

**SYLVAN UNION SCHOOL DISTRICT
ROOFING PROJECTS - MULTIPLE SITES, Bid No: 2017-18 #5**

DOCUMENT 00 41 13

BID FORM AND PROPOSAL

To: Governing Board of Sylvan Union School District ("District" or "Owner")

From: D.K. Enterprises Inc dba King's Roofing
(Proper Name of Bidder)

The undersigned declares that the Contract Documents, including, without limitation, the Notice to Bidders and the Instructions to Bidders, have been read, and agrees and proposes to furnish all necessary labor, materials, and equipment to perform and furnish all work in accordance with the terms and conditions of the Contract Documents, including, without limitation, the Drawings and Specifications of **Bid No: 2017-18 #5**

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("Project" or "Contract") and will accept in full payment for that Work the following total lump sum amount for each separate project as enumerated below, all taxes included:

1. Ustach Middle School, MPR Shingle Roof Replacement

Two hundred twenty-three thousand , five hundred thirty eight dollars.	lump sum dollars	\$ <u>223,538.00</u>
BASE BID IN WRITTEN FORM		IN NUMBERS

Unit Cost for plywood deck replacement \$ 5.50 per square foot

2. Ustach Middle School, Designated Built-up Roof Restorations

Two hundred eight thousand, three hundred and forty dollars.	lump sum dollars	\$ <u>208,340.00</u>
BASE BID IN WRITTEN FORM		IN NUMBERS

3. Sylvan Elementary School Buildings A-F Restoration of Single Ply Roofing

One million, one hundred thirty-six thousand, eight hundred and fifty-seven dollars.	lump sum dollars	\$ <u>1,136,857.00</u>
BASE BID IN WRITTEN FORM		IN NUMBERS

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Unit Cost to match existing deck replacement \$ 8.50 per linear foot.

Unit Cost for plywood decking to match replace existing \$ 5.50 per square foot.

**Roof Resotation Manufacturer's 10 Year Service Agreement \$ 42,875.00
Lump sum**

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

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4. The undersigned has notified the District in writing of any discrepancies or omissions or of any doubt, questions, or ambiguities about the meaning of any of the Contract Documents, and has contacted the Construction Manager before bid date to verify the issuance of any clarifying Addenda.
5. The undersigned agrees to commence work under this Contract on the date established in the Contract Documents and to complete all work within the time specified in the Contract Documents.
6. The liquidated damages clause of the General Conditions and Agreement is hereby acknowledged.
7. It is understood that the District reserves the right to reject this bid and that the bid shall remain open to acceptance and is irrevocable for a period of ninety (90) days.
8. **The following documents are attached hereto:**
 - **Bid Bond on the District's form or other security**
 - **Designated Subcontractors List**
 - **Noncollusion Declaration**
9. **Receipt and acceptance of the following addenda is hereby acknowledged:**

No. <u>1</u> , Dated <u>3/26/18</u>	No. _____, Dated _____
No. _____, Dated _____	No. _____, Dated _____
No. _____, Dated _____	No. _____, Dated _____

10. Bidder acknowledges that the license required for performance of the Work is a Class C-39.
11. The undersigned hereby certifies that Bidder is able to furnish labor that can work in harmony with all other elements of labor employed or to be employed on the Work.
12. Bidder specifically acknowledges and understands that if it is awarded the Contract, that it shall perform the Work of the Project while complying with all requirements of the Department of Industrial Relations.
13. Bidder specifically acknowledges and understands that if it is awarded the Contract, that it shall perform the Work of the Project while complying with the Davis Bacon Act, applicable reporting requirements, and any and all other applicable requirements for federal funding. If a conflict exists, the more stringent requirement shall control.
14. The Bidder represents that it is competent, knowledgeable, and has special skills with respect to the nature, extent, and inherent conditions of the Work to be performed. Bidder further acknowledges that there are certain peculiar and inherent conditions

