

**SECTION 00 41 00
 BID PROPOSAL
 TO THE CITY OF NEWARK, CALIFORNIA**

Name of Bidder: Buhler Commercial

Business Address: 400 Brannan St Ste #204

City, State, Zip: San Francisco, CA 94107

Telephone No.: Area Code (415) 610-8650

Email Address: steve@buhlercommercial.com

The work for which this proposal is submitted is for construction in accordance with the Specifications (including the payment of not less than the minimum wage rates set forth therein) and the contract annexed hereto, the project Plans described below, and the Labor Surcharge and Equipment Rental Rates in effect on the date the work is accomplished.

The project Plans for the work to be done were approved and are entitled:

**NEWARK RESOURCE CENTER RENOVATIONS
 37365 Ash Street, Newark, CA 94560
 City Project No. 1360**

Bids are to be submitted for the entire work. The amount of the bid for comparison purposes will be the total of all Base Bid items. This is deemed to include all labor, equipment material, transportation and applicable taxes, profit, insurance, bonds and other overhead to perform the Work in accordance with the Project Plans and Technical Specifications, herein:

BID ITEM	APPRO X.QTY.	UNIT	DESCRIPTION, WITH UNIT PRICE IN WORDS (EACH BID ITEM SHALL INCLUDE ALL APPLICABLE TAXES, PROFIT, INSURANCE, BONDS, AND OTHER OVERHEAD)	UNIT PRICE	TOTAL ITEM PRICE
001	1	Lump Sum	BASE BID—All work shown on the Newark Resource Center drawings, technical specifications, and IFB appendices.	\$ 2,238,552	\$ 2,238,552
002	1	Lump Sum	BASE BID – Abatement of all Hazardous Materials in the Resource Center Main Building. Viola Blythe Building is excluded from the scope of this project.	\$ 28,250	\$ 28,250

BID ITEM	APPRO X.QTY.	UNIT	DESCRIPTION, WITH UNIT PRICE IN WORDS (EACH BID ITEM SHALL INCLUDE ALL APPLICABLE TAXES, PROFIT, INSURANCE, BONDS, AND OTHER OVERHEAD)	UNIT PRICE	TOTAL ITEM PRICE
Base Bid Total (items 001 through 002)					\$ 2,266,802
(Total in words: <u>Two Million, Two Hundred Sixty Six Thousand, Eight Hundred and Two Dollars</u>)					

If this proposal is accepted and the undersigned shall fail to enter into the contract and furnish the two (2) bonds in the sums required by the State Contract Act and Section 00 21 13 (Instruction to Bidders) of the Specifications, with surety satisfactory to the City of Newark within ten (10) days, not including Sundays and legal holidays, after the Bidder has received notice from the City of Newark that the contract has been awarded, the City of Newark may, at its option, determine that the Bidder has abandoned the contract, and thereupon this proposal and the acceptance thereof shall be null and void and the forfeiture of such security accompanying this proposal shall operate and the same shall be the property of the City of Newark.

The undersigned as Bidder, declares that the only persons or parties interested in this proposal as principals are those named herein; that this proposal is made without collusion with any other person, firm, or corporation; that he/she has carefully examined the location of the proposed work, the annexed proposed form of contract, and the Plans therein referred to; and he/she proposed and agrees, if this proposal is accepted, that he/she will contract with the City of Newark, in the form of the copy of the contract annexed hereto, to provide all necessary machinery, tools, apparatus and other means of construction and to do all the work therein prescribed, and according to the requirements of the Engineer as therein set forth.

NOTES:

1. The award of contract, if it is awarded, will be to the lowest responsible Bidder as determined by the Total Base Bid. Pursuant to Section 20103.8 of the Public Contract Code, the City reserves the right to add any or all of the Additive Alternate Bids after the lowest responsible Bidder has been determined. The addition of Additive Alternate Bids does not change the basis by which the project will be awarded.

CERTIFICATIONS AND SIGNATURES

CERTIFICATIONS - GENERAL

The Bidder's execution on the signature portion of this proposal shall also constitute an endorsement and execution of those certifications which are part of this proposal. Signature of Bidder shall be properly notarized.

MINOR INFORMALITIES

The City reserves the right to waive minor informalities and/or bid non-responsiveness that does not influence the competitive nature of the bid.

PROPOSAL FORM

Bids shall be submitted on the Bid Proposal forms included in this Section 00 41 00. A complete Bid Proposal, with all forms included in Section 00 41 00, must be submitted. The signature(s) of the Bidder constitutes acknowledgment that the set of Specifications used in preparing his/her bid is complete and the intent of the Bidder is to comply with all provisions of the Specifications.

