

CITY OF SANTA ANA
PROPOSAL
 PROJECT NO.: 21-2727
 CABRILLO PARK IRRIGATION RENOVATION

EXHIBIT 3
 ADDENDUM NO. ONE

BID PROPOSAL

TO: CITY COUNCIL OF THE CITY OF SANTA ANA

FROM: Marina Landscape, Inc.

REQUIREMENT:

The undersigned bidder declares that they have carefully examined the location of the proposed work, that they have examined the Contract Documents in its entirety and hereby proposes to furnish all material and do all the work required to complete the said work in accordance with said plans (if any) and the specifications for the unit price(s) or lump sum(s) set forth in the following schedule:

Item	Description	Qty	Unit	Unit Price	Amount
1	Site Demolition (existing irrigation, misc demo)	1	LS	\$ 15,000.00	\$ 15,000.00
2	Electrical/Controller/Conduit/wiring †	1	LS	\$ 14,000.00	\$ 14,000.00
3	Construct AC Paving (T=6") *	300	SF	\$ 31.00	\$ 9,300.00
4	Construct Concrete Surface (T=6") *	1000	SF	\$ 25.00	\$ 25,000.00
5	Baseball Infield Mix *	1,000	SF	\$ 6.00	\$ 6,000.00
6	New Sod adjacent to Baseball Infield (Kikuyu grass) *	1,500	SF	\$ 2.40	\$ 3,600.00
7	Hibiscus, 15 Gal *	5	EA	\$ 200.00	\$ 1,000.00
8	Shrub, 1 Gal *	350	EA	\$ 15.00	\$ 5,250.00
9	Shrub, 5 Gal *	150	EA	\$ 35.00	\$ 5,250.00
10	3" Thick Layer of Mulch	2000	SF	\$ 1.00	\$ 2,000.00
11	Project Advertisement Sign	1	EA	\$ 2,500.00	\$ 2,500.00
12	Irrigation Complete System	1	LS	\$ 351,500.00	\$ 351,500.00
13	Landscaping and Irrigation Maintenance Period (90 Calendar Days)	1	LS	\$ 6,000.00	\$ 6,000.00
14	As-Built Plans	1	LS	\$ 3,000	\$ 3,000

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Item	Description	Qty	Unit	Unit Price	Amount
15	Construction Permit	1	LS	\$ 10,000	\$ 10,000
16	Furnish and Install Temporary 6' tall Chain Link Fence to Secure the Park (include gate)	1	LS	\$ 9,600.00	\$ 9,600.00
TOTAL BASE BID				\$ 469,000.00	

The lowest responsible bidder shall be selected based on the total base bid. The City reserves the right to award the Base Bid, and any, all, or none of the add-alternate bid items (if any).

* The quantity for this bid item is shown for bid comparison only. This bid item shall not be subject to the "25%" limit as stated in Section 3-2 of the Standard Specifications. The actual amount for this item will be dictated by the actual quantity used, and the Agency reserves the right to increase or decrease the quantity of this item accordingly.

† This bid item is considered a Specialty Item per Section 2-3.2 of the Standard Specifications.

TIME FOR COMPLETION OF IMPROVEMENTS AND LIQUIDATED DAMAGES

The undersigned bidder hereby proposes to complete the Work for the total base bid amount shown above, within sixty (60) working days after the commencement date stated in the Notice to Proceed plus ninety (90) calendar days for landscaping and irrigation maintenance period.

The liquidated damages amount, in lieu of the amount specified in Subsection 6-9 of the Standard Specifications, shall be \$1,500 per calendar day.

Name of Firm Marina Landscape, Inc.

Signature of BIDDER  Hue Ta

Title Vice President of Estimating

(If an individual, so state. If a firm or co-partnership, state the firm name and give the names of all individual co-partners composing the firm. If a corporation, state legal name of corporation, and names of President, Secretary, Treasurer and Manager, thereof.)

