17/16</u>	Addendum No. _____	Date _____

Failure to acknowledge receipt of an Addendum on the Bid Form is not, in itself, cause for withdrawal or rejection of Bid, if it can be established that Bidder did, in fact, receive such Addendum prior to Bid opening.

The undersigned Bidder has read and understands, and will comply with, each and all of the requirements specified in these Bid Documents.

BIDDER'S COMPANY INFORMATION	
NAME: <u>Garney Pacific, Inc</u>	ADDRESS:
CONTRACTOR'S CALIFORNIA LICENSE NUMBER: <u>999415</u>	<u>3049 Independence Dr. Ste E</u>
DATE OF EXPIRATION: <u>12/31/16</u>	<u>Livermore, CA 94551</u>
LICENSE CLASSIFICATION(S): <u>A</u>	
PHONE No.: <u>(925) 315-4201</u>	FAX No.: <u>(925) 315-4202</u>
EMAIL ADDRESS: <u>mroberts@garney.com</u>	

SIGNATURE BLOCK (Signature Block must be completed in ink and changes must be initialed.)	
Bidder's Signature:	Date: <u>3/9/16</u>
Bidder's Name and Title (Print): <u>Bill E. Williams, Jr., Senior Vice President</u>	

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ITEM NO.	DESCRIPTION OF ITEM	APPROXIMATE QUANTITY UNIT	UNIT PRICE	TOTAL
1	Professionally Facilitated Project Partnering	<u>Lump Sum</u> Lump Sum	30,000. <sup>00</sup>	30,000. <sup>00</sup>
2	Vibration Monitoring and Compliance and Residential Structural Surveys	<u>Lump Sum</u> Lump Sum	200,000. <sup>00</sup>	200,000. <sup>00</sup>
3	Compliance with NPDES General Permit	<u>Lump Sum</u> Lump Sum	100,000. <sup>00</sup>	100,000. <sup>00</sup>
4	BMP Action Plan	<u>Lump Sum</u> Lump Sum	75,000. <sup>00</sup>	75,000. <sup>00</sup>
5	Migratory Bird	<u>Lump Sum</u> Lump Sum	50,000. <sup>00</sup>	50,000. <sup>00</sup>
6	Traffic Control	<u>Lump Sum</u> Lump Sum	125,000. <sup>00</sup>	125,000. <sup>00</sup>
7	Mobilization	<u>Lump Sum</u> Lump Sum	1,500,000. <sup>00</sup>	1,500,000. <sup>00</sup>
8	Clearing, Grubbing, and Tree Removal	<u>Lump Sum</u> Lump Sum	120,000. <sup>00</sup>	120,000. <sup>00</sup>
9	Construction Dewatering	<u>Lump Sum</u> Lump Sum	100,000. <sup>00</sup>	100,000. <sup>00</sup>

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ITEM NO.	DESCRIPTION OF ITEM	APPROXIMATE QUANTITY UNIT	UNIT PRICE	TOTAL
10	Excavation Support and Protection	<u>Lump Sum</u> Lump Sum	2,500,000. <sup>00</sup>	2,500,000. <sup>00</sup>
11	Corrosion Monitoring and Mitigation System	<u>Lump Sum</u> Lump Sum	100,000. <sup>00</sup>	100,000. <sup>00</sup>
12	72-INCH SBA, 66-INCH PFM, and 60-INCH PDM Pipeline Installation	<u>Lump Sum</u> Lump Sum	15,700,000. <sup>00</sup>	15,700,000. <sup>00</sup>
13	Magnetic Flow Meter and Vault	<u>Lump Sum</u> Lump Sum	120,000. <sup>00</sup>	120,000. <sup>00</sup>
14	Finished Water Meter Vault Repairs	<u>Lump Sum</u> Lump Sum	250,000. <sup>00</sup>	250,000. <sup>00</sup>
15	48-INCH PFM Butterfly Valve Replacement at Piedmont Valve Yard	<u>Lump Sum</u> Lump Sum	200,000. <sup>00</sup>	200,000. <sup>00</sup>
16	Dutard Valve and Pipeline Replacement	<u>Lump Sum</u> Lump Sum	100,000. <sup>00</sup>	100,000. <sup>00</sup>
17	SBA Grossmont Valve Control Building	<u>Lump Sum</u> Lump Sum	550,000. <sup>00</sup>	550,000. <sup>00</sup>



**BID FORM NO. 1**  
**Proposal Form and Bid Items**

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ITEM NO.	DESCRIPTION OF ITEM	APPROXIMATE QUANTITY UNIT	UNIT PRICE	TOTAL
18	42-INCH PFM and 48-INCH PDM Collar Installation	Lump Sum Lump Sum	450,000. <sup>00</sup>	450,000. <sup>00</sup>
19	Landscaping	Lump Sum Lump Sum	150,000. <sup>00</sup>	150,000. <sup>00</sup>
20	District Telemetry Cable Relocation and Protection During Construction and New District Telemetry Cable Installation	Lump Sum Lump Sum	150,000. <sup>00</sup>	150,000. <sup>00</sup>
21	Naturally Occurring Asbestos Materials Abatement	Lump Sum Lump Sum	40,000. <sup>00</sup>	40,000. <sup>00</sup>
<b>TOTAL BASE BID</b>			22,610,000. <sup>00</sup>	22,610,000. <sup>00</sup>