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INFORMATION REQUIRED OF BIDDERS

1. INFORMATION ABOUT BIDDER

- a. Name of Bidder: D.K. Enterprises Inc. dba King's Roofing
- b. Type of Entity: Corporation
- c. Bidder Address: PO Box 1542 / Patterson, CA 95363

Facsimile Number (209)892-5225 Telephone Number (209)892-3386

- d. How many years has Bidder's organization been in business as a Contractor? 29

- e. Under what other or former names has Bidder's organization operated?
N/A

- f. If Bidder's organization is a corporation, answer the following:

- i. Date of Incorporation: October 24, 1997
- ii. State of Incorporation: California
- iii. President's Name: David King
- iv. Vice-President's Name(s): N/A
- v. Secretary's Name: David King
- vi. Treasurer's Name: David King

- g. If an individual or a partnership, answer the following:

- i. Date of Organization: N/A
- ii. Name and address of all partners (state whether general or limited partnership): N/A

- h. Name of Bonding Company and Name and Address of Agent:
The Ohio Casualty Insurance Company

2. Where scope of Work is decreased, all Work pertaining to the item, whether specifically stated or not, shall be omitted, and where scope of Work is increased, all work pertaining to that item required to render same ready for use on the Project in accordance with intentions of the Specifications shall be included in the above agreed-upon price amount.
3. The undersigned has reviewed the Work outlined in the Contract Documents and fully understands the scope of Work required in this bid, understands the construction and project management function(s) is described in the Contract Documents, and that each Bidder who is awarded a contract shall be in fact a prime contractor, not a subcontractor, to the District, and agrees that its bid, if accepted by the District, will be the basis for the Bidder to enter into a contract with the District in accordance with the intent of the Contract Documents.

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existent in the construction of the Work that may create, during the Work, unusual or peculiar unsafe conditions hazardous to persons and property.

15. Bidder expressly acknowledges that it is aware of such peculiar risks and that it has the skill and experience to foresee and to adopt protective measures to adequately and safely perform the Work with respect to such hazards.
16. Bidder expressly acknowledges that it is aware that if a false claim is knowingly submitted (as the terms "claim" and "knowingly" are defined in the California False Claims Act, Cal. Gov. Code, §12650 et seq.), the District will be entitled to civil remedies set forth in the California False Claim Act. It may also be considered fraud and the Contractor may be subject to criminal prosecution.
17. The undersigned Bidder certifies that it is, at the time of bidding, and shall be throughout the period of the contract, licensed by the State of California to do the type of work required under the terms of the Contract Documents and registered as a public works contractor with the Department of Industrial Relations. Bidder further certifies that it is regularly engaged in the general class and type of work called for in the Contract Documents.

Furthermore, Bidder hereby certifies to the District that all representations, certifications, and statements made by Bidder, as set forth in this bid form, are true and correct and are made under penalty of perjury.

Dated this 9 day of April 2018

Name of Bidder D.K. Enterprises Inc dba King's Roofing

Type of Organization Corporation

Signed by David King 

Title of Signer President

Address of Bidder PO Box 1542 / Patterson, CA 95363

Taxpayer's Identification No. of Bidder 77-0467753

Telephone Number (209)892-3386

Fax Number (209)892-5225

E-mail robertspiers@kingsroofing.net
cc: ann@kingsroofing.net Web page www.KingsRoofing.net

Contractor's License No(s): No.: 576154 Class: B; C39; C43 Expiration Date: 03-31-20

No.: N/A Class: N/A Expiration Date: N/A

No.: N/A Class: N/A Expiration Date: N/A

Public Works Contractor Registration No.: 1000000711

If Bidder is a corporation, affix corporate seal.

Name of Corporation: DK Enterprises Inc.