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BIDDER'S STATEMENT

BIDDER understands and agrees that this Bid Proposal, Contract Documents and subsequent Construction Contract Agreement shall constitute the entire agreement between BIDDER and the AGENCY only after it has been accepted by the City Council, endorsed by the Clerk of the Council with her signature and official seal noting hereon the action of approval of the Council, signed by the Public Works Agency Executive Director or his/her duly authorized agent, and signed by the City Attorney, denoting his approval of the form of this document, and its execution, and when it or an exact copy of it has been either delivered to BIDDER or deposited with the United States Postal Service properly addressed to the BIDDER with the correct postage affixed thereto.

BIDDER further agrees that upon delivery (as defined above) of the accepted agreement he/she will furnish AGENCY all required bonds and certificate of liability insurance within ten (10) business days or the funds, check, draft, or BIDDERS bond substituted in lieu thereof accompanying this proposal shall become the property of the AGENCY and shall be considered as payment of damages due to the delay and other causes suffered by AGENCY because of the failure to furnish the necessary bonds and because it is distinctly agreed that the proof of damages actually suffered is difficult to ascertain; otherwise said funds, check, drafts, or BIDDER'S bond substituted in lieu thereof shall be returned to the undersigned.

BIDDER understands that a bid is required for the entire work, the estimated quantities set forth in the bid schedule are solely for the purpose of comparing bids, and that final compensation under the contract will be based upon the actual quantities of work satisfactorily completed. The BIDDER also certifies that the bid is a balanced bid.

In accordance with Section 7028.15 of the California Business and Professions Code, the undersigned certifies under penalty of perjury that the foregoing is true and correct.

Name of Firm Marina Landscape, Inc.

Signature of BIDDER  Hue Ta

Title Vice President of Estimating

(If an individual, so state. If a firm or co-partnership, state the firm name and give the names of all individual co-partners composing the firm. If a corporation, state legal name of corporation, and names of President, Secretary, Treasurer and Manager, thereof.)

Marina Landscape, Inc.
Robert B. Cowan - President, Secretary, CEO, Treasurer
Ali Tavakoli - Vice President
Ligia Keith - Chief Financial Officer
Hue Ta - Vice President of Estimating

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CONTRACTOR'S LICENSING AND REGISTRATION STATEMENT

The undersigned contractor, or corporate officer, declares under penalty of perjury that he/she and all his/her subcontractors are registered with the State of California Department of Industrial Relations (DIR), and that the following is true and correct.

Contractor's Name: Marina Landscape, Inc.

Business Address: 3707 W. Garden Grove Blvd, Orange, CA 92868

Business E-Mail Address: estimator@marinaco.com

Telephone: 714-939-6600

State Contractor's License No. and Class: 492862 – A,B,C27,C29,C36,C61,D49,D59

License Expiration Date: 6/30/2022

State Dept. of Industrial Relations (DIR)
Registration No.: 1000000079

State Dept. of Industrial Relations (DIR)
Registration Expiration Date: 6/30/2022

Signed:  Hue Ta

Title: Vice President of Estimating

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PREVAILING WAGE COMPLIANCE AND MONITORING STATEMENT

Contractor is aware of the requirements of California Labor Code Section 1720, et seq., as well as California Code of Regulations, Title 8, Section 16,000, et seq., ("Prevailing Wage Laws"), which require the payment of prevailing wage rates and the performance of other requirements on "public works" and "maintenance" projects. Since the services are being performed as part of an applicable "public works" or "maintenance" project, as defined by the Prevailing Wage Laws, and since the total compensation is \$1,000 or more, Contractor agrees to fully comply with such Prevailing Wage Laws.

City shall provide Contractor with a copy of the prevailing rates of per diem wages in effect at the commencement of this Agreement. Contractor shall make copies of the prevailing rates of per diem wages for each craft, classification or type of worker needed to execute the services available to interested parties upon request, and shall post copies at the Contractor's principal place of business and at the project site.

Contractor shall defend, indemnify and hold the City, its elected officials, officers, employees and agents free and harmless from any claim or liability arising out of any failure or alleged failure to comply with the Prevailing Wage Laws.

The undersigned certifies that the foregoing is true and correct.