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**SUPPLEMENTAL BID ITEMS**

These Bid Items may or may not be required. They may be deleted entirely or in part, by deductive change order(s), at the sole discretion of the District

ITEM NO.	DESCRIPTION OF ITEM	APPROXIMATE QUANTITY UNIT	UNIT PRICE	TOTAL
22	Supplemental Bid Item: Excavation, Removal, and Disposal of Naturally Occurring Asbestos Materials with Asbestos Concentrations Greater than 1%	$\frac{400}{\text{Cubic Yard}}$	225. <sup>00</sup>	90,000. <sup>00</sup>
23	Supplemental Bid Item: Pipeline Backfill	$\frac{1,481}{\text{Cubic Yard}}$	50. <sup>00</sup>	74,050. <sup>00</sup>
ITEM NO.	DESCRIPTION OF ITEM	APPROXIMATE QUANTITY UNIT	UNIT PRICE	TOTAL
24	Supplemental Bid Item: Abatement for Naturally Occurring Asbestos Materials with Asbestos Concentrations Greater than 0.25% and less than 1.0%	$\frac{800}{\text{Cubic Yard}}$	140. <sup>00</sup>	112,000. <sup>00</sup>

<b>TOTAL SUPPLEMENTAL BID</b>	276,050. <sup>00</sup>
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<b>TOTAL BID (Base Bid Subtotal + Supplemental Subtotal)</b>	22,886,050. <sup>00</sup>
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*This form must be completed in ink and changes must be initialed.*

- A. This Designation of Subcontractors form must be completed in compliance with the State of California Subletting and Subcontracting Fair Practices Act, Public Contract Code **§4100 et seq.**, and any amendment thereof. Bidder must complete the form below for each Subcontract **that exceeds one-half of one percent (½%) of the Bidder's total Bid.** A Subcontractor is one who: (1) performs Work or labor; or (2) provides a service to the Bidder; or (3) specially Fabricates and Installs a portion of the work according to the Contract Documents. Bidders failure to list a Subcontractor for any portion of the work in excess of ½% of Bidder's total Bid signifies Bidder will self perform that portion of the Work with its own forces. (Note: If more than one Subcontractor is designated for the same kind of Work, state the portion that each will perform.) After the opening of the Bids, no changes or substitutions will be allowed except as otherwise provided by law. The listing of more than one subcontractor for each item of work to be performed with the words "and/or" will not be permitted. Failure to comply with this requirement may render the Bid nonresponsive and may cause its rejection.
- B. Failure by a subcontractor to be registered to perform public work as required by the California Labor Code Section 1771.1 (a) shall be grounds under Section 4107 of the Public Contract Code for the contractor, with the consent of the awarding authority, to substitute a subcontractor who is registered to perform public work pursuant to Section 1725.5 in place of the unregistered subcontractor.

NAME LOCATION (City & State)	LICENSE NO. EXPIRATION DATE	TYPE OF WORK	% of TOTAL CONTRACT	DIR #
Pacific Structures San Francisco, CA	926439 12/31/2016	Concrete Partial	3.79%	1000015794
Manna Landscape Anaheim, CA	492862 06/30/2016	Landscaping	.50%	1000000079
Teichert Pleasanton, CA	8 04/30/2017	Excavation Partial	1%	1000002575
Pari & Gershon San Jose, CA	950456 07/31/2016	SWPPP / BIO	.62%	1000009787
Rebar International Livermore, CA	983536 05/31/2017	Rebar	.81%	1000026003
Zefiro Torrence, CA	905699 10/31/2017	Shoring	8.24%	1000005756

**SIGNATURE BLOCK** (Signature Block must be completed in ink and changes must be initialed.)

Bidder's Signature:  Date: 3/9/16

Bidder's Name and Title (Print): Bill E. Williams, Jr., Senior Vice President

SD Electric  
Tracy, CA  
(Rev. 08/14/15)

850914  
12/2/16  
PENITENCIA DELIVERY MAIN AND PENITENCIA FORCE  
MAIN SEISMIC RETROFIT PROJECT

Electrical | 2.7%

1000005683



This form must be completed in ink and changes must be initialed.

