September 14, 2022

Department of Transportation
Division of Engineering Services
Construction Contracts Award
1727 30th Street, MS-43
Sacramento, CA 95816
Phone: 916-227-6299
FAX: 916-227-6282

Attention: Mr. Gavin Garfield

Reference: CONSTRUCTION ON STATE HIGHWAY IN ORANGE COUNTY AT VARIOUS LOCATIONS FROM IDAHO STREET IN LA HABRA TO PUENTE STREET IN BREA In District 12 On Route 90-Contract No. 12-0R.1804

Subject: Notice of Formal Bid Protest- Contract No. 12-0R1804

Dear Mr. Garfield,

Kindly consider this letter as Calpromax Engineering’s (CALPRO) formal written bid protest to the 1st lowest bidder COMET ELECTRIC, INC. (COMET), and to the 2nd lowest bidder FERREIRA CONSTRUCTION CO INC DBA FERREIRA COASTAL CONSTRUCTION CO (FERREIRA) for the above referenced Contract No. 12-0R1804, which was publicly opened on September 08, 2022. FERREIRA did not submit any DBE submittal as it was not posted on Caltrans website, therefore FERREIRA should be deemed a non-responsive bidder and its bid should be rejected. The 1st lowest bidder, COMET, did submit the DBE submittal on time but failed very shortly to meet the required DBE goal percentage (21%). After requesting and reviewing the submitted complete Good Faith Effort documents made by COMET, CALPRO is requesting that COMET should be deemed a non-responsive because of the followings below:

1- Despite the Good Faith Effort made by COMET and submitted to CALTRANS, COMET failed very shortly in achieving a reasonable realistic DBE goal. The required DBE goal is 21%. COMET achieved only 6.25% which is unrealistic. CALPRO believes that if COMET had done a good “Good Faith Effort”, it should have easily accomplished way better percentage than 6.25% (0.29% of the established Caltrans goal). In comparison, CALPRO met and surpassed the DBE goal and achieved 23.63% more that the established goal 21%.

2- In spite the fact that COMET received a DBE quote from a DBE subcontractor (HER- CON Construction Services, Inc. DBE# 36281) for part of the civil work in the amount of $101,212, COMET chose to subcontract a good $ amount ($103,494, 6.8% of contract) of part of the “civil work” bid items to a non-DBE subcontractor (EBS General Engineering) per its subcontract listing and per page.4 of the DBE commitment (attached). If COMET listed the referenced DBE# 36281 Sub (HER), it could have achieved a better DBE goal percentage higher by 6.7% for bid items.
(#11,12,13,14,15,16,37). Thus, the COMET achieved DBE goal percentage would have been 12.95% instead of 6.25%. COMET chose NOT to list an available DBE subcontractor looking to work with COMET at the time of bid therefore failing to commit more DBE goal per bid requirements.

3- On COMET DBE Good Faith Efforts documentation page-4, section-3 (attached), COMET stated that they rejected the DBE#36281 sub (HER) because its quote was not inclusive of all civil work. CALPRO sees that COMET statement is not a fair substantial ground to reject a DBE subcontractor quote, especially if COMET is trying in Good Faith as they claim, to accomplish a better DBE goal or meet the goal. A quick comparison between the DBE subcontractor (HER) and the Non-DBE subcontractor (EBS) shows that the DBE subcontractor (HER) submitted a lower quote, $34,860, for bid items (#11,12,13,14) compared to EBS quote $43,911, for the same bid items. Yet, COMET chose to reject the DBE (HER) quote and favor the non-DBE quote therefore failing to allow a DBE subcontractor fair opportunity of subcontracting to accomplish better DBE goal in good faith as they claim. It should also be noted that the non-DBE subcontractor (EBS) quote is ALSO not inclusive of all civil work as it does not list bid item#39 "civil work" (minor concrete per addendum #1) while the DBE subcontractor (HER) lists this same bid item. This also negates COMET reason to reject the DBE subcontractor quote, which shows there was no good faith effort followed to accomplish better DBE goal per contract documents.