Name of Firm Marina Landscape, Inc.

Signature of BIDDER  Hue Ta

Title Vice President of Estimating
(if an individual, so state)

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LIST OF SUB-CONTRACTORS

Section 4100 et. seq. of the Public Contract Code requires listing of all subcontractors with the bid for all subcontract work exceeding the following amount:

- Streets, highways including bridge projects: ½% of the bid or \$10,000, whichever is greater
- Buildings, parks, or other projects: ½% of the bid

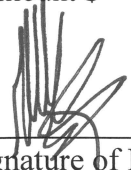
Section 1725.5 of the Public Contract Code requires all Subcontractors be registered with the State Department of Industrial Relations (DIR).

BIDDER proposes to subcontract certain portions of the work to the firms listed below:

Name <u>CALIFORNIA PROFESSIONAL ENGINEERING, INC.</u> License #/Exp. <u>793907 / 04-30-2023</u> DIR Reg. #/Exp. <u>1000377609 / 06-30-2023</u> Location <u>LA PUENTE, CA 91748</u> Phone <u>626-810-1338</u> Type Of Work <u>ELECTRICAL</u> Amount \$ <u>10,000.00</u>	Name <u>EBS</u> License #/Exp. <u>720016A / 03-31-2022</u> DIR Reg. #/Exp. <u>100005295 / 06-30-2022</u> Location <u>CORONA CA 92879</u> Phone <u>951-279-6869</u> Type Of Work <u>CONCRETE SURFACE</u> Amount \$ <u>9,000.00</u>
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Name <u>CALIFORNIA PROFESSIONAL ENGINEERING, INC.</u> License #/Exp. <u>793907 / 04-30-2023</u> DIR Reg. #/Exp. <u>1000377609 / 06-30-2023</u> License # <u>793907</u> Location <u>LA PUENTE, CA 91748</u> Phone <u>626-810-1338</u> Type Of Work <u>ELECTRICAL</u> Amount \$ <u>10,000.00</u>	Name _____ License #/Exp. _____ DIR Reg. #/Exp. _____ License # _____ Location _____ Phone _____ Type Of Work _____ Amount \$ _____
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Name _____ License #/Exp. _____ DIR Reg. #/Exp. _____ License # _____ Location _____ Phone _____ Type Of Work _____ Amount \$ _____	Name _____ License #/Exp. _____ DIR Reg. #/Exp. _____ License # _____ Location _____ Phone _____ Type Of Work _____ Amount \$ _____
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Signature of Bidder

Hue Ta - Vice President of Estimating

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REFERENCES

The following are the names, addresses, and telephone numbers for **THREE** public agencies for which the BIDDER has performed similar work within the past three years.

1. Los Angeles Conservation Corps - John Van de Kamp Center, 1400 N Spring St, Los Angeles, CA 90012
Name and Address of Owner.
Carlos O. Campero - (213) 749-3601 x312
Name and Telephone Number of person familiar with project.

<u>\$ 875,884</u>	<u>Improvements 3 acre park restoring habitat, walking path, site furnishings</u>	<u>6/21/2021</u>
Contract Amount	Type of Work	Date Completed
2. City of Downey - 11111 Brookshire Avenue. Downey, CA 90241
Name and Address of owner.
Melanie Cazin - (714) 318-3923
Name and Telephone Number of person familiar with project.

<u>\$ 753,784</u>	<u>Irrigation & Landscape</u>	<u>7/15/2020</u>
Contract Amount	Type of Work	Date Completed
3. City of Irvine - 1 Civic Center Plaza, Irvine, CA 92606
Name and Address of owner.
Brian D. Brown: 949-724-6474
Name and Telephone Number of person familiar with project.

<u>\$ 456,243</u>	<u>Irrigation & Landscape</u>	<u>9/30/2018</u>
Contract Amount	Type of Work	Date Completed

The following are the names, addresses, and telephone numbers of all brokers and sureties from whom BIDDER intends to procure insurance and bonds.