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

In accordance with Public Contract Code Section 7106, Bill E. Williams, Jr.  
(Bidder's full name)

declares that he or she is Senior Vice President  
(Bidder's title)

of Garney Pacific, Inc.  
(Company's name)

the party making the foregoing Bid that the Bid is not made in the interest of, or on behalf of, any disclosed person, partnership, company, association, organization, or corporation; that the Bid is genuine and not collusive or sham; that the Bidder has not directly or indirectly induced or solicited any other Bidder to put in a false or sham bid, and has not directly or indirectly colluded, conspired, connived, or agreed with any Bidder or anyone else to put in a sham bid, or that anyone shall refrain from bidding; that 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, or to secure any advantage against the public body awarding the contract of anyone interested in the proposed contract; that all statements contained in the Bid are true; and, further, that the Bidder has not, directly or indirectly, submitted the Bid price or any breakdown thereof, or the contents thereof, or divulged information or data relative thereto, or paid, and will not pay, any fee to any corporation, partnership, company association, organization, Bid depository, or to any member or agent thereof to effectuate a collusive or sham bid.

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

<b>SIGNATURE BLOCK</b> (Signature Block must be completed in ink and changes must be initialed.)	
Bidder's Signature:	Date: 3/9/16
Bidder's Name and Title (Print): Bill E. Williams, Jr., Senior Vice President	



# Small Business Outreach Program: Instructions and Compliance Document

*This form must be completed in ink and changes must be initialed.*

## PART I: GENERAL

- A. The Santa Clara Valley Water District (District) has a Small Business Outreach Program, which establishes a 30 percent minimum participation goal. To be eligible for award of a Contract, each Bidder must comply with the District's Small Business Outreach Program requirements, be a responsible Bidder, and submit a responsive bid.

To be counted towards meeting the District's Small Business Outreach participation goal, Small/Micro Business must be certified by California Department of General Services. <http://www.pd.dgs.ca.gov> Bidders are encouraged to use the services and assistance of the California Department of General Services.

- B. The District's program applies the following definitions:

1. **Small/Micro Business**—defined by California Code of Regulations Section 1896.12. Eligibility for Certification as a Small Business.

"a. To be eligible for certification as a small business, a business must meet all of the following qualifying criteria:

1. It is independently owned and operated; and
2. The principal office is located in California; and
3. The officers of the business in the case of a corporation; officers and/or managers, or in the absence of officers and/or managers, all members in the case of a limited liability company; or the owner(s) in all other cases are domiciled in California; and
4. It is not dominant in its field of operation(s), and
5. It is either:
  - A. A business that, together with affiliates, has 100 or fewer employees, and average annual gross of fourteen million dollars (\$14,000,000) or less as averaged for the previous three tax years, as adjusted by the department pursuant to Government Code Section 14837 (d) (3); or
  - B. A manufacturer as defined herein that, together with affiliates, has 100 or fewer employees.

b. To be eligible for designation as a microbusiness, a business must meet all the qualifying criteria in sub paragraph (a), and in addition, must be either:



**Small Business Outreach Program:  
Instructions and Compliance Document**

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1. A business that, together with all affiliates, has annual gross of three million five hundred thousand dollars (\$3,500,000) or less receipts as averaged for the previous three tax years, as adjusted by the department pursuant to Government Code Section 14837 (d) (3); or
  2. A manufacturer as defined herein that, together with all affiliates, has 25 or fewer employees.”
2. A Small Business **Joint Venture**—is defined in the California Code of Regulations Section 1896.4. Definitions.

“n. means an association of businesses established by written agreement to engage in and carry out a single business venture for joint profit, for which purpose they combine their efforts, property, money, skills and/or knowledge.”

1896.12.c. “Joint ventures must be certified on a bid-by-bid basis. The joint venture shall not be subject to the average annual gross receipts and employee limits imposed by this subchapter. However, each individual business participating in the joint venture must be certified as a small business.”

**Note:** Joint Ventures formed at the prime contractor level are subject to the requirements of Article 3.08 of the Standard Specifications.

**PART II: COMPLIANCE WITH SMALL BUSINESS OUTREACH PROGRAM REQUIREMENTS**

Each Bidder must complete this Bid Form and return it with the Bid documents.

The undersigned Bidder complies with the District’s Small Business Outreach Program as indicated below. At least one box must be checked for the Bid to be considered responsive.

- 1. Bidder is qualified for a Small Business preference because it is a Certified Small Business.
- 2. Bidder is qualified for a Small Business preference because it has subcontracted:
  - 30%     40%     50%    of this job to Certified Small Businesses.
- 3. Bidder has made a Good Faith Effort to solicit Small/Micro Business participation as demonstrated by documentation to be submitted by 5 p.m. on the 2<sup>nd</sup> day after Bid opening. Timely submission of these Forms is considered **material** by the District. Submission of documentation is only required from the firms submitting the three apparent low bids (see Part IV for documentation requirements).
- 4. Bidder will perform all the work without using subcontractors and is, therefore, exempt from demonstrating Good Faith Effort.