4- This contract has bid items that require “Traffic Control System”, “Construction Area Signs”, and other traffic related items that needs traffic control items (materials & work) for 175 working days. Per the Good Faith Effort documentation submitted by COMET- PDF page 904, & 905 (attached), “Mesa Traffic Services”, a DBE subcontractor DBE#50885, submitted their quote 9/5/20222 in response to COMET bid invite for traffic control related bid items needed on this contract. COMET chose NOT to list this DBE#50885 subcontractor for unknown reasons on the commitment page 1 (Attached) even at least for materials. Had COMET properly listed work or/and materials for “Mesa Traffic Services” for traffic control items necessary for this 175 working days contract, COMET would have easily achieved a higher percentage more realistic towards the DBE goal. It is also to note that COMET did not list on page 3 of the good faith effort documentation the “Traffic control system” or “signs” or materials as part of items of work offered to be subcontracted, thus not offering fair subcontracting opportunities to DBE subs or suppliers as COMET claimed. Therefore, COMET failed to achieve a better DBE goal per contract.

Based on the above facts & analysis of COMET Good Faith Effort Documents, Calpro requests that CALTRANS diligently review these points as they should be more than enough ground to deem COMET as a Non-Responsive bidder and that Caltrans award the contract to Calpromax Engineering as Calpro met and surpassed the DBE required goal percentage and should be awarded this contract.

Should you have any questions, please contact our office.

Sincerely,

Nick Kabbany
Calpromax Engineering, Inc.

Attachment:
- EBS Quote, HER Quote, Mesa Traffic Quote, page 1,3,4,5- 904,905 COMET DBE document
**STATE OF CALIFORNIA • DEPARTMENT OF TRANSPORTATION**
**DBE - COMMITMENT**
**OBE0-0006 (REV 11/2015)**

**Contract No.** 12-0R1804

**BID AMOUNT**
$1,507,413.00

**BID OPENING DATE**
09/08/2022

**BIDDER’S NAME**
Comet Electric, Inc.

**DBE GOAL FROM CONTRACT %**
21%

**TOTAL NUMBER OF ALL SUBCONTRACTS (DBE & NON-DBE)**
5

**TOTAL VALUE OF ALL SUBCONTRACTS (DBE & NON-DBE)**
$3,111,792.50

<table>
<thead>
<tr>
<th>BID ITEM NO.</th>
<th>ITEM OF WORK AND DESCRIPTION OF SERVICES TO BE SUBCONTRACTED OR MATERIALS TO BE PROVIDED</th>
<th>NAICS OR WORK CATEGORY CODES</th>
<th>NAME OF DBE (Must be certified on the date bids are opened. Include Caltrans’ certification no., DBE address, and phone number. Show 2nd and lower tier subcontractors.)</th>
<th>AMOUNT ($)</th>
</tr>
</thead>
<tbody>
<tr>
<td>32, 33, 35</td>
<td>Directional boring</td>
<td>237990</td>
<td>D.C. Drilling, Inc. 11412 Corte Acualanes Jurupa Valley, CA 91752 (951)68-7780</td>
<td>$39,200.00</td>
</tr>
<tr>
<td>33, 35</td>
<td>Loops</td>
<td>237990</td>
<td>Global Road Sealing, Inc. 10832 Dorothy Avenue Garden Grove, CA (714) 893-0845</td>
<td>$55,050.00</td>
</tr>
</tbody>
</table>

Show all DBE firms being claimed for credit, regardless of tier. Attach written confirmation from each DBE shown stating that it will be participating in the contract to perform the specific work shown for the specific amount agreed to.

The names of the 1st tier DBE subcontractors and items of work must be consistent with the Subcontractor List (Pub Cont Code § 4100 et seq.).

Failure to submit a signed DBE Confirmation form and submit copies of the DBE quotes will result in disallowance of the DBE’s participation.

* Each DBE prime contractor must enter its certification number and show all work to be performed by DBEs, including work performed by its own forces.

* 100% of an item is not to be performed or furnished by the DBE, describe the exact portion of the item to be performed or furnished.

* Use NAICS or Work Category Codes from the California Unified Certification Program database.

* NAICS: North American Industry Classification System.

**Total Claimed Participation**
$94,250.00

6.25%

The bidder acknowledges that it is committed to use the DBEs shown on this form to meet the contract goal (49 CFR 26.53).

Signature of Bidder
Tim Erno

09/12/2022
(818) 340-0965

Date
(Area Code) Tel. No.