BERKLEY INSURANCE COMPANY

23046 Avenida de la Carlota, Suite 600, Laguna Hills, CA 92653

(949) 887-6783 Matt Coats

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ADDITIONAL REFERENCES

The following are the names, addresses, and telephone numbers for **THREE** public agencies for which the BIDDER or Subcontractor has performed similar work in the past five years.

1. City of West Hollywood - 8300 Santa Monica Blvd, West Hollywood, CA 90069
Name and Address of Owner.
Rafi Mouradian (818) 996-9666 x125
Name and Telephone Number of person familiar with project.

<u>\$ 1,093,700</u>	<u>Irrigation & Landscape</u>	<u>4/24/2020</u>
Contract Amount	Type of Work	Date Completed
2. LA Department of Parks and Recreation - 221 N Figueroa St, Los Angeles, CA 90012
Name and Address of owner.
Nathan Stanley - (657) 276-3007
Name and Telephone Number of person familiar with project.

<u>\$ 1,274,741</u>	<u>Irrigation & Landscape</u>	<u>9/11/2017</u>
Contract Amount	Type of Work	Date Completed
3. City of Tustin - 300 Centennial Way, Tustin, CA 92780
Name and Address of owner.
Joann Wu. - (714) 573 - 3157
Name and Telephone Number of person familiar with project.

<u>\$ 4,618,982</u>	<u>Irrigation & Landscape</u>	<u>9/8/2019</u>
Contract Amount	Type of Work	Date Completed

The following are the names, addresses, and telephone numbers of all brokers and sureties from whom BIDDER intends to procure insurance and bonds.

BERKLEY INSURANCE COMPANY
23046 Avenida de la Carlota, Suite 600, Laguna Hills, CA 92653
(949) 887-6783 Matt Coats

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NON-DISCRIMINATION CERTIFICATE

The undersigned contractor or corporate officer, during the performance of this contract, certifies as follows:

1. The Contractor shall not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. The Contractor shall take affirmative action to ensure that applicants are employed, and that employees are treated during employment without regard to their race, color, religion, sex, or national origin. Such action shall include, but not be limited to, the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided setting forth the provisions of this nondiscrimination clause.
2. The Contractor shall, in all solicitations or advertisements for employees placed by or on behalf of the Contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, or national origin.
3. The Contractor shall send to each labor union or representative of workers with which he/she has a collective bargaining agreement or other contract or understanding, a notice to be provided advising the said labor union or workers' representatives of the Contractor's commitments under this section, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.
4. The Contractor shall comply with all provisions of Executive Order 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.
5. The Contractor shall furnish all information and reports required by Executive Order 11246 of September 24, 1965, and by rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his/her books, records, and accounts by the administering agency and the Secretary of Labor for purposes of investigation, to ascertain compliance with such rules, regulations, and orders.
6. In the event of the Contractor's non-compliance with the nondiscrimination clauses of this contract or with any of the said rules, regulations, or orders, the contract may be canceled, terminated, or suspended in whole or in part and the Contractor may be declared ineligible for further Government contracts or federally assisted construction contracts in accordance with procedures authorized in Executive Order 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order 11246 of September 24, 1965, or by rule, regulations, or order of the Secretary of Labor, or as otherwise provided by law.

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7. The Contractor shall include the portion of the sentence immediately preceding paragraph (1) and the provisions of paragraphs (1) through (7) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to Section 204 of Executive Order 11246 of September 24, 1965, so that such provisions will be binding upon each subcontract or purchase order as the administering agency may direct as means of enforcing such provisions, including sanctions for noncompliance; provided, however, that in the event the Contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the administering agency, the Contractor may request that the United States enter into such litigation to protect the interests of the United States.
8. Pursuant to California Labor Code Section 1735, as added by Chapter 643 Stats. 1939, and as amended, no discrimination shall be made in the employment of persons upon public works because of race, religious creed, color, national origin, ancestry, physical handicaps, mental condition, marital status, or sex of such persons, except as provided in Section 1420, and any contractor of public works violating this Section is subject to all the penalties imposed for a violation of the Chapter.