**BID FORM NO. 4**  
**Small Business Outreach Program:**  
**Instructions and Compliance Document**

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**PART III: CALCULATING THE SMALL BUSINESS PREFERENCE**

- A. Bidders receive a preference based on the following criteria:
1. Certified Small/Micro Business Bidders receive a 5 percent preference.
  2. Non-Small/Micro Business Bidders with Small/Micro Business participation of:
    - 30% to 39% receive a 3% preference.
    - 40% to 49% receive a 4% preference.
    - 50% to 100% receive a 5% preference.

- B. For purposes of calculating the Small Business preference, only the base Bid amount (which excludes Supplemental and Additive/Deductive Bid Items) will be used.

The preference is calculated by subtracting the appropriate percent (3%, 4%, or 5%) of the low Base Bid from the qualifying firm's Total Bid.

**Example 1:**

Apparent low Bid (not a Small Business)	\$600,000	Small/Micro Business Bid	\$615,000
Total of Supplemental Bid Items		5% Small Business Preference*	-\$30,000
Base Bid	\$600,000	New apparent low bid	\$585,000

\*Small Business preference amount:  $\$600,000 \times .05 = \$30,000$

**Example 2:**

Apparent low Bid (not a Small Business)	\$600,000	Small/Micro Business Bid	\$615,000
Total of Supplemental Bid Items	-\$40,000	5% Small Business Preference*	-\$28,000
Base Bid	\$560,000	New apparent low bid	\$587,000

\*Small Business preference amount:  $\$560,000 \times .05 = \$28,000$

- C. The preference is only applied to determine the low bid. The priority for applying the preference will be in the following order:
1. Micro Business submitting the lowest bid.
  2. Small Business submitting the lowest bid.
  3. Non-Small Business, subcontracting with the highest percent of Micro Business submitting the lowest bid.
  4. Non-Small Business subcontracting with the highest percent of Small Business submitting the lowest bid.

**Small Business Outreach Program:  
Instructions and Compliance Document**

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**PART IV: REQUIREMENTS FOR DEMONSTRATING GOOD FAITH EFFORT**

Bidders not meeting the minimum participation goal of 30 percent must submit documentation demonstrating that a Good Faith Effort was made. For further information and/or assistance, contact the Capital Program Planning and Analysis Unit Manager at (408) 630-2682.

No substitution of a Small/Micro Business listed on the Affidavit will be made at any time without the written consent of the District. Substitution requests will only be considered for the reasons stated in Public Contract Code §4107. If a Small/Micro Business subcontractor/supplier substitution is requested, the Contractor must make a Good Faith Effort to replace the original firm with another Small Business subcontractor/supplier. Written documentation of such efforts must accompany each substitution request.

- A. The Bidder(s) submitting the three apparent low bids must provide documentation of Good Faith Effort by 5 p.m. on the 2<sup>nd</sup> day after the Bid opening. Timely submission of these Forms is considered **material** by the District.
- B. The District strongly recommends compliance with all 8 items listed below.
- C. All documentation must be specific with verifiable names, addresses, phone numbers, dates, etc., to demonstrate that the Bidder made a Good Faith Effort to obtain Small Business participation in accordance with the criteria listed below and prior to the time bids are opened.
  - 1. Attend any pre-bid meeting conducted by the District, for any project, where Bidders are informed of Small Business program requirements held within the previous 6 months prior to the Bid opening.
  - 2. Efforts made to select portions of the work proposed to be performed by small businesses in order to increase the likelihood of achieving the participation goal (including, where appropriate, breaking down contracts into economically feasible units to facilitate Small Business participation).
  - 3. Advertise, not less than 10 calendar days before the date bids are due, in one or more daily or weekly general circulation media, trade association publications, minority or trade oriented publications, trade journals, or minority/women focused media, soliciting bids from subcontractors/suppliers/vendors for participation in the project.
  - 4. Written documentation that the Bidder contacted a reasonable number of DGS-certified Small Businesses to solicit interest for a specific portion(s) of the project in sufficient time to allow the Small Businesses to obtain information on the project and consider bidding on work, which is to be performed by other than the prime contractor.

Verbal solicitations will be accepted, provided they are followed by written communication confirming the offer to Bid and are specific as to names, scope of work, etc.

**Small Business Outreach Program:  
Instructions and Compliance Document**

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5. Follow up initial solicitations of interest by contacting the Small Business to determine with certainty if they are interested in performing specific items of the project.
6. Efforts made to provide interested small businesses with adequate information about the plans, specifications, and requirements of the project.
7. Efforts made to negotiate in good faith with interested Small Businesses and not rejecting Small Businesses as unqualified without sound reasons. Provide a list of all Small Businesses submitting a Bid that was not used stating the reason for rejection.
8. Efforts made to assist interested Small Businesses in securing bonding, lines of credit, or insurance. This may include referral to local agencies specifically set up for this purpose.