Jason Pennington

Person to Contact
(Please Type or Print)

**ADA NOTICE** For individuals with sensory disabilities, this document is available in alternate formats. For alternate format information, contact the Forms Management Unit at (916) 445-1233, TTY 711, or write to Records and Forms Management, 1120 N Street, MS-39, Sacramento, CA 95814.
1. List items of work the Bidder made available to Disadvantaged Business Enterprise (DBE) firms. Identify items of work the Bidder might otherwise perform with its own forces, items that have been broken down into economically feasible units to facilitate DBE participation, and items for which the Bidder has established flexible time frames for performance and delivery schedules in a manner that encourages and facilitates DBE participation. For each item listed, show the dollar value and percentage of the total contract. The Bidder must demonstrate that sufficient work to meet the goal was made available to DBE firms.

<table>
<thead>
<tr>
<th>Item of Work Offered, Services Offered, or Materials Supplied</th>
<th>Bidder Normally Performs Item Yes/No</th>
<th>Item Broken Down to Facilitate Participation Yes/No</th>
<th>Established Flexible Timeframes for Performance and Delivery Schedules Yes/No</th>
<th>Amount ($)</th>
<th>Percentage of Total Bid</th>
</tr>
</thead>
<tbody>
<tr>
<td>Signing and striping</td>
<td>□ YES □ NO □ YES □ NO □ YES □ NO</td>
<td>□ YES □ NO</td>
<td>□ YES □ NO</td>
<td>$54,878.50</td>
<td>3.6%</td>
</tr>
<tr>
<td>Civil</td>
<td>□ YES □ NO □ YES □ NO □ YES □ NO</td>
<td>□ YES □ NO</td>
<td>□ YES □ NO</td>
<td>$103,494.00</td>
<td>6.8%</td>
</tr>
<tr>
<td>Loops</td>
<td>□ YES □ NO □ YES □ NO □ YES □ NO</td>
<td>□ YES □ NO</td>
<td>□ YES □ NO</td>
<td>$55,050.00</td>
<td>3.7%</td>
</tr>
<tr>
<td>Fiber optic</td>
<td>□ YES □ NO □ YES □ NO □ YES □ NO</td>
<td>□ YES □ NO</td>
<td>□ YES □ NO</td>
<td>$59,170.00</td>
<td>3.9%</td>
</tr>
<tr>
<td>Directional boring</td>
<td>□ YES □ NO □ YES □ NO □ YES □ NO</td>
<td>□ YES □ NO</td>
<td>□ YES □ NO</td>
<td>$39,200.00</td>
<td>2.6%</td>
</tr>
</tbody>
</table>
2. List the names of certified DBEs and all the dates on which they were solicited to bid on this project. Include the items of work offered and the dates and methods used for following up initial and follow-up solicitations to determine with certainty whether the DBEs were interested. Attach copies of solicitations, e-mail messages, telephone records, fax confirmations, etc.

<table>
<thead>
<tr>
<th>Name of DBE Solicited</th>
<th>Date of Initial Solicitation</th>
<th>Items of Work Offered</th>
<th>Follow Up Methods and Dates</th>
</tr>
</thead>
<tbody>
<tr>
<td>Please find log attached</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

3. For each item of work made available, indicate whether the Bidder provided plans and specifications specific to the items of work being offered, list the selected firm and its status as a DBE, the DBEs that provided quotes, the price quote for each firm, and the price difference for each DBE if the selected firm is not a DBE. Provide copies of each DBE and Non-DBE quote submitted to the Bidder whenever a Non-DBE firm was selected over a DBE for work on the Contract.

<table>
<thead>
<tr>
<th>Items of Work</th>
<th>Provided Plans/Specifications for Work Offered</th>
<th>Name of Selected Firm</th>
<th>DBE or Non-DBE</th>
<th>Name of Rejected Firm</th>
<th>Quote ($)</th>
<th>Price Difference ($)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Civil</td>
<td>☒ YES ☐ NO</td>
<td>EBS General Engineering</td>
<td>Non-DBE</td>
<td>Her Con Construction Services</td>
<td>$101,212.00</td>
<td>($2,232.00) Her-Con quote was not inclusive of all civil bid items</td>
</tr>
<tr>
<td>Signing and Striping</td>
<td>☒ YES ☐ NO</td>
<td>B.C. Traffic Specialists</td>
<td>Non-DBE</td>
<td>CAT Tracking, Inc.</td>
<td>$97,759.00</td>
<td>$42,880.50</td>
</tr>
<tr>
<td>Loops</td>
<td>☒ YES ☐ NO</td>
<td>Global Road Supplies</td>
<td>DBE</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fiber Optic Directional Boring</td>
<td>☒ YES ☐ NO</td>
<td>Femtra</td>
<td>Non-DBE</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>☐ YES ☐ NO</td>
<td>☐ YES ☐ NO</td>
<td>D.C. Drilling</td>
<td>DBE</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