Signed:  _____ Hue Ta

Title: Vice President of Estimating

Firm: Marina Landscape, Inc.


Date: 1/20/2022

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STATEMENT REGARDING APPRENTICESHIP REQUIREMENTS

The undersigned BIDDER is familiar with the requirements of Section 1777.5 of the State Labor Code regarding employment of apprentices, and understands that contractors on contracts exceeding \$30,000 or 20 working days shall:

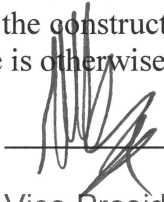
1. Apply to the joint apprenticeship committee administering the apprenticeship standards of the craft or trade in the area of the site of the public work for a certificate approving the contractor under the apprenticeship standards for the employment and training of apprentices in the area or industry affected.
2. Employ the number of apprentices or the ratio of apprentices to journeymen stipulated in the apprenticeship standards.
3. Contribute to the fund or funds in each craft or trade in which he/she employs journeymen or apprentices on the public work, in the same amount or upon the same basis and in the same manner as the other contractors, except contractors not signatory to the trust agreement shall pay a like amount to the California Apprenticeship Council.

Signed:  _____ Hue Ta
Title: Vice President of Estimating
Firm: Marina Landscape, Inc.
Date: 1/20/2022

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STATEMENT REGARDING “ANTI-KICKBACK” REQUIREMENTS

The undersigned is submitting this proposal for performing by contract the work required by these bid documents, agrees to comply with the Copeland “Anti-Kickback” Act (18 USC 74) as supplemented in the Department of Labor regulations (29 CFR, Part 3). This act provides that each contractor or subcontractor shall be prohibited from inducing, by any means, any person employed in the construction or repair of public work, to give up any part of the compensation to which he/she is otherwise entitled.

Signed:  Hue Ta
Title: Vice President of Estimating
Firm: Marina Landscape, Inc.
Date: 1/20/2022

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PUBLIC CONTRACT CODE SECTION 10162 QUESTIONNAIRE

In conformance with Public Contract Code Section 10162, the BIDDER shall complete, under penalty of perjury, the following questionnaire:

Has the BIDDER, any officer of the BIDDER, or any employee of the BIDDER who has a proprietary interest in the BIDDER, ever been disqualified, removed, or otherwise prevented from bidding on, or completing a federal, state, or local government project because of a violation of law or a safety regulation?

Yes _____ No x

If the answer is yes, explain the circumstances in the following space.

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STATEMENT REGARDING COMMUNITY WORKFORCE AGREEMENT (CWA)
REQUIREMENTS

This is to certify that the undersigned BIDDER, and subcontractors, have read and understood the CWA entered into by and between the City of Santa Ana, the Los Angeles/Orange Counties Building and Construction Trades Council, and the signatory Craft Councils and Local Unions, effective as of September 1, 2017. The CWA is available at:

<http://www.santa-ana.org/pwa/documents/CWA.pdf>

The undersigned BIDDER hereby agrees to comply with all terms and conditions of the CWA, and is capable of completing construction of the project continuously, and without interruptions or delays. If awarded any work covered by the CWA, BIDDER will also be required to sign the Letter of Assent that appears as Attachment A to the CWA.

The undersigned BIDDER has reviewed the Public Works Construction Permit and required deposit described in Section 2-2a and the Notice of Inviting Bids.

Signed:  _____ Hue Ta

Title: Vice President of Estimating

Firm: Marina Landscape, Inc.

Date: 1/20/2022



landscape construction
landscape maintenance
landscape architecture
erosion control
design build

Marina Landscape, Inc.

Resolution to Sign Contracts, Bid Documents and Bid Bonds

Whereas, the Corporation requires an additional person as the Corporate Assistant Secretary for signing and executing the Contracts, Bid Documents, and Bid Bonds in the absence of the Secretary. Whereas, it would be desirable to have two (2) Assistant Secretaries available to sign Documents, or in the absence of the President/CEO/Secretary, be it:

Resolved, that the CFO, Vice Presidents, and Assistant Secretaries of this Corporation be hereby authorized and empowered to sign Contracts, Bid Documents and Bid Bonds, in the name of and on behalf of this Corporation.