BIDDER'S GUARANTEE

Accompanying this proposal is a Bidder's Guarantee (*Check Appropriate Attachment*):

- Cashiers Check (\$ _____)
- Bidder's Bond in the amount of 10% of the total bid

Note: Refund of a Bidder's Guarantee in the form of a Cashier's Check will be made by returning the unendorsed Cashier's Check to the Bidder, after the City has entered into a contract with the apparent low Bidder. Therefore, the Cashier's Check receipt should be retained by the Bidder.

ADDENDA

This Proposal is submitted with respect to the changes to the contract included in Addendum Number(s):

1, 2, 3 (Aug-9th, Aug-27, & Aug-30, 2024.)
(Fill in addendum number(s) if addenda have been received)

Warning: If an addendum or addenda have been issued by the City and not noted above as being received by the Bidder, this Proposal may be rejected.

ADDITIONAL FORMS REQUIRED

Check the following boxes indicating attachment of the respective forms with this Bid Proposal:



List of Subcontractor (required)



Bidder's Statement of Financial Responsibility, Technical Ability, and Experience (required)

TITLE 49, CODE OF FEDERAL REGULATIONS, PART 29 DEBARMENT, AND SUSPENSION CERTIFICATION

The Bidder, under penalty of perjury, certifies that, except as noted below, he/she or any other person associated therewith in the capacity of owner, partner, director, officer, manager:

- is not currently under suspension, debarment, voluntary exclusion, or determination of ineligibility by any Federal agency;
- has not been suspended, debarred, voluntarily excluded or determined ineligible by any Federal agency within the past 3 years;
- does not have a proposed debarment pending; and
- has not been indicted, convicted, or had a civil judgment rendered against it by a court of competent jurisdiction in any matter involving fraud or official misconduct within the past 3 years.

If there are any exceptions to this certification, insert the exceptions in the following space.

N/A

Exceptions will not necessarily result in denial of award, but will be considered in determining bidder responsibility. For any exception noted above, indicate below to whom it applies, initiating agency, and dates of action.

N/A

Notes: Providing false information may result in criminal prosecution or administrative sanctions. The above certification is part of the Bid. Signing this Bid on the signature portion thereof shall also constitute signature of this Certification.

NON-COLLUSION DECLARATION

The undersigned declares:

I am the President of Buhler Commercial, 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 bid. 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 September , 2024 at San Francisco, California.

LICENSE INFORMATION

The Bidder hereby certifies that he/she is licensed in accordance with an act providing for the registration of Contractors:

License No. 1003262 Contractor's License Expiration Date 04/30/25

Classification(s) A & B

DIR Registration No. 1000040432 Expiration Date 6/30/2027

LIST OF SUBCONTRACTORS

The Bidder shall list the name and address of each subcontractor to whom the Bidder proposed to subcontract portions of the work in excess of one-half of one percent (1/2 of 1%) of the total bid. If none, so indicate. Provide all information requested below.

If the Bidder fails to specify a Subcontractor, or if the Bidder specified more than one Subcontractors for any portion of the work to be performed under the contract in excess of one-half of one percent (1/2 of 1%) of the Bidder's total bid, he/she agrees that he/she is fully qualified to perform that portion of work himself/herself, and that he/she will perform that portion himself/herself. 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 as non-responsive and may cause its rejection. List all such Subcontractors below, or on additional sheets, as required.

As of July 1, 2014, all Contractors bidding on this project are required to register with the Department of Industrial Relations (DIR) and to pay the required annual fee. Under California Labor Code section 1771.1, as amended by SB 854, unless registered with the DIR, a Contractor may not bid or be listed as a Subcontractor, for any bid proposal submitted for public works projects on or after March 1, 2015. The Contractors will be required to submit certified payrolls during the course of the project. This project is subject to compliance enforcement and monitoring by the State of California Department of Industrial Relations.

Subcontractor Name License Number DIR Registration No.	Address/ Phone Number/ Email	Description Of Work Subcontracted	Amount Subcontracted*
PALS 700658 1000868914	PO Box 31986 Stockton, CA 95213 (510) 750-7543	Demolition	\$43,995
R&R Maher 508930 1000000345	147 Camino Oruga Napa, CA 94558 (707) 552-0330	Concrete	\$159,589
Rick Slater 807984 1000012815	1521 Berger Dr. San Jose, CA 95112 (408) 938-1900	Rough Carpentry	\$49,000
Executive Interiors 885715 1000013318	1287 W. Nielsen Ave Fresno, CA 93706 (559) 346-0631	Millwork	\$65,292
RT Western 973217 1000033895	2181 Wilcox Rd. Stockton, CA 95215 (415)677-9202	Doors and Frames	\$38,231
D&B Painting 683394 1000011258	8055 Collins Dr., #201 Oakland, CA 94621 (866) 431-9869	Painting	\$31,870
99 North Plumbing 1044733 1000862728	4651 Melody Dr., #A Concord, CA 94521 (415) 650-6503	Plumbing	\$57,872