If the firm selected for the item is not a DBE, provide the reasons for the selection on a separate sheet and attach names, addresses, and phone numbers for the firms listed above. Provide evidence as to why additional agreements could not be reached for DBEs to perform work.
**Estimate**

**ADDRESS**
LOUIS PEREZ  
COMET ELECTRIC  
21625 PRAIRIE ST  
CHATSWORTH, CA

<table>
<thead>
<tr>
<th>DATE</th>
<th>ACTIVITY</th>
<th>DESCRIPTION</th>
<th>QTY</th>
<th>RATE</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>#3 INSTALL AND REMOVAL OF PRE-CONSTRUCTION ROAD SIGNS LUMP SUM</td>
<td>INSTALL AND REMOVAL OF PRE-CONSTRUCTION ROAD SIGN, HARD SIGNS WITH WOOD POST LUMP SUM, 128 SIGNS &amp; 129 POSTS/BARRICADES TOTAL</td>
<td>1</td>
<td>57,500.00</td>
<td>57,500.00</td>
</tr>
<tr>
<td></td>
<td>#4 TRAFFIC SYSTEM TYPE I, CONVENTIONAL HIGHWAY LANE CLOSURE &lt;.5 MILE OR ON RAMP CLOSURE WIDETOUR</td>
<td>Traffic truck, Traffic Tech, Arrow board and equipment for conventional highway/city street lane closure or on ramp closures with detour. FIRST 8 HOURS $150.00 PER HOUR OVERTIME. $175.00 HER HOUR SATURDAY AND 200.00 PER HOUR SUNDAY</td>
<td>1</td>
<td>975.00</td>
<td>975.00</td>
</tr>
<tr>
<td></td>
<td>#4 TRAFFIC SYSTEM TYPE 2 CONVENTIONAL HIGHWAY/CITY LANE CLOSURE &lt;1.5 MILES OR FLAGGING O/L/R CLOSURE</td>
<td>Traffic truck, Traffic Tech, one employee, Arrow board and equipment for conventional highway/city street lane closure or One lane Road Closure. FIRST 8 HOURS $300.00 PER HOUR OVERTIME. $350.00 HER HOUR SATURDAY AND 400.00 PER HOUR SUNDAY</td>
<td>1</td>
<td>1,495.00</td>
<td>1,495.00</td>
</tr>
</tbody>
</table>

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**DBE BID FOR CALTRANS 12-0R1604**

Minimum 8 hours charge per day.  
All proposals include fuel.  
Quote is per day for traffic control and lump sum for signs.

CJ LIC 1078769 SEE 2026085 DBE 50865  
DIR 1000226691 C&R P BID 6006785  
CALTRANS VENDOR 211701049  
LOCAL 300 UNION 4818322

**TOTAL**  
$59,970.00

Accepted By

[Signature]

[Date]

Page 1 of 1
Invitation to Bid

COMET ELECTRIC INC.
License 681827
21625 Prairie St, Chatsworth, CA 91311
Phone: (818) 340-0965 Fax: (818) 340-4033
An Equal Opportunity Employer

Is requesting quotations from all qualified DBE Sub-contractors and Material suppliers performing commercially useful functions for the following project:

Caltrans No. 12-0R1804

Construction on State Highway in Orange County At Various Locations From Idaho Street In La Habra To Puente Street In Brea

General work description: Modify traffic signal, add lighting & replace traffic stripe.