Resolved, that Hue Ta is assigned the title of Vice President of Estimating, and is authorized as such to sign Contracts, Bid Documents, and Bid Bonds.

The undersigned hereby certifies that he is the duly elected and qualified Secretary and the custodian of the books and records and seal of Marina Landscape, Inc., a corporation duly formed pursuant to the laws of the state of California and that the foregoing is a true record of a resolution duly adopted at a special meeting of the Board of Directors and that said meeting was held in accordance with state law and the Bylaws of the above-named Corporation on March 1, 2019, and that said resolution is now in full force and effect without modification or rescission.

In witness whereof, I have executed my name as Secretary and have hereunto affixed the corporate seal of the above-named Corporation this 1st day of March, 2019.

A handwritten signature in black ink, appearing to read 'Robert B. Cowan'.

Robert B. Cowan, Secretary
Marina Landscape, Inc.

MARINA LANDSCAPE, INC.

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OWNERSHIP AFFIDAVIT

STATE OF CALIFORNIA)
COUNTY OF ORANGE) SS:
CITY OF SANTA ANA)

Hue Ta, being duly sworn, deposes and says:

☐ INDIVIDUAL That he/she is the party making the foregoing proposal:

☐ PARTNERSHIP That he/she is a member of the co-partnership firm designated as:

and who has been and is duly vested with the authority to make and execute instruments for the co-partnership by:

who constitute the other members of the co-partnership.

☒ CORPORATION

That he is of:
Marina Landscape, Inc.

a corporation which is making the foregoing proposal:

☐ JOINT VENTURE

That he is of:

one of the parties making the foregoing proposal as a joint venture, and the he/she has been and is duly vested with the authority to execute instruments for an on behalf of the parties making said bid who are:

that such a bid is genuine and not collusive or sham, and has not in any manner sought by collusion to secure any advantage against the City of Santa Ana or any person interested in the proposed contract, for himself or any other person.

Signature of Bidder

Subscribed and sworn to before me this 20th day of January 20 22

Signature of officer Administering Oath (Notary Public)

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**CIVIL CODE § 1189**

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

State of California)

County of Orange)On January 31, 2022 before me, Linh Tran, Public Notary,
Date Here Insert Name and Title of the Officerpersonally appeared Hue Ta
Name(s) of Signer(s)

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

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

WITNESS my hand and official seal.

Signature _____
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

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

Description of Attached Document

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

☐ Corporate Officer — Title(s): _____☐ Partner — ☐ Limited ☐ General☐ Individual ☐ Attorney in Fact☐ Trustee ☐ Guardian or Conservator☐ Other: _____

Signer Is Representing: _____

Signer's Name: _____

☐ Corporate Officer — Title(s): _____☐ Partner — ☐ Limited ☐ General☐ Individual ☐ Attorney in Fact☐ Trustee ☐ Guardian or Conservator☐ Other: _____

Signer Is Representing: _____

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BID BOND

KNOW ALL PRESENT that,

Marina Landscape, Inc.

, as BIDDER, and

Berkley Insurance Company

, as SURETY,

are held and firmly bound unto the CITY OF SANTA ANA, as AGENCY, in the penal sum of Ten Percent of bid amount Dollars (\$ 10% of bid), which is ten percent (10%) of the total amount bid by BIDDER to AGENCY for the above-stated project, for the payment of which sum, BIDDER and SURETY agree to be bound, jointly and severally, firmly by these presents.

THE CONDITIONS OF THIS OBLIGATION ARE SUCH that, whereas BIDDER is about to submit a bid to AGENCY for the above-stated project, if said bid is rejected, or if said bid is accepted and a contract is awarded and entered into by BIDDER in the manner and time specified, then this obligation shall be null and void, otherwise it shall remain in full force and effect in favor of AGENCY.

IN WITNESS WHEREOF the parties hereto have set their names, titles, hands, and seal this 17th day of January, 2022.