CL Heating & Air 1084345 1000946432	215 24th St. Sacramento, CA 95816 (916) 792-2542	HVAC	\$55,250.00
SCC Electric 1109026 1001097227	1301 Grant Ave, B Novato, CA 94945 (415)599-6545	Electric	\$200,541
O'Grady Paving 201696 1000003381	2513 Wayandotte St. Mountain View, CA 94043 (650) 966-1226	Asphalt & Earthwork	\$217,200
Tree to Green Landscaping Co 560057 1000025768	6145 De Sabla Ln. Magalia, CA 95954 (530) 327-8436	Landscape	\$49,985
Robertson Recreational Surfaces 667261 1000002700	2140 East Cedar St. Tempe, AZ 85281 (800)858-0519	Pour In Place Surface	\$22,012
AAA Fence 522763 1000002526	2746 Scott Blvd Santa Clara, CA 95050 (408) 727-5465	Fencing	\$56,488
A3 Pipeline 1091794 1000977207	121 Quint St San Francisco, CA 94124 (510) 374-9845	Site Utilities	\$121,550

* Use Cost Amount representing actual work to be performed by the respective subcontractor.

SIGNATURE BLOCK

The names of all persons interested in the foregoing proposal as principals are as follows:

IMPORTANT NOTICE: If the Bidder or other interested person is a corporation, state the legal name of the corporation, also the names of the president, secretary, treasurer, and manager thereof; if a co-partnership, state the true name of firm, also the names of all individual copartners composing firm; if the Bidder or other interested person is an individual, state the first and last names in full.

Buhler Commercial

President - Steve Buhler

Secretary - Steve Buhler

Treasurer - Steve Buhler

Manager - Steve Buhler

By my signature on this proposal I certify, under penalty of perjury under the laws of the State of California, that the Non-Collusion Affidavit required by Public Contract Code Section 7106 is true and correct.

SIGN HERE

 Date: 9/5/24 
 Signature of Bidder *Must be Properly Notarized*

Business address 400 Brannan St Ste #204 San Francisco, CA 94107

Place of business 400 Brannan St Ste #204 San Francisco, CA 94107

Place of residence 400 Brannan St Ste #204 San Francisco, CA 94107

Form of Company (check one):

- California Corporation Limited Partnership Other (specify)

END OF SECTION

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 Alameda)

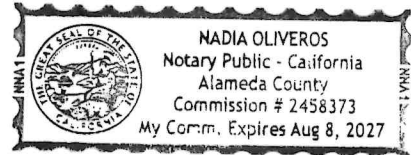
On 9/5/2024 before me, Nadia Oliveros
(insert name and title of the officer)

personally appeared Steve Buhler,
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  (Seal)



**SECTION 00 43 13
BOND ACCOMPANYING BID (BIDDER'S BOND)**

KNOW ALL MEN BY THESE PRESENTS,

That we, Buhler Commercial, as PRINCIPAL, and Arch Insurance Company as SURETY, are held and firmly bound unto the City of Newark in the penal sum of TEN PERCENT (10%) OF THE TOTAL AMOUNT OF THE BID of the Principal above named, submitted by said Principal to the City of Newark, Public Works Department, 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 and successors, jointly and severally, firmly by these presents. In no case shall the liability of the surety hereunder exceed the sum of Ten Percent of the Amount Bid (\$ 10%).

THE CONDITION OF THIS OBLIGATION IS SUCH that whereas the Principal has submitted the above-mentioned bid to the City of Newark, for certain construction specifically described as follows for which bids are to be opened at Newark, California on Tuesday, September 3, 2024 for:

**NEWARK RESOURCE CENTER RENOVATIONS
Projects 1360**


NOW, THEREFORE, if the aforesaid Principal is awarded the contract and within the time and manner required in these Specifications, after the prescribed forms are presented to him for signature, enters into a written contract for the work in accordance with the proposal, and files the two bonds with the Public Works Department, 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 effect.

Bidder's Bond (continued)

In the event suit is brought upon this bond by the City of Newark and judgment is recovered, the surety shall pay all costs incurred by the City of Newark 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 seals on this 26th day of August, 2024.

