



City of  
**Los Banos**  
*At the Crossroads of California*

520 J Street Los Banos, CA 93635

Niorn Than, PE  
Public Works Director  
Telephone (209) 827-7056  
<http://www.losbanos.org>

**09-28-2022**  
**Letter # 001**

**Notice of Intent to Award**  
**Ag Sports Complex Restroom/Concession Building**  
**Project No.: 23PK0013**

Notice is hereby given that the City of Los Banos intends to award a contract to:

**Marvulli, Inc**

The proposed award is the result of the department's invitation for bid listed below:

**Ag Sports Complex Restroom/Concession Building**

This notice constitutes compliance with the State Contracting Manual sections 5.65 A and 6.10 A. Any protests concerning this proposed award must be filed with the City of Los Banos Department of Public Works, 411 Madison Ave., Los Banos, CA 93635 by 5:00 PM on October 10, 2022.

The copy of the lowest bidder's proposal is attached.

**Bid Form**

TO: City of Los Banos  
520 J Street  
Los Banos, CA 93635

In compliance with the Advertisement for Bids the undersigned, as bidder, hereby offers to provide to the Owner, in accordance with the terms and conditions in the provisions set forth in the Contract Documents the stated total bid amount quoted on this Bid Form for the work of

**Los Banos Ag Sports Complex Restroom/Concession Building**

Total Bid Amount (BASE BID ONLY) \$ 489,382.04

FOUR HUNDRED EIGHTY NINE THOUSAND THREE HUNDRED EIGHTY TWO AND <sup>04</sup>/<sub>100</sub> DOLLARS  
(Total Bid Amount in Written Form)

The undersigned certifies under penalty of perjury under the laws of the State of California and the United States of America, that the above quotation constitutes a bona-fide offer for the work, that undersigned is a duly authorized representative of the company listed, that the quotation is in no way sham or collusive, and that the executed Agreement between the bidder and Owner constitutes acceptance of bidder's total bid for the work stated in the Contract Documents. The undersigned has read the General Provisions, Special Provisions, and Technical Specifications in these Contract Documents. The undersigned further certifies, under penalty of perjury that the Non-Collusion Affidavit required by Title 23 United States Code, Section 112 and Public Contract Code Section 7106; and the Title 49 Code of Federal Regulations, Part 29 Debarment and Suspension Certification are true and correct.

The undersigned acknowledges receipt of the following addenda: N/A

Signature: [Signature] Date: 9/27/2022

Title: GENERAL MANAGER

Name of Business: MARVULLI, INC.

Doing business as: (Circle One): An Individual      A Partnership      A Corporation

Business Address: 1005 E. CHILDS AVE., SUITE A, MERCED, CA 95341

Telephone No.: 209-259-0347 Fax No.: 209-259-9289

E-Mail Address: BILL@MARVULLI.COMMERCIAL.COM

License Number: 1004437 Class & Expiration Date: B 12/31/2023

## List of Subcontractors

As of March 1, 2015, Contractors (and sub-contractors) wishing to bid on public works contracts shall be registered with the State Division of Industrial Relations and certified to bid on Public Works contracts. Please register at: <https://www.dir.ca.gov/Public-Works/Contractor-Registration.html>

In accordance with Title 49, Section 26.11 of the Code of Federal Regulations, and Section 4104 of the Public Contract Code of the State of California, as amended, the following information is required for each sub-contractor who will perform work amounting to more than one half of one percent (0.5%) of the Total Base Bid of \$10,000 (whichever is greater). **Photocopy this form for additional firms.**

Project: **Los Banos Ag Sports Complex Restroom/Concession Building**

The following work will be performed (or provided) by the following subcontractors, and coordinated by bidder:

Bid Item No.	Description of Work to be Performed	Percent of Total Contract	Subcontractor's License No.	DIR Registration No.	Subcontractor's Name and Address
3	Concrete/Grading	10 %	1022478	1000581548	Liaison 845 Market ST San Francisco, CA 94103
2	Demolition	4 %	718243	1000868882	WG Maloney / PO Box 30326 Stockton, CA 95213
6,4	Plumbing	3 %	1068011	1000026533	EAS Elite / 1055 E Childs Ave Merced, CA 95341
6,4	Electrical	2 %	787006	1000043534	Hamilton / 1128 Reno Ave Dillon / Modesto, CA 95351
5	Pre-Sub building	60 %	774870	1000000308	Structure / 8261 McLutchen Rd Cast / Bakersfield, CA 93311
1	Engineering	0.5 %		1000006475	MCR / 1242 Dupont Ct Merced, CA 95336

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### Equal Employment Opportunity

Contractor hereby certifies that bidder and subcontractors

- Have  
 Have Not

participated in a previous contract or subcontract subject to the equal opportunity clauses, as required by Executive Orders 10925, 11114, or 11246, and that, where required, have filed with the Joint Reporting Committee, the Director of the Office of Federal Contract Compliance, a Federal Government contracting or administering agency, or the former President's Committee on Equal Employment Opportunity, all reports due under the applicable filing requirements.