Plans & Specs: https://www.dropbox.com/sh/7ukpepi5060e6df9/AADtLe6R8hkv34qAA8lBP00Xa?dl=0

Engineers Estimate: $1,860,000

DBE Goal: 21%

Bids open Thursday, September 8, 2022 at 2:00 PM

Quotes for Services and Supplies requested for the following items for bid including, but not limited to:

Lead Compliance Plan, Time-Related Overhead (Wday), Construction Area Signs, Traffic Control System, Temporary Pedestrian Access Route, Portable Changeable Message Sign (Ls), Job Site Management, Prepare Water Pollution Control Program, Temporary Drainage Inlet Protection, Remove Yellow Painted Traffic Stripe (Hazardous Waste), Remove Concrete (Cyl), Hot Mix Asphalt (Type A), Remove Asphalt Concrete Pavement (Sqft), Detectable Warning Surface, Minor Concrete (Curb, Sidewalk And Curb Ramp), Pre/Post Construction Surveys, Remove pavement Marker, Pavement Marker (Retrospective), Remove Roadside Sign, Furnish Single Sheet Aluminum Sign (0.063"-Unframed), Furnish Single Sheet Aluminum Sign (0.080"-Unframed), Roadside Sign – One Post, Install Sign (Strip And Saddle Bracket Method), 6" Thermoplastic Traffic Stripe (Enhanced Wet Night Visibility) (Broken 18-12), 6" Thermoplastic Traffic Stripe (Enhanced Wet Night Visibility) (Broken 6-4), 6" Thermoplastic Traffic Stripe (Enhanced Wet Night Visibility), 8" Thermoplastic Traffic Stripe (Enhanced Wet Night Visibility), 8" Thermoplastic Traffic Stripe (Enhanced Wet Night Visibility) (Broken 36-12), Thermoplastic Crosswalk And Pavement Marking (Enhanced Wet Night Visibility), Remove Thermoplastic Traffic Stripe, Remove Thermoplastic Pavement Marking, Signal And Lighting System, Traffic Census Station Systems, Temporary Signal Systems, Modifying Signal And Lighting Systems, Removing Signal And Lighting Systems, Mobilization

NOTE: Comet Electric, Inc. is willing to break items of work into smaller increments to assist DBE Contractors and Suppliers in obtaining work on this project. 100% Performance and Payment bonds required. Subcontractor's must possess a current contractor's license. Please contact us for details.

Please call if you need assistance in obtaining: bonding, insurance, equipment, materials, and/or supplies. Include with your bid the Time required for Performance of your work and any Delivery Schedules so that we can establish a Flexible Timeframe for your work. Plans & Specifications are available for viewing at our office or obtained from the Owner or portions may be emailed upon request.

1. Business Name: Mesa Traffic
2. Submitting a bid: Yes [ ] No [ ] Maybe [ ]
3. Contact Person: Daniel Mesa
4. Phone #: (814) 379-0910 Fax #: 
5. Material Supplier [ ] Subcontractor (License #): 10278789 [ ] Other:
6. Email: dmesa@mesatraffic.net
7. Cert Number: 50885
8. DIR Number: 1008282089
9. Work items we are bidding: [ ] Signs [ ] Traffic Control

For questions regarding this invitation please call Louis Perez at (818) 340-0965

Please return this form by fax to: (818) 340-4033 or email to: louisperez@cometelectric.com

We intend to seriously negotiate with qualified firms for project participation. Please call if aid is needed in
We propose to furnish you labor and material in strict accordance with the plans and specifications as follows:

**IMPERIAL HIGHWAY, BREA**

### PROPOSAL SUMMARY

<table>
<thead>
<tr>
<th>Item No.</th>
<th>Description</th>
<th>Quantity</th>
<th>U/M</th>
<th>Unit Price</th>
<th>Total Price</th>
</tr>
</thead>
<tbody>
<tr>
<td>01 11</td>
<td>REMOVE CONCRETE</td>
<td>24.00</td>
<td>CY</td>
<td>$863.00</td>
<td>$20,712.00</td>
</tr>
<tr>
<td>01 12</td>
<td>HOT MIX ASPHALT (TYPE A)</td>
<td>6.00</td>
<td>TN</td>
<td>$1,824.00</td>
<td>$10,944.00</td>
</tr>
<tr>
<td>01 13</td>
<td>REMOVE ASPHALT CONCRETE</td>
<td>180.00</td>
<td>SF</td>
<td>$21.75</td>
<td>$3,915.00</td>
</tr>
<tr>
<td>01 14</td>
<td>DETECTABLE WARNING SURFACE</td>
<td>120.00</td>
<td>SF</td>
<td>$69.50</td>
<td>$8,340.00</td>
</tr>
<tr>
<td>01 15</td>
<td>MINOR CONCRETE (CURB, SIDEWALK, CURB RAMP)</td>
<td>26.00</td>
<td>CY</td>
<td>$1,975.00</td>
<td>$51,350.00</td>
</tr>
<tr>
<td>01 16</td>
<td>PRE/POST CONSTRUCTION SURVEY</td>
<td>2.00</td>
<td>EA</td>
<td>$3,125.00</td>
<td>$6,250.00</td>
</tr>
<tr>
<td>01 37</td>
<td>MOBILIZATION</td>
<td>1.00</td>
<td>LS</td>
<td>$1,983.00</td>
<td>$1,983.00</td>
</tr>
<tr>
<td><strong>Total for: Schedule 1</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td><strong>$103,494.00</strong></td>
</tr>
</tbody>
</table>