**PART V: SMALL/MICRO BUSINESS ENTERPRISE UTILIZATION REPORTING  
REQUIREMENT**

Contractor payments to Small/Micro Business Enterprise (SBE) providing labor, services, materials, equipment, or supplies, including subcontractors, will be monitored monthly throughout the project. The Contractor is required to submit a monthly and final SBE Utilization Report with the request for progress payments. Forms and instructions can be downloaded from the District's website at [www.valleywater.org/Programs/Construction.aspx](http://www.valleywater.org/Programs/Construction.aspx). Sample forms and instructions are included in Appendix A of the Specifications.



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Instructions and Compliance Document**

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**AFFIDAVIT  
(Small/Micro Business Subcontractor List)**

The Bidder must complete this Affidavit listing the names of each Certified Small/Micro Business, at any tier, providing labor, services, materials, equipment, or supplies including subcontractors.

Contingent upon award of a Contract for:

**PENITENCIA DELIVERY MAIN AND PENITENCIA FORCE MAIN SEISMIC RETROFIT**

(Name of Project)

Garney Pacific, Inc. will contract with the following small/micro firms:  
(Name of Contractor)

	<u>NAME AND ADDRESS</u>	<u>DGS CERTIFICATION NO.</u>	<u>TYPE OF WORK</u>	<u>AMOUNT OF SUBCONTRACT/ PURCHASE</u>
1.	<u>Pari &amp; Gershon</u> <u>San Jose, CA</u>	<u>1786301</u>	<u>SWPPP / Bio</u>	<u>142,053.<sup>00</sup></u>
2.	<u>Rebar International</u> <u>Livermore, CA</u>	<u>41306</u>	<u>Rebar</u>	<u>185,130.<sup>00</sup></u>
3.	<u>Zefira</u> <u>Torrence, CA</u>	<u>175020</u>	<u>Shoring</u>	<u>1,874,000.<sup>00</sup></u>
4.	<u>Municon</u> <u>San Francisco, CA</u>	<u>18229</u>	<u>Vibration Monitor</u>	<u>150,150.<sup>00</sup></u>
5.	<u>Arroyo</u> <u>Oakdale, CA</u>	<u>1005649</u>	<u>Tracking</u>	<u>452,086.<sup>00</sup></u>

Small/Micro Business participation in this Contract is \$ 12,445,986.13 or \_\_\_\_\_ % of the total bid.

More on reverse  
\*

I declare, under penalty of perjury, that the above information is true and correct.

**SIGNATURE BLOCK** (Signature Block must be completed in ink and changes must be initialed.)

Bidder's Signature: <u>[Signature]</u>	Date: <u>3/9/16</u>
Bidder's Name and Title (Print): <u>Bill E. Williams, Jr., Senior Vice President</u>	

	<u>Name &amp; Address</u>	<u>DGS #</u>	<u>Type of Work</u>	<u>Amt. of Subcontract</u>
6.	Apex Testing Laboratories	1142740	Testing	\$ 108,000. <sup>00</sup>
7.	Aqueous Vets	1795727	Material Supply	\$ 8,903,567.13
8.	SD Electric	48958	Electrical	\$ 631,000. <sup>00</sup>



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BE IT KNOWN BY THESE PRESENTS,

That we, Garney Pacific, Inc., as PRINCIPAL,  
and Western Surety Company and Liberty Mutual Insurance Company, as Co-Sureties, as SURETY,

are held and firmly bound unto the Santa Clara Valley Water District, hereinafter called the District, in the penal sum of TEN PERCENT (10%) OF THE TOTAL AMOUNT OF THE PROPOSAL of the Principal above named, submitted by said Principal to the Santa Clara Valley Water District, for the work described below, for the payment of which sum is lawful money of the United States, well and truly to be made, we bind ourselves, our heirs, executors, administrators and successors, jointly and severally, firmly by these presents. In no case shall the liability of the surety hereunder exceed the sum of \$ Ten (10%) Percent of Total Amount Bid.

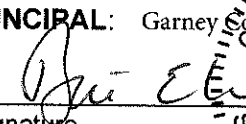
THE CONDITION OF THIS OBLIGATION IS SUCH,

That whereas the Principal has submitted the above mentioned Proposal to the District, for certain construction specifically described as follows, for which Proposals are to be opened at San Jose, California, on March 9, 2016, for the Penitencia Delivery Main and Penitencia Force Main Seismic Retrofit Project.

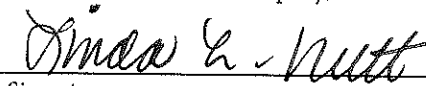
NOW, THEREFORE, if the aforesaid Principal is awarded the Contract and, within the time and manner required under the Specifications, after the prescribed forms are presented to him for signature, enters into a written contract, in the prescribed form, in accordance with the Proposal, and files the two bonds with the District, one to guarantee faithful performance and the other to guarantee payment for labor and materials, as required by law, then this obligation shall be null and void; otherwise, it shall be and remain in full force and virtue.

In the event suit is brought upon this bond by the obligee and judgment is recovered, the surety shall pay all costs incurred by the obligee in such suit, including a reasonable attorney's fee to be fixed by the court.