**Note:** The above certification is part of the bid. Signing this bid on the signature portion thereof shall also constitute signature of these certifications.

**Non-Collusion Affidavit**  
PUBLIC CONTRACT CODE 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.

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**Debarment and Suspension Certification**  
TITLE 49, CODE OF FEDERAL REGULATIONS, PART 29

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

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

If there are any exceptions to this certification, insert the exceptions to an additional sheet of paper and include with the bid.

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

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**NPDES/MS4 Compliance Certification**

All construction projects within the City limits must comply with the National Pollutant Discharge Elimination System (NPDES) storm water regulation adopted by the EPA and the Phase II Small Municipal Separate Storm Sewer System (MS4) General Permit requirements, regardless of size.

The City is required under these permits to provide information to Contractors performing work within City limits about training opportunities to assist in managing potential pollutants from construction –related activities, selection, installation, implementation, and maintenance of Best Management Practices (BMPs), as well as overall program compliance. The City has provided such information and helpful links on their website at <http://www.losbanos.org/city-government/departments/public-works/>, under the Storm Water Management Plan tab.

The Bidder acknowledges that they are aware of the necessity to be in compliance with the NPDES and MS4 permits while working within City limits, and that information regarding such is available on the City's website.

**Note:** The above certifications are part of the bid. Signing this bid on the signature portion thereof shall also constitute signature of these certifications.

## Experience

Bidder shall identify three (3) most recently completed projects similar to work described in these Contract Documents.

	1	2	3
Project Title	STANISLAUS COUNTY AG CENTER-TUOLUMNE BUILDING ADA CORRECTIVES	COUNTY OF MERCED MERCED VETERANS HALL ADA IMPROVEMENTS	MERCED COLLEGE STUDENT HEALTH CENTER
Public Agency	STANISLAUS COUNTY GENERAL SERVICES	MERCED COUNTY DEPARTMENT OF PUBLIC WORKS	MERCED COLLEGE
Address	3800 CORNUCOPIA WAY MODESTO, CA 95358	939 W. MAIN ST. MERCED, CA 95340	3600 M STREET MERCED, CA 95348
Telephone No.	415-850-1049 MARINA NUNEZ PROJECT MANAGER	209-385-7602 MIKE WALESKO PROJECT MANAGER	209-384-6300 CHUCK HERGENRAEDER DIR. OF PURCHASING
Engineer in Charge	KITCHELL CORP. MARIA NUNEZ 415-850-1049	TETER, LLP MERCED COUNTY MANAGER MIKE WALESKO	DARDEN ARCHITECTS, WILLIAM BRANDIE INC. 559-448 8051
Project Value (\$)	\$195,183.76	\$595,311.30	\$447,930.37
Date Accepted	3/16/2022	6/29/2021	9/9/2020
Claims Filed?*	NO	NO	NO

\* If yes, please explain below:

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**Bid Schedule  
For  
Los Banos Ag Sports Complex Restroom/Concession Building**

Bidder agrees to perform all the work described in the Contract Documents for the following unit and lump sum prices and understands that the quantity of work shown is approximate only. The schedule shall be completed by the bidder with the unit and lump sum prices entered in numerals. The extensions shall be made by the bidder. In case of discrepancy between the unit prices and the extension thereof, the unit price shall be considered as correct when evaluating bids.