PRINCIPAL: Buhler Commercial

Signature 

Address: 400 Brannan Street, Suite #204

City San Francisco State CA Zip 94107

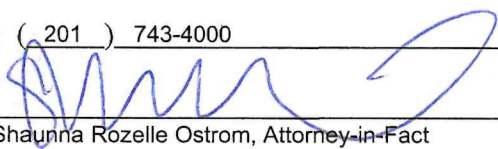
Phone: (415) 610-8650

SURETY: Arch Insurance Company

Home Office Address: Harborside 3, 210 Hudson Street, Suite 300

City Jersey City State NJ Zip 07311

Phone: (201) 743-4000

By: 
Shaunna Rozelle Ostrom, Attorney-in-Fact

SURETY AGENT: Commercial Surety Bond Agency

Office Address: 1411 N. Batavia St., Suite 201

City Orange State CA Zip 92867

Phone: (714) 516-1232

NOTE: Signatures of those executing for the surety must be properly notarized.

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 08/26/2024 before me, Melissa Ann Vaccaro, Notary Public
(insert name and title of the officer)

personally appeared Shaunna Rozelle Ostrom,
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  (Seal)
Melissa Ann Vaccaro



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 Note, Loan, Letter of Credit, Currency Rate, Interest Rate or Residential Value Guarantees.

POWER OF ATTORNEY

Know All Persons By These Presents:

That the Arch Insurance Company, a corporation organized and existing under the laws of the State of Missouri, having its principal administrative office in Jersey City, New Jersey (hereinafter referred to as the "Company") does hereby appoint:

Ben Stong, Michael D. Stong and R. Nappi of Riverside, CA (EACH) Benjamin Wolfe, Chelsea Liberatore of Sacramento, CA (EACH) Adrian Langrell, Arturo Ayala, Daniel Huckabay, Dwight Reilly, Frank Morones and Shaunna Rozelle Ostrom of Orange, CA (EACH)

its true and lawful Attorney(s)-in-Fact, to make, execute, seal, and deliver from the date of issuance of this power for and on its behalf as surety, and as its act and deed: Any and all bonds, undertakings, recognizances and other surety obligations, in the penal sum not exceeding One Hundred Fifty Million Dollars (\$150,000,000.00). This authority does not permit the same obligation to be split into two or more bonds in order to bring each such bond within the dollar limit of authority as set forth herein.

The execution of such bonds, undertakings, recognizances and other surety obligations in pursuance of these presents shall be as binding upon the said Company as fully and amply to all intents and purposes, as if the same had been duly executed and acknowledged by its regularly elected officers at its principal administrative office in Jersey City, New Jersey.

This Power of Attorney is executed by authority of resolutions adopted by unanimous consent of the Board of Directors of the Company on August 31, 2022, true and accurate copies of which are hereinafter set forth and are hereby certified to by the undersigned Secretary as being in full force and effect:

"VOTED, That the Chairman of the Board, the President, or the Executive Vice President, or any Senior Vice President, of the Surety Business Division, or their appointees designated in writing and filed with the Secretary, or the Secretary shall have the power and authority to appoint agents and attorneys-in-fact, and to authorize them subject to the limitations set forth in their respective powers of attorney, to execute on behalf of the Company, and attach the seal of the Company thereto, bonds, undertakings, recognizances and other surety obligations obligatory in the nature thereof, and any such officers of the Company may appoint agents for acceptance of process."

This Power of Attorney is signed, sealed and certified by facsimile under and by authority of the following resolution adopted by the unanimous consent of the Board of Directors of the Company on August 31, 2022:

VOTED, That the signature of the Chairman of the Board, the President, or the Executive Vice President, or any Senior Vice President, of the Surety Business Division, or their appointees designated in writing and filed with the Secretary, and the signature of the Secretary, the seal of the Company, and certifications by the Secretary, may be affixed by facsimile on any power of attorney or bond executed pursuant to the resolution adopted by the Board of Directors on August 31, 2022, and any such power so executed, sealed and certified with respect to any bond or undertaking to which it is attached, shall continue to be valid and binding upon the Company. In Testimony Whereof, the Company has caused this instrument to be signed and its corporate seal to be affixed by their authorized officers, this 10th day of February, 2023.