IN WITNESS WHEREOF, we have hereunto set our hands and seal on the 9th day of March, 2016

PRINCIPAL: Garney Companies, Inc.  
  
Signature  
Bill E. Williams  
Name  
Senior Vice President  
Title

3049 Independence Drive, Suite E  
Livermore, CA 94551  
Address

Western Surety Company and Liberty Mutual  
SURETY: Insurance Company, as Co-Sureties  
  
Signature  
Linda L. Nutt  
Name (Seal)  
Attorney-in-Fact

Title  
Western Surety Company, PO Box 5077, Sioux Falls, SD 57117-5077  
800/331-6053 and Liberty Mutual Insurance Company, 450  
Plymouth Road, Suite 400, Plymouth Meeting, PA 19462,  
610/832-8240, as Co-Sureties  
Address

NOTE: Signature of those executing for Surety must be properly acknowledged.

CALIFORNIA ALL-PURPOSE ACKNOWLEDGEMENT

Civil Code § 1189

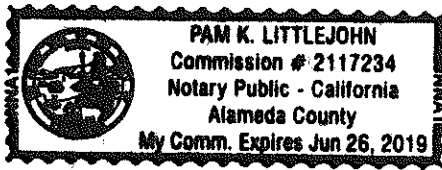
A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy or validity of that document.

State of California
County of Alameda

On 3/9/16 before me, Pam K. Littlejohn, Notary Public

personally appeared Bill E. Williams, Jr.

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 Pam K. Littlejohn
Commissioned in Alameda County, CA
My Commission Expires: 06-26-19

Place Notary Public Seal Above

OPTIONAL

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

Description of Attached Document

Title or Type of Document Bid Bond - Penitencia

Document Date Number of Pages:

Signer's Name: Bill E. Williams, Jr.

Form with checkboxes for Individual, Corporate Officer (checked), Partner, Guardian or Conservator, Attorney-in-Fact, Trustee, Other. Includes a box for 'RIGHT THUMBPRINT OF SIGNER' and 'Top of thumb'.

Form with checkboxes for Individual, Corporate Officer, Partner, Guardian or Conservator, Attorney-in-Fact, Trustee, Other. Includes a box for 'RIGHT THUMBPRINT OF SIGNER' and 'Top of thumb'.



CALIFORNIA ALL-PURPOSE ACKNOWLEDGEMENT

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 Missouri

County of Jackson

On March 9, 2016 before me, Mindy Goss, Notary Public

personally appeared Linda L. Nutt

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 Mindy Goss Notary Public Signature

MINDY GOSS NOTARY PUBLIC-NOTARY SEAL COMMISSION # 14559464 STATE OF MISSOURI CLINTON COUNTY COMMISSION EXP. 9/21/2018

Place Notary Public Seal Above

My Commission Expires September 21, 2018 OPTIONAL Commissioned in Clinton County, MO

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

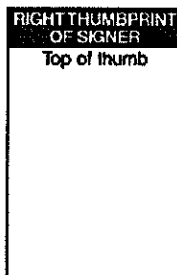
Description of Attached Document

Title or Type of Document

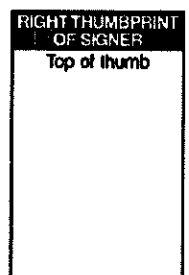
Document Date Number of Pages:

Signer's Name:

- Individual
Corporate Officer - Title(s):
Partner - Limited General
Guardian or Conservator
Attorney-in-Fact
Trustee
Other:
Signer is representing Liberty Mutual Insurance Company / Western Surety Company



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



# Western Surety Company

## POWER OF ATTORNEY APPOINTING INDIVIDUAL ATTORNEY-IN-FACT

Know All Men By These Presents, That WESTERN SURETY COMPANY, a South Dakota corporation, is a duly organized and existing corporation having its principal office in the City of Sioux Falls, and State of South Dakota, and that it does by virtue of the signature and seal herein affixed hereby make, constitute and appoint

Linda L. Nutt, **Individually**

of Kansas City, MO its true and lawful Attorney-in-Fact with full power and authority hereby conferred to sign, seal and execute for and on its behalf bonds, undertakings and other obligatory instruments of similar nature

**- In Unlimited Amounts -**

Surety Bond No: Bid Bond

Principal: Garney Pacific, Inc.

Obligee: Santa Clara Valley Water District

and to bind it thereby as fully and to the same extent as if such instruments were signed by a duly authorized officer of the corporation and all the acts of said Attorney, pursuant to the authority hereby given, are hereby ratified and confirmed.

This Power of Attorney is made and executed pursuant to and by authority of the By-Law printed on the reverse hereof, duly adopted, as indicated, by the shareholders of the corporation.

In Witness Whereof, WESTERN SURETY COMPANY has caused these presents to be signed by its Vice President and its corporate seal to be hereto affixed on this 1st day of December, 2015.