### REMOVE AND REPLACE CONCRETE IMPROVEMENTS

1. Prices are for Removal and Replacement of Concrete Improvements
2. All concrete is natural color with broom finish unless otherwise noted.
3. Access Ramps DO NOT include Truncated Domes.
4. PCC is bid for tailgating. Pump not included unless noted
5. This Proposal includes the following move in: ONE (1) A $6,500.00 fee will be charged for each additional move
6. Price DOES include PCC clean out or clean out removals
7. Cost to apply water is included, water supplied by others and within 0.5 mile of work area
8. This proposal DOES include AB-219 fees for Ready Mix Drivers
9. Traffic Control IS NOT included
10. Saw cut IS included
11. Excludes: caulking, joint seal, weed kill, concrete additives, clearing, steel reinforcing, and items not specifically noted in this proposal.
12. Price Excludes: landscape removal or repair, irrigation lines, root pruning or removals.
13. Includes AC Slot Patch paving. Includes AC slot removal up to 2' wide
14. Price Excludes: light towers, CMS board, traffic control plans

(Continued on next page)

Date:  
Accepted by:  

Page 1 of 3
EBS Proposal (Cont'd)

16. Prices DOES include backfill
17. Pump for Concrete IS NOT included
18. Proposal DOES NOT include base, clearing, grubbing
19. Proposal DOES NOT include trench plates
20. PCC improvements are non-reinforced unless otherwise noted
21. Adjusting Utility Boxes in PCC work area IS included. Boxes and modifications provided by others
22. Includes plant openings for AC & PCC
23. Survey is OPTIONAL

STANDARD CONDITIONS

1. Addendum Noted: 1
2. The price bid by EBS is valid until 3-31-23 and is subject to adjustments per market conditions after said-date.
3. This bid/quote/proposal is based on a five (5) day work week (PER SPECIFICATIONS), with an eight (8) hour per day maximum.
7. This job is bid from DRAWING BID SET DATED

GENERAL CONDITIONS

1. EBS General Engineering, Inc. ("EBS") will not and cannot be held responsible for scheduling conflicts, delays as a result of material and trucking shortages, and/or as a result of raw material unavailability, including, but not limited to, the unavailability of power.
2. Special conditions imposed by any permits issued on behalf of the Owner/Customer and not noted on the plans and/or specifications are considered to be outside the scope of work.
3. This bid/quote/proposal can be accepted within 30 days from the date of this quote/bid, after which time the bid/quote/proposal is subject to review & revision by EBS.
4. Quantities used are approximate and are subject to physical measurement onsite. Corrections, if necessary, will be made using the unit prices.
5. EBS insurance limits are $2 million in general liability coverage, $1 million in business auto coverage and $1 million in workers' compensation coverage. If additional insurance coverage is required, a cost proposal will be provided by EBS for approval.
6. Insurance Requirements: All new residential, apartment, condo/townhouse, and tract housing projects will be covered by Wrap-Up Insurance policies ("WRAP") or OCIP policies. In such instances, the general liability insurance coverage shall be provided by the Customer/Owner of the Project or the General Contractor for the Project.
7. EBS will provide evidence of general liability insurance, workers' compensation insurance and business automobile insurance. In the absence of any WRAP or OCIP insurance policy for this Project, EBS will have the exclusive right to review and alter all insurance requirements for the subject project.
8. EBS may choose at its discretion to add additional insurance premiums to the contract as it deems appropriate and necessary. Additions in this regard will be handled by Change Order and will be due upon presentation of the Change Order to the Customer/Owner of the Project or to the General Contractor of the Project.
9. EBS is a signatory to the following Unions: Laborers, Cement Masons, & Operating Engineers.
10. In the event that EBS's proposal/bid/quote herein is accepted, that EBS is awarded this contract/subcontract, and thereafter EBS and the Customer Owner or EBS and the General Contractor become involved in litigation with one another arising out of this contract/subcontract or other performance thereof in which the services of an attorney or other expert are reasonably required, the prevailing party shall be fully compensated for the cost of its participation in such proceedings/litigation, including the cost incurred for attorneys' fees and experts' fees. Such attorneys' fee award shall not be computed in accordance with any court schedule, but shall be such as to fully reimburse all attorneys' fees/experts' fees actually incurred in good faith, regardless of the size of judgment or award, being the intention of the parties to fully compensate for all attorneys' fees and expert fees paid or incurred in good faith.
11. This proposal/quote/bid, including all of the provisions herein, must be accepted in its entirety, and must be made a part of any contract/subcontract with EBS (and so specified if a special form is used), even though any such contract/subcontract will be entered into after the acceptance of this proposal/quote/bid.
12. EBS must be notified immediately upon acceptance of this bid/quote/proposal.
13. Payment terms for EBS are as follows: Contractor/Owner agrees to pay progress billings within seven (7) calendar days from the date of receipt of payment from Owner/Contractor of the Project or net 30 terms from date of each progress billing (finance charges may apply to late payments).
14. Any and all applicable laws of the State of California are preserved by way of this quote/bid/proposal, and EBS does not waive any of