BIDDER*

Marina Landscape, Inc. - 3707 W. Garden Grove Blvd., Orange, CA 92868 - (714)939-6600

[Signature] Hue Ta - Vice President of Estimating

SURETY*

Berkley Insurance Company - 475 Steamboat Road, Greenwich, CT 06830 - (800)456-5486

[Signature]
Matthew J. Coats, Attorney-in-Fact

Subscribed and sworn to before me _____ this _____ day of _____, 20____.

Signature: _____

Notary Public in and for the County of _____, State of _____

- * Provide BIDDER/ SURETY name, address, and telephone number and the name, title, address, and telephone number of authorized representative.

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**CIVIL CODE § 1189**

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

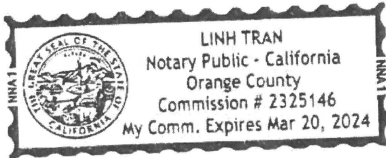
State of California)
County of Orange)

On January 24, 2022 before me, Linh Tran, Public Notary,
Date Here Insert Name and Title of the Officer
personally appeared Hue Ta
Name(s) of Signer(s)

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

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

WITNESS my hand and official seal.



Signature _____
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

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

Description of Attached Document

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

☐ Corporate Officer — Title(s): _____

☐ Partner — ☐ Limited ☐ General

☐ Individual ☐ Attorney in Fact

☐ Trustee ☐ Guardian or Conservator

☐ Other: _____

Signer Is Representing: _____

Signer's Name: _____

☐ Corporate Officer — Title(s): _____

☐ Partner — ☐ Limited ☐ General

☐ Individual ☐ Attorney in Fact

☐ Trustee ☐ Guardian or Conservator

☐ Other: _____

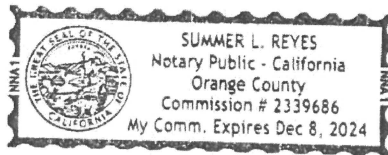
Signer Is Representing: _____

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**CIVIL CODE § 1189**

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

State of California)
County of Orange)
On JAN 17 2022 before me, Summer L. Reyes, Notary Public,
Date Here Insert Name and Title of the Officer
personally appeared Matthew J. Coats
Name(s) of Signer(s)

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



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

WITNESS my hand and official seal.

Signature [Signature]
Signature of Notary Public

Place Notary Seal Above

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☐ Partner — ☐ Limited ☐ General

☐ Individual ☐ Attorney in Fact

☐ Trustee ☐ Guardian or Conservator

☐ Other: _____

Signer Is Representing: _____

POWER OF ATTORNEY
BERKLEY INSURANCE COMPANY
WILMINGTON, DELAWARE

NOTICE: The warning found elsewhere in this Power of Attorney affects the validity thereof. Please review carefully.

KNOW ALL MEN BY THESE PRESENTS, that BERKLEY INSURANCE COMPANY (the "Company"), a corporation duly organized and existing under the laws of the State of Delaware, having its principal office in Greenwich, CT, has made, constituted and appointed, and does by these presents make, constitute and appoint: *Linda D. Coats; Matthew J. Coats; or Ryan Butterfas of Coats Surety Insurance Services, Inc. of Laguna Hills, CA* its true and lawful Attorney-in-Fact, to sign its name as surety only as delineated below and to execute, seal, acknowledge and deliver any and all bonds and undertakings, with the exception of Financial Guaranty Insurance, providing that no single obligation shall exceed **Fifty Million and 00/100 U.S. Dollars (U.S.\$50,000,000.00)**, to the same extent as if such bonds had been duly executed and acknowledged by the regularly elected officers of the Company at its principal office in their own proper persons.