WESTERN SURETY COMPANY

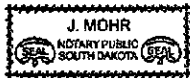
Paul T. Bruflat, Vice President

State of South Dakota }  
County of Minnehaha } ss

On this 1st day of December, 2015, before me personally came Paul T. Bruflat, to me known, who, being by me duly sworn, did depose and say: that he resides in the City of Sioux Falls, State of South Dakota; that he is the Vice President of WESTERN SURETY COMPANY described in and which executed the above instrument; that he knows the seal of said corporation; that the seal affixed to the said instrument is such corporate seal; that it was so affixed pursuant to authority given by the Board of Directors of said corporation and that he signed his name thereto pursuant to like authority, and acknowledges same to be the act and deed of said corporation.

My commission expires

June 23, 2021



J. Mohr, Notary Public

### CERTIFICATE

I, L. Nelson, Assistant Secretary of WESTERN SURETY COMPANY do hereby certify that the Power of Attorney hereinabove set forth is still in force, and further certify that the By-Law of the corporation printed on the reverse hereof is still in force. In testimony whereof I have hereunto subscribed my name and affixed the seal of the said corporation this 9th day of March, 2016.



WESTERN SURETY COMPANY

L. Nelson, Assistant Secretary

**Authorizing By-Law**

**ADOPTED BY THE SHAREHOLDERS OF WESTERN SURETY COMPANY**

This Power of Attorney is made and executed pursuant to and by authority of the following By-Law duly adopted by the shareholders of the Company.

Section 7. 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, and 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.

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. Not valid for mortgage, note, loan, letter of credit, bank deposit, currency rate, interest rate or residual value guarantees. To confirm the validity of this Power of Attorney call 610-832-8240 between 9:00 am and 4:30 pm EST on any business day.

American Fire and Casualty Company  
The Ohio Casualty Insurance Company

Liberty Mutual Insurance Company  
West American Insurance Company

### POWER OF ATTORNEY

KNOWN ALL PERSONS BY THESE PRESENTS: That American Fire & Casualty Company and The Ohio Casualty Insurance Company are corporations duly organized under the laws of the State of New Hampshire, that Liberty Mutual Insurance Company is a corporation duly organized under the laws of the State of Massachusetts, and West American Insurance Company is a corporation duly organized under the laws of the State of Indiana (herein collectively called the "Companies"), pursuant to and by authority herein set forth, does hereby name, constitute and appoint, Linda L. Nutt of the city of Kansas City, state of MO its true and lawful attorney-in-fact, with full power and authority hereby conferred to sign, execute and acknowledge the following surety bond:

Principal Name: Garney Pacific, Inc.

Obligee Name: Santa Clara Valley Water District

Surety Bond Number: Bid Bond

Bond Amount: See Bond Form

IN WITNESS WHEREOF, this Power of Attorney has been subscribed by an authorized officer or official of the Companies and the corporate seals of the Companies have been affixed thereto this 18<sup>th</sup> day of November, 2013.



American Fire and Casualty Company  
The Ohio Casualty Insurance Company  
Liberty Mutual Insurance Company  
West American Insurance Company

By: David M. Carey

David M. Carey, Assistant Secretary

STATE OF PENNSYLVANIA ss  
COUNTY OF MONTGOMERY

On this 18<sup>th</sup> day of November, 2013, before me personally appeared David M. Carey, who acknowledged himself to be the Assistant Secretary of American Fire and Casualty Company, Liberty Mutual Insurance Company, The Ohio Casualty Company, and West American Insurance Company, and that he, as such, being authorized so to do, execute the foregoing instrument for the purposes therein contained by signing on behalf of the corporations by himself as a duly authorized officer.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my notarial seal at Plymouth Meeting, Pennsylvania, on the day and year first above written.



COMMONWEALTH OF PENNSYLVANIA  
Notarial Seal  
Teresa Pastella, Notary Public  
Plymouth Twp., Montgomery County  
My Commission Expires March 28, 2017

By: Teresa Pastella

Teresa Pastella, Notary Public

This Power of Attorney is made and executed pursuant to and by authority of the following By-laws and Authorizations of American Fire and Casualty Company, The Ohio Casualty Insurance Company, Liberty Mutual Insurance Company, and West American Insurance Company which resolutions are now in full force and effect reading as follows:

**ARTICLE IV – OFFICERS** – Section 12. Power of Attorney. Any officer or other official of the Corporation authorized for that purpose in writing by the Chairman or the President, and subject to such limitation as the Chairman or the President may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Corporation to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact, subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Corporation by their signature and execution of any such instruments and to attach thereto the seal of the Corporation. When so executed, such instruments shall be as binding as if signed by the President and attested to by the Secretary. Any power or authority granted to any representative or attorney-in-fact under the provisions of this article may be revoked at any time by the Board, the Chairman, the President or by the officer or officers granting such power or authority.