(Continued on next page)
HER-CON Construction Services Inc.
489 Fairlane Way, Covina, CA 91723

Phone: (626) 339-7000
E-mail: hercon7774511@aol.com

ATTN: Louis Perez

TO: Comet Electric

RE: Caltrans 12-0R1804

PRICES INCLUDE ALL ITEMS AND QUANTITIES LISTED INCLUDING (EXCLUSION SHEET) ATTACHED.

<table>
<thead>
<tr>
<th>ITEM</th>
<th>DESCRIPTION</th>
<th>QUANTITY</th>
<th>UNIT</th>
<th>UNIT $</th>
<th>COST</th>
</tr>
</thead>
<tbody>
<tr>
<td>11</td>
<td>Remove Concrete</td>
<td>24</td>
<td>CY</td>
<td>$625.00</td>
<td>$15,000.00</td>
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<tr>
<td>12</td>
<td>Hot Mix Asphalt Type A.</td>
<td>6</td>
<td>Ton</td>
<td>$1,350.00</td>
<td>$8,100.00</td>
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<tr>
<td>13</td>
<td>Remove Asphalt Concrete Pavement</td>
<td>180</td>
<td>SF</td>
<td>$42.00</td>
<td>$7,560.00</td>
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<td>14</td>
<td>Detectable Warning Surface</td>
<td>120</td>
<td>SF</td>
<td>$35.00</td>
<td>$4,200.00</td>
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<td>39</td>
<td>Minor Concrete (Misc. Construction) Addendum #1</td>
<td>26</td>
<td>CY</td>
<td>$2,552.00</td>
<td>$66,352.00</td>
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</table>

Excluding Traffic Control, Temp Ac, Plates, and Message Boards

Price is based on natural color concrete w/med.brn.fin., and all work will be during regular working hours 7 am to 3:30 pm, and based on 1-move for all work above.

Please Review Notes Below

Note: Price is based on 1-move see sheet 2 for add mob. Costs.
We have excluded all BMPs, SWMPs, Footing Removals, All Overexcavating, Cut and Cdo and Relocating of all Existing Utilities, Locating and Pot Hosing for any and all Utilities, All Weekend and Night work, Fees, Permits, License, All Survey and Staking, Shop Drawings, Bridging, All signage and striping, Traffic control plans, Engineering, Water source and permit, Message boards, sign postings, Light Source and Towers, Street sweeping, All Bedging, Washouts, Dumpster, Rubberized Asphalt, Handling all Hazardous materials, and temp ac, etc.

Grand Total $ 101,212.00

Temp. Toilet to be provided by others

Note: Included with this proposal; please find attached sheet 2 of 2 - Her-Con Construction Services, Inc.
Standard Exclusions with all terms and conditions. If you have not received sheet 2 of 2
Please contact our office prior of acceptance 626 339-7000
STANDARD EXCLUSIONS WITH GENERAL TERMS AND CONDITIONS

1. The preparation of compacted sub-grade to be within one-five-hundredths of a inch. Sand aggregate base sub-grade is not included in the above prices unless specifically mentioned on quote. Not responsible for saturation of sub-grade and damage to concrete caused by expansive soils or compaction failures. If water flow is 1% or less, we are not responsible of maintaining proper water flow (water will puddle) with 1% or less flow.