**BASE BID ITEMS**

ITEM NO.	ITEM	QUANTITY AND UNIT	UNIT PRICE	AMOUNT
1	Mobilization	1 LS	\$ <u>102,000.54</u>	\$ <u>102,000.54</u>
2	Demolition & Removal	1 LS	\$ <u>19,068.00</u>	\$ <u>19,068.00</u>
3	New Concrete Walk	1,930 SF	\$ <u>17.00</u>	\$ <u>32,810.00</u>
4	Adjust Existing Valves and Utility Boxes	1 LS	\$ <u>1,500.00</u>	\$ <u>1,500.00</u>
5	New Restroom/Concession Building	1 LS	\$ <u>310,503.50</u>	\$ <u>310,503.50</u>
6	Reconnect Existing Utilities	1 LS	\$ <u>20,500.00</u>	\$ <u>20,500.00</u>
7	Temporary Fencing	1 LS	\$ <u>3,000.00</u>	\$ <u>3,000.00</u>
<b>TOTAL BASE BID:</b>			\$ <u>489,382.04</u>	

**ADDITIVE ALTERNATE BID ITEMS**

A	Demolition & Removal of Existing Concrete Pillars, Ramp, and Replace Concrete	1 LS	\$	\$
			<u>29,000.00</u>	<u>29,000.00</u>
<b>TOTAL ADDITIVE ALTERNATE BID A:</b>			\$ <u>29,000.00</u>	
B	Remove and Replace Existing Damaged Concrete	1 LS	\$	\$
			<u>37,900.00</u>	<u>37,900.00</u>
<b>TOTAL ADDITIVE ALTERNATE BID B:</b>			\$ <u>37,900.00</u>	

Basis of Award is on Base Bid Only. If the City has funds to award the work under Additive Alternate Bid Items, they will do so at their own discretion.

Note: The representations made herein are made under penalty of perjury. Any information contained in the bid which is proven false shall be considered nonresponsive and this bid shall be rejected.

**Bid Bond**

We, Marvulli Inc., dba: Marvulli

as Contractor, and U.S. Specialty Insurance Company

as Surety, jointly and severally, bind ourselves, our heirs, representatives, successors and assigns, as set forth herein, to the **City of Los Banos** (herein called "Owner") for payment

of the penal sum of Ten Percent of Amount Bid -----

----- Dollars (\$10% of Bid),

lawful money of the United States. Contractor has submitted the accompanying bid proposal

for the construction of: **Los Banos Ag Sports Complex Restroom/Concession Building**

If the Contractor is awarded the contract and enters into a written agreement, in the form prescribed by the Owner, at the price designated by Bid Schedule, and files a payment bond and performance bond with the Owner, or substitute security in lieu thereof, in the time and manner specified by the Owner, and carries all insurance in type and amount which conforms to the General Provisions, Special Provisions, and Technical Specifications in these Contract Documents and furnishes required certificates and endorsements thereof, then this obligation shall be null and void; otherwise it shall remain in full force and effect.

Forfeiture of this bond, or any deposit made in lieu thereof, shall not preclude the Owner from seeking all other remedies provided by law to cover losses sustained as a result of the Contractor's failure to do any of the foregoing.

Contractor and Surety agree that if the Owner is required to engage the services of an attorney in connection with the enforcement of this bond, each shall pay Owner's reasonable attorney's fees incurred with or without suit.

Executed on September 26, 2022

Marvulli Inc., dba: Marvulli

**Contractor**

(Seal if Corporation)

By: 

Title GENERAL MANAGER

[SIGNATURE SHEET CONTINUES ONTO NEXT PAGE]

Any claims under this bond may be addressed to:

U.S. Specialty Insurance Company (name and address of Surety)

2727 Camino Del Rio South, Suite 250

San Diego, CA 92108

Leap/Carpenter/Kemps Insurance (name and address of Surety's agent for service of process in California, if different from above)

3187 Collins Drive

Merced, CA 95348

209-384-0727 (phone number of Surety's agent in California)

(Attach Acknowledgment)

U.S. Specialty Insurance Company  
Surety

By Teresa R. Liles  
Teresa R. Liles, (Attorney-in-Fact)

Notice: No substitution or revision to this bond form will be accepted. Sureties must be authorized to do business in and have an agent for service of process in California.

All bond forms must be acknowledged before a Notary Public by both the Contractor and the Surety. Attorneys-in-fact who sign bond forms must file with each bond a certified and effective dated copy of their power of attorney.