**ARTICLE XIII – Execution of Contracts – SECTION 5. Surety Bonds and Undertakings.** Any officer of the Company authorized for that purpose in writing by the chairman or the president, and subject to such limitations as the chairman or the president may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Company by their signature and execution of any such instruments and to attach thereto the seal of the Company. When so executed such instruments shall be as binding as if signed by the president and attested by the secretary.

**Certificate of Designation** – The President of the Company, acting pursuant to the Bylaws of the Company, authorizes David M. Carey, Assistant Secretary to appoint such attorneys-in-fact as may be necessary to act on behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations.

**Authorization** – By unanimous consent of the Company's Board of Directors, the Company consents that facsimile or mechanically reproduced signature of any assistant secretary of the Company, wherever appearing upon a certified copy of any power of attorney issued by the Company in connection with surety bonds, shall be valid and binding upon the Company with the same force and effect as though manually affixed.

I, Gregory W. Davenport, the undersigned, Assistant Secretary, of American Fire and Casualty Company, The Ohio Casualty Insurance Company, Liberty Mutual Insurance Company, and West American Insurance Company do hereby certify that the original power of attorney of which the foregoing is a full, true and correct copy of the Power of Attorney executed by said Companies, is in full force and effect and has not been revoked.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seals of said Companies this 9<sup>th</sup> day of March, 2016.



By: Gregory W. Davenport

Gregory W. Davenport, Assistant Secretary

*This form must be completed in ink and changes must be initialed.*

**Iran Contracting Act Bid Certification  
(Public Contract Code Sections 2202-2208)  
Must be Completed for any Proposal of \$1,000,000 or more**

Public Contract Code (PCC) Sections 2200-2208 are known as the Iran Contracting Act of 2010 and prohibit public entities from contracting with companies that have specified business activities in Iran's petroleum sector. Companies seeking to bid on state or local government contracts are required to certify that they are not engaged in developing Iran's petroleum resources.

Prior to bidding on, submitting a proposal or executing a contract or renewal for a Santa Clara Valley Water District contract for goods or services of one million dollars (\$1,000,000 or more), a person (vendor, firm, corporation, etc.) must either: a) certify it is **not** on the current list of persons engaged in investment activities in Iran created by the California Department of General Services ("DGS") pursuant to Public Contract Code Section 2203(b) and is not a financial institution extending twenty million dollars (\$20,000,000) or more in credit to another person, for 45 days or more, if that other person will use the credit to provide goods or services in the energy sector in Iran and is identified on the current list of persons engaged in investment activities in Iran created by DGS; or b) demonstrate it has been exempted from the certification requirement for that solicitation or contract pursuant to Public Contract Code Section 2203(c) or (d). The DGS list is posted online at: ([www.dgs.ca.gov](http://www.dgs.ca.gov), search "Iran Contracting Act List").

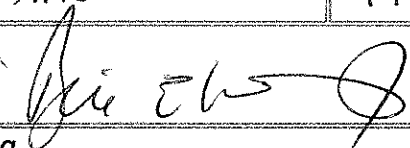
To comply with this requirement, please complete **one** of the options below. Please note: California law establishes penalties for providing false certifications, including civil penalties equal to the greater of \$250,000 or twice the amount of the contract for which the false certification was made; contract termination; and three-year ineligibility to bid on contracts. (Public Contract Code Section 2205.)



**BID FORM NO. 6**  
**Iran Contracting Act Bid Certification**

**OPTION #1 - CERTIFICATION**

I, the official named below, certify I am duly authorized to execute this certification on behalf of the person/financial institution identified below, and the person/financial institution identified below is **not** on the current list of persons engaged in investment activities in Iran created by DGS and is not a financial institution extending twenty million dollars (\$20,000,000) or more in credit to another person/vendor, for 45 days or more, if that other person/vendor will use the credit to provide goods or services in the energy sector in Iran and is identified on the current list of persons engaged in investment activities in Iran created by DGS.

Name of Person (Vendor, Firm, Corporation, etc.) / Financial Institution (Printed) <i>Garney Pacific, Inc.</i>		Federal ID Number (or n/a) <i>47-1971613</i>
By (Authorized Signature) 		
Printed Name and Title of Person Signing <i>Bill E. Williams, Jr., Senior Vice President</i>		
Date Executed <i>3/9/16</i>	Executed in (City & State) <i>Livermore, CA</i>	

**OPTION #2 - EXEMPTION**

Pursuant to Public Contract Code Sections 2203(c) and (d), a public entity may permit a person/financial institution engaged in investment activities in Iran, on a case-by-case basis, to be eligible for, or to bid on, submit a proposal for, or enter into or renew, a contract for goods and services.

If you have obtained an exemption from the certification requirement under the Iran Contracting Act, please fill out the information below, and attach documentation demonstrating the exemption approval.

Name of Person (Vendor, Firm, Corporation, etc.) / Financial Institution (Printed)		Federal ID Number (or n/a)
By (Authorized Signature)		
Printed Name and Title of Person Signing		
Date Executed	Executed in (City & State)	