2. If this is a UNIT PRICE proposal. Final quantities will be determined by physical measurements. Owner or prime agrees to protect our finished or formed work from others.(Hercon excludes protection)

3. ADA requirements are the responsibility of the Architect and Engineer. HER-CON will not be held responsible for meeting ADA requirements on drawings that themselves do not comply. If field changes are made to the drawings in order to conform to ADA, all costs associated with these changes shall be done on a Time and Material and Change Order Basis.

4. We have specifically excluded all- permits, fees, inspections, shop drawings, bonds, cost of bonds, protection of finished work, protecting of adjacent areas, dewatering, saw cutting for joints and demo, demo, temp. toilets, hauling, crew shuttle, color concrete, engineering, surveying, delineation, traffic control, backfill, backfill of curbs, location of driveway depressions, expansion joints, caulking, waterproofing, vapor barrier, all decorative concrete paving, CMU walls, PCC Sealers, Reinforcing, structures, grading, compacting, trenching, trenching of all thickened edges, excavation work, base materials, All M.E.P. work, drains, ditches, clear&grubb, crews badges, embeds, templates grouting, drypacking, AC Slot Patching, street sweeping, Additional Exclusions For AC Work- grinding, prime, coat, headers, seal coat, fog seal, patching for other trades, water / water meters or flood testing, adjustments of utilities / manholes / underground utilities, slot patchbacks, weedkill. All Base installation and Asphalt installation and all Demo work is to be per 1-Mobilization and $5000.00 each additional.

5. Concrete mobilizations and out of sequence work, Price are based on 1 Mobilization and $4,000.00 each additional. Our crew will require clear access for concrete ready mix trucks, crew panel trucks, and Asphalt dump trks.

6. This bid is subject to acceptance within Thirty (30) days of its date. Prices quoted are valid through (July 2022). Price is based on no schedule of start date. If work is to be performed passed the valid date then prices may increase.

7. If jobs schedule changes and requires premium-time work, we reserve the right to renegotiate concrete prices or proceed on overtime and material basis due to the production loss-factor of premium-time work.

8. All overdues accounts will be charged (1) one percent per month interest. Plus all collection costs plus all attorney fees for such collections. If there is a stoppage of work for a period of 60 days, all unpaid work including retention shall be paid in full upon five working days, after written notice.

9. The terms and conditions of this proposal are to be part of any contract, and in fact the offering of a contract by the buyer constitutes acceptance of this proposal and its conditions. This proposal along with standard exclusions and general terms and conditions sheet shall be part of the sub-contract agreement, set as an attachment.

10. Price is excluding all M.E.P. drawings (mechanical, electrical and plumbing)

11. Price is based on regular work hours from Monday through Friday; excluding all overtime and weekend work.

12. No change order will be performed regardless of any contract obligations between the Prime G.C. and Owner, HER-CON reserves the right to refuse any and all extra work and mobilizations without written approval by the Prime Contractor HER-CON is currently working for.

13. HER-CON will require all extra work to be paid in full along with progress billing for that pay period, regardless of approval by owner or agency.

14. In the event that HER-CON is pulled in and out of sequence as a result of job conditions both owner generated and prime contractor directed, HER-CON will require mobilization cost of $4,000.00 per occurrence.

15. In the event that there is a stop in our scope of work for a period of 30 days. HER-CON reserves the right to adjust its prices for the delay of job, also if the project is delayed passed 60 days, HER-CON will consider this contract void of its original unit and contract price, along with its contractual obligations, in this event HER-CON will be paid in full.

16. In the event that the prime contractor removes more than 20% of the original contract price, both lump Sum and unit price projects, HER-CON will have the right to re-bid the project accordingly to maintain a fair market value.

*: All prices above are based on a 520 C-2500 and 560 C-3250 mix for all concrete flat work.

For any questions regarding this proposal, please do not hesitate to contact our office thank you.

498 Fairlane Way, COVINA, CA 91723 PHONE 626 339-7000 E-mail: hercon7774511@aol.com