President: David King

Secretary: David King

Treasurer: David King Manager: N/A

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**NONCOLLUSION DECLARATION
Public Contract Code Section 7106**

TO BE EXECUTED BY CONTRACTOR AND SUBMITTED WITH BID

The undersigned declares:

I am the President of D.K. Enterprises Inc dba King's Roofing,
(Title) (Bidder Name)
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 this 9 day of April, 2018 at Patterson, CA.
(City, State)

Proper Name of Bidder: DK Enterprises Inc. dba King's Roofing
Signature: 
Print Name: David King
Title: President

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DESIGNATED SUBCONTRACTORS LIST
(TO BE EXECUTED BY BIDDER AND SUBMITTED WITH BID)

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Bidder acknowledges and agrees that under Public Contract Code section 4100, et seq., it must clearly set forth below the name, location and California contractor license number of each subcontractor who will perform work or labor or render service to the Bidder in or about the construction of the Work or who will specially fabricate and install a portion of the Work according to detailed drawings contained in the plans and specifications in an amount in excess of one-half of one percent (0.5%) of Bidder's total Bid and the kind of Work that each will perform. Vendors or suppliers of materials only do not need to be listed.

Bidder acknowledges and agrees that under Public Contract Code section 4100, et seq., if Bidder fails to list as to any portion of Work, or if Bidder lists more than one subcontractor to perform the same portion of Work, Bidder must perform that portion itself or be subjected to penalty under applicable law. In case more than one subcontractor is named for the same kind of Work, state the portion of the kind of Work that each subcontractor will perform.

If alternate bids are called for and Bidder intends to use subcontractors different from or in addition to those subcontractors listed for work under the base Bid, Bidder must list subcontractors that will perform Work in an amount in excess of one half of one percent (0.5%) of Bidder's total Bid, including alternates.

If further space is required for the list of proposed subcontractors, attach additional sheets showing the required information, as indicated below.

Subcontractor Name: _____

CA Cont. Lic. #: _____ Location: ____

Portion of Work: _____

N/A

Subcontractor Name: _____

CA Cont. Lic. #: _____ Location: ____

Portion of Work: _____

Subcontractor Name: _____

CA Cont. Lic. #: _____ Location: ____

Portion of Work: _____

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Subcontractor Name: _____

CA Cont. Lic. #: _____ Location: ____

Portion of Work: _____

Subcontractor Name: _____

CA Cont. Lic. #: _____ Location: ____

Portion of Work: _____

Subcontractor Name: _____

CA Cont. Lic. #: _____ Location: ____

Portion of Work: _____

Subcontractor Name: _____

CA Cont. Lic. #: _____ Location: ____

Portion of Work: _____

Subcontractor Name: _____

CA Cont. Lic. #: _____ Location: ____

Portion of Work: _____

Subcontractor Name: _____

CA Cont. Lic. #: _____ Location: ____

Portion of Work: _____

Subcontractor Name: _____

CA Cont. Lic. #: _____ Location: ____

Portion of Work: _____

Date: 4/19/18

Proper Name of Bidder: DK Enterprises Inc. dba King's Roofing

Signature: 

Print Name: David King

Title: President

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BID BOND

(Note: If Bidder is providing a bid bond as its bid security, Bidder must use this form, NOT a surety company form.)

KNOW ALL PERSONS BY THESE PRESENTS:

That the undersigned, as D.K. Enterprises, Inc dba: King's Roofing as Principal ("Principal"),

and The Ohio Casualty Insurance Company as Surety ("Surety"), a corporation organized and existing under and by virtue of the laws of the State of and authorized to do business as a surety in the State of California, are held and firmly bound unto the Sylvan Union School District ("District") of Stanislaus County, State of California as Obligee, in the sum of

Ten Percent of the Total Amount of Bid Dollars (\$ 10% of Bid)

lawful money of the United States of America, for the payment of which sum well and truly to be made, we, and each of us, 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 a bid to the District for all Work specifically described in the accompanying bid;