This Power of Attorney shall be construed and enforced in accordance with, and governed by, the laws of the State of Delaware, without giving effect to the principles of conflicts of laws thereof. This Power of Attorney is granted pursuant to the following resolutions which were duly and validly adopted at a meeting of the Board of Directors of the Company held on January 25, 2010:

RESOLVED, that, with respect to the Surety business written by Berkley Surety, the Chairman of the Board, Chief Executive Officer, President or any Vice President of the Company, in conjunction with the Secretary or any Assistant Secretary are hereby authorized to execute powers of attorney authorizing and qualifying the attorney-in-fact named therein to execute bonds, undertakings, recognizances, or other suretyship obligations on behalf of the Company, and to affix the corporate seal of the Company to powers of attorney executed pursuant hereto; and said officers may remove any such attorney-in-fact and revoke any power of attorney previously granted; and further

RESOLVED, that such power of attorney limits the acts of those named therein to the bonds, undertakings, recognizances, or other suretyship obligations specifically named therein, and they have no authority to bind the Company except in the manner and to the extent therein stated; and further

RESOLVED, that such power of attorney revokes all previous powers issued on behalf of the attorney-in-fact named; and further

RESOLVED, that the signature of any authorized officer and the seal of the Company may be affixed by facsimile to any power of attorney or certification thereof authorizing the execution and delivery of any bond, undertaking, recognizance, or other suretyship obligation of the Company; and such signature and seal when so used shall have the same force and effect as though manually affixed. The Company may continue to use for the purposes herein stated the facsimile signature of any person or persons who shall have been such officer or officers of the Company, notwithstanding the fact that they may have ceased to be such at the time when such instruments shall be issued.

IN WITNESS WHEREOF, the Company has caused these presents to be signed and attested by its appropriate officers and its corporate seal hereunto affixed this 19th day of November, 2021.

Attest:

(Seal)

By

Ira S. Lederman

Executive Vice President & Secretary

Berkley Insurance Company

By

Jeffrey M. Hafer

Senior Vice President

WARNING: THIS POWER INVALID IF NOT PRINTED ON BLUE "BERKLEY" SECURITY PAPER.

STATE OF CONNECTICUT)

) ss:

COUNTY OF FAIRFIELD)

Sworn to before me, a Notary Public in the State of Connecticut, this 19th day of November 2021, by Ira S. Lederman and Jeffrey M. Hafer who are sworn to me to be the Executive Vice President and Secretary, and the Senior Vice President, respectively, of Berkley Insurance Company.

MARIA C. RINDRAKEN
NOTARY PUBLIC
CONNECTICUT
MY COMMISSION EXPIRES
APRIL 30, 2024

Maria C. Rindracken
Notary Public, State of Connecticut

CERTIFICATE

I, the undersigned, Assistant Secretary of BERKLEY INSURANCE COMPANY, DO HEREBY CERTIFY that the foregoing is a true, correct and complete copy of the original Power of Attorney; that said Power of Attorney has not been revoked or rescinded and that the authority of the Attorney-in-Fact set forth therein, who executed the bond or undertaking to which this Power of Attorney is attached, is in full force and effect as of this date.

Given under my hand and seal of the Company, this 17th day of

(Seal)

Vincent P. Forte
Vincent P. Forte

CITY OF SANTA ANA
PROPOSAL
PROJECT NO.: 21-2727
CABRILLO PARK IRRIGATION RENOVATION

NON-COLLUSION AFFIDAVIT

(Title 23 United States Code Section 112 and Public Contract Code Section 7106)

In conformance with Title 23 United States Code Section 112 and Public Contract Code 7106 the BIDDER declares that the bid is not made in the interest of, or on behalf of, any undisclosed 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 his or her 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.

Note: The above Non-collusion Affidavit is part of the Proposal. BIDDERS are cautioned that making a false certification may subject the certifier to criminal prosecution.

Signed

 Hue Ta - Vice President of Estimating

State of California

County of _____

Subscribed and sworn to (or affirmed) before me on this ____ day of _____, 20__, by _____, proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me

Notary Public Signature

Notary Public Seal

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**CIVIL CODE § 1189**

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State of California)
County of Orange)
On January 24, 2022 before me, Linh Tran, Public Notary,
Date Here Insert Name and Title of the Officer
personally appeared Hue Ta
Name(s) of Signer(s)

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

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

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