Attested and Certified

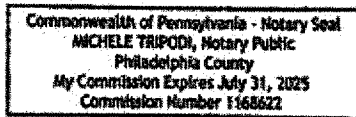
Regan A. Shulman, Secretary



Stephen C. Ruschak, Executive Vice President

STATE OF PENNSYLVANIA SS COUNTY OF PHILADELPHIA SS

I, Michele Tripodi, a Notary Public, do hereby certify that Regan A. Shulman and Stephen C. Ruschak personally known to me to be the same persons whose names are respectively as Secretary and Executive Vice President of the Arch Insurance Company, a Corporation organized and existing under the laws of the State of Missouri, subscribed to the foregoing instrument, appeared before me this day in person and severally acknowledged that they being thereunto duly authorized signed, sealed with the corporate seal and delivered the said instrument as the free and voluntary act of said corporation and as their own free and voluntary acts for the uses and purposes therein set forth.



Michele Tripodi, Notary Public My commission expires 07/31/2025

CERTIFICATION

I, Regan A. Shulman, Secretary of the Arch Insurance Company, do hereby certify that the attached Power of Attorney dated February 10, 2023 on behalf of the person(s) as listed above is a true and correct copy and that the same has been in full force and effect since the date thereof and is in full force and effect on the date of this certificate; and I do further certify that the said Stephen C. Ruschak, who executed the Power of Attorney as Executive Vice President, was on the date of execution of the attached Power of Attorney the duly elected Executive Vice President of the Arch Insurance Company.

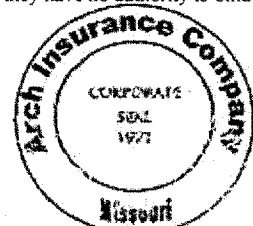
IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed the corporate seal of the Arch Insurance Company on this 26th day of August, 2024

Regan A. Shulman, Secretary

This Power of Attorney limits the acts of those named therein to the bonds and undertakings specifically named therein and they have no authority to bind the Company except in the manner and to the extent herein stated.

PLEASE SEND ALL CLAIM INQUIRIES RELATING TO THIS BOND TO THE FOLLOWING ADDRESS:

Arch Insurance - Surety Division 3 Parkway, Suite 1500 Philadelphia, PA 19102



To verify the authenticity of this Power of Attorney, please contact Arch Insurance Company at SuretyAuthentic@archinsurance.com Please refer to the above named Attorney-in-Fact and the details of the bond to which the power is attached.



August 09, 2024

ADDENDUM NO. 1

**PROJECT: FY 2023-2024 NEWARK RESOURCE CENTER RENOVATIONS –
PROJECT 1360**

The Contract Documents are hereby revised as indicated by this Addendum No. 1, dated August 09, 2024:

1. Questions and Answers

The attached Questions and Answers document dated 08/09/24 has been added.

IMPORTANT:

**RECEIPT OF THIS ADDENDUM MUST BE ACKNOWLEDGED BY COMPLETING THE
ADDENDA SECTION ON PAGE 4 OF 11 OF THE BID FORM. BID FORM IS PART OF
BID PACKAGE ITEM 1.**



510.578.4289



cmo@newark.org



www.newark.org



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August 27, 2024

ADDENDUM NO. 2

PROJECT: FY 2023-2024 NEWARK RESOURCE CENTER RENOVATIONS – PROJECT 1360

The Contract Documents are hereby revised as indicated by this Addendum No. 2, dated August 27, 2024:

1. **Questions and Answers**

The attached Questions and Answers document dated 08/27/24 has been added.

2. **Pre Bid Conference**

The attached Pre Bid Conference sign in sheet dated 08/22/24 has been added.

IMPORTANT:

RECEIPT OF THIS ADDENDUM MUST BE ACKNOWLEDGED BY COMPLETING THE ADDENDA SECTION ON PAGE 4 OF 11 OF THE BID FORM. BID FORM IS PART OF BID PACKAGE ITEM 1.



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August 30, 2024

ADDENDUM NO. 3

PROJECT: FY 2023-2024 NEWARK RESOURCE CENTER RENOVATIONS – PROJECT 1360

The Contract Documents are hereby revised as indicated by this Addendum No. 3, dated August 30, 2024:

1. **Questions and Answers**

The attached Questions and Answers document dated 08/30/24 has been added.

2. **Special Inspections**

The attached special inspections clarifications have been added. These notes will be part of S502 on the issue for construction set. The attached Special Inspection Agency Recognition List and Special Inspection & Testing Statement has been added. Document dated June 25, 2020. The City will hire the special 3rd party special inspector.

3. **Site Logistics**

The attached Site Logistics Plan dated 8/30/24 has been added.

IMPORTANT:

RECEIPT OF THIS ADDENDUM MUST BE ACKNOWLEDGED BY COMPLETING THE ADDENDA SECTION ON PAGE 4 OF 11 OF THE BID FORM. BID FORM IS PART OF BID PACKAGE ITEM 1.



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