NOW, THEREFORE, if the Principal is awarded the Contract and, within the time and manner required under the Contract Documents, after the prescribed forms are presented to Principal for signature, enters into a written contract, in the prescribed form in accordance with the bid, and files two bonds, one guaranteeing faithful performance and the other guaranteeing payment for labor and materials as required by law, and meets all other conditions to the contract between the Principal and the Obligee becoming effective, or if the Principal shall fully reimburse and save harmless the Obligee from any damage sustained by the Obligee through failure of the Principal to enter into the written contract and to file the required performance and labor and material bonds, and to meet all other conditions to the Contract between the Principal and the Obligee becoming effective, then this obligation shall be null and void; otherwise, it shall be and remain in full force and effect. The full payment of the sum stated above shall be due immediately if Principal fails to execute the Contract within seven (7) days of the date of the District's Notice of Award to Principal.

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

In the event suit is brought upon this bond by the Obligee and judgment is recovered, the Surety shall pay all costs incurred by the Obligee in such suit, including a reasonable attorneys' fee to be fixed by the Court.

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If the District awards the bid, the security of unsuccessful bidder(s) shall be returned within sixty (60) days from the time the award is made. Unless otherwise required by law, no bidder may withdraw its bid for ninety (90) days after the date of the bid opening.

IN WITNESS WHEREOF, this instrument has been duly executed by the Principal and Surety above named, on the 5th day of April, 2018.

(Affix Corporate Seal)

D.K. Enterprises, Inc dba: King's Roofing
Principal

By 

(Affix Corporate Seal)

The Ohio Casualty Insurance Company
Surety

David Weise
By David Weise, Attorney-In-Fact

Karissa Lowry
Name of California Agent of Surety

2710 Gateway Oaks Drive, Suite 150N, Sacramento, CA 95833
Address of California Agent of Surety

N/A
Telephone Number of California Agent of Surety

Bidder must attach Power of Attorney and Certificate of Authority for Surety and a Notarial Acknowledgment for all Surety's signatures. The California Department of Insurance must authorize the Surety to be an admitted Surety Insurer.

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 Sacramento)

On April 5, 2018 before me, Tina S. Salas, Notary Public
(insert name and title of the officer)

personally appeared David Weise
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 Tina A Salas (Seal)



THIS POWER OF ATTORNEY IS NOT VALID UNLESS IT IS PRINTED ON RED BACKGROUND.

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.

Certificate No. 7728233

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

POWER OF ATTORNEY

KNOWN ALL PERSONS BY THESE PRESENTS: That The Ohio Casualty Insurance Company is a corporation 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, David Weise; Lynn E. Patton; Nicki Moon; Rosalie A. Miskiel; Thomas R. Hucik; Tina S. Salas

all of the city of Walnut Creek, state of CA each individually if there be more than one named, its true and lawful attorney-in-fact to make, execute, seal, acknowledge and deliver, for and on its behalf as surety and as its act and deed, any and all undertakings, bonds, recognizances and other surety obligations, in pursuance of these presents and shall be as binding upon the Companies as if they have been duly signed by the president and attested by the secretary of the Companies in their own proper persons.

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 12th day of April, 2017.



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 12th day of April, 2017, before me personally appeared David M. Carey, who acknowledged himself to be the Assistant Secretary of 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 King of Prussia, Pennsylvania, on the day and year first above written.



COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Teresa Pastella, Notary Public
Upper Merion Twp., Montgomery County
My Commission Expires March 28, 2021
Member, Pennsylvania Association of Notaries

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 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, Renee C. Llewellyn, the undersigned, Assistant Secretary, 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 5th day of April, 2018



By: Renee C. Llewellyn
Renee C. Llewellyn, Assistant Secretary

Not valid for mortgage, note, loan, letter of credit, currency rate, interest rate or residual value guarantees.

To confirm the validity of this Power of Attorney call 1-610-832-8240 between 9:00 am and 4:30 pm EST on any business day.