**TOKIOMARINE  
HCC**

**POWER OF ATTORNEY**

**AMERICAN CONTRACTORS INDEMNITY COMPANY TEXAS BONDING COMPANY  
UNITED STATES SURETY COMPANY U.S. SPECIALTY INSURANCE COMPANY**

KNOW ALL MEN BY THESE PRESENTS: That American Contractors Indemnity Company, a California corporation, Texas Bonding Company, an assumed name of American Contractors Indemnity Company, United States Surety Company, a Maryland corporation and U.S. Specialty Insurance Company, a Texas corporation (collectively, the "Companies"), do by these presents make, constitute and appoint:

Michael D. Kemps, Michael J. Carpenter, Ruth B. Halstead,  
Sherry L. Yorks, or Teresa R. Liles

its true and lawful Attorney(s)-in-fact, each in their separate capacity if more than one is named above, with full power and authority hereby conferred in its name, place and stead, to execute, acknowledge and deliver any and all bonds, recognizances, undertakings or other instruments or contracts of suretyship to include riders, amendments, and consents of surety, providing the bond penalty does not exceed \*\*\*\*\* Five Million and 00/100 \*\*\*\*\* Dollars (\*\*\*\$5,000,000.00\*\*\*). This Power of Attorney shall expire without further action on January 31<sup>st</sup>, 2024. This Power of Attorney is granted under and by authority of the following resolutions adopted by the Boards of Directors of the Companies:

Be it Resolved, that the President, any Vice-President, any Assistant Vice-President, any Secretary or any Assistant Secretary shall be and is hereby vested with full power and authority to appoint any one or more suitable persons as Attorney(s)-in-Fact to represent and act for and on behalf of the Company subject to the following provisions:

Attorney-in-Fact may be given full power and authority for and in the name of and on behalf of the Company, to execute, acknowledge and deliver, any and all bonds, recognizances, contracts, agreements or indemnity and other conditional or obligatory undertakings, including any and all consents for the release of retained percentages and/or final estimates on engineering and construction contracts, and any and all notices and documents cancelling or terminating the Company's liability thereunder, and any such instruments so executed by any such Attorney-in-Fact shall be binding upon the Company as if signed by the President and sealed and effected by the Corporate Secretary.


Be it Resolved, that the signature of any authorized officer and seal of the Company heretofore or hereafter affixed to any power of attorney or any certificate relating thereto by facsimile, and any power of attorney or certificate bearing facsimile signature or facsimile seal shall be valid and binding upon the Company with respect to any bond or undertaking to which it is attached.

IN WITNESS WHEREOF, The Companies have caused this instrument to be signed and their corporate seals to be hereto affixed, this 23<sup>rd</sup> day of September, 2021.

**AMERICAN CONTRACTORS INDEMNITY COMPANY TEXAS BONDING COMPANY  
UNITED STATES SURETY COMPANY U.S. SPECIALTY INSURANCE COMPANY**

State of California  
County of Los Angeles



By:   
Daniel P. Aguilar, Vice President

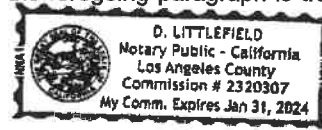
A Notary Public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document

On this 23<sup>rd</sup> day of September, 2021, before me, D. Littlefield, a notary public, personally appeared Daniel P. Aguilar, Vice President of American Contractors Indemnity Company, Texas Bonding Company, United States Surety Company and U.S. Specialty Insurance Company who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

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

WITNESS my hand and official seal.

Signature  (seal)



I, Kio Lo, Assistant Secretary of American Contractors Indemnity Company, Texas Bonding Company, United States Surety Company and U.S. Specialty Insurance Company, do hereby certify that the above and foregoing is a true and correct copy of a Power of Attorney, executed by said Companies, which is still in full force and effect; furthermore, the resolutions of the Boards of Directors, set out in the Power of Attorney are in full force and effect.

In Witness Whereof, I have hereunto set my hand and affixed the seals of said Companies at Los Angeles, California this 26<sup>th</sup> day of September, 2022.

Corporate Seals  
Bond No. N/A  
Agency No. 2426 - PDF POA



  
Kio Lo, Assistant Secretary

## 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 Merced )

On September 26 2022 before me, Yolanda R. Ochoa, Notary Public  
(insert name and title of the officer)

personally appeared Teresa R. Liles  
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.

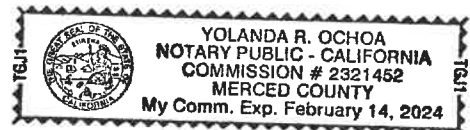
I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature

Yolanda R. Ochoa

(Seal)



# CALIFORNIA NOTARY 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 Merced

On 9-27-2022 before me, Yolanda R. Ochoa, Notary Public (name and title of officer), personally appeared William Joseph Nutter, 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 she/he/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 Yolanda R. Ochoa (Seal)

