



City of
Los Banos
At the Crossroads of California

520 J Street Los Banos, CA 93635

Charles Bergson, P.E.
Public Works Dir/City Engineer
Telephone (209) 827-7056
<http://www.losbanos.org>

9/05/2024
Letter # 001

**Notice of Intent to Award
Shade Structures at City Parks
Project No.: 25-PK-0001**

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

Zoom Recreation

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

Shade Structures at City Parks

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 September 12, 2024.

A copy of the lowest bidder's proposal can be found at the following link:

<https://losbanos.org/news/advertisement-for-bids-shade-structures-at-city-parks/>

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

SHADE STRUCTURES AT CITY PARKS

Total Bid Amount (BASE BID ONLY): \$ \$212,098.74

Two hundred twelve thousand ninety eight tolldays and seventy four cents

(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: Addenda #1 on August 20th

Signed by: Toby Fernie Date: 8/27/2024
Signature: 4AE451B713E744D...
Print Name: Toby Fernie Title: Northern California Project Manager
Name of Business: Zoom Recreation
Doing business as: (Circle One): An Individual A Partnership A Corporation
Business Address: 4000 Barranca Parkway Suite 250-659 Irvine, CA 92604
Telephone No.: 831-233-0586 Fax No.: _____
E-Mail Address: toby@zoomrecreation.com
License Number: 1067651 Class & Expiration Date: (A, C61/D34) Expires 8/31/24

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: **SHADE STRUCTURES AT CITY PARKS**

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
1-6	Installation of shades	30%	384458	1000048031	Doug Gourley Construction
					462 Appian Way El Sobrante,
					CA 94803

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.

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.

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.

See attached for more shade, shelter and playground projects

	1	2	3
Project Title	Alameda County Fair Shade Structure	Collier Park Shade	Cal Arts Shade
Public Agency	Alameda County Fair	City of La Mesa	Cal Arts
Address	2005 Valley Ave Gate 8, Pleasanton, CA 94566	2351 Soto St #2301, San Diego, CA 92107	24700 McBean Parkway, Valencia CA 91355
Telephone No.	(925) 567-6032	(619) 512-5505	(661) 253-7899
Engineer in Charge	Superior Shade	Custom Canopies	Superior Shade
Project Value (\$)	\$1,010,000	\$41,247	\$138,799
Date Accepted	September 2023	December 2023	July 2023
Claims Filed?*	No	No	No

* If yes, please explain below:

**Bid Schedule
For
SHADE STRUCTURES AT CITY PARKS**

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.

ITEM NO.	ITEM	QUANTITY AND UNIT	UNIT PRICE	AMOUNT
1	Citrus I Terrace Park- 226 Citrus Ave	1 LS	\$ 34,342.64	\$ 34,342.64
2	Big Page Park- 1055 W. I Street	1 LS	\$ 30,561.95	\$ 30,561.95
3	Ranchwood Park- 515 Stonewood Drive	1 LS	\$ 37,787.76	\$ 37,787.76
4	Meadowlands I Park- 2500 Wood Duck Drive	1 LS	\$ 37,787.76	\$ 37,787.76
5	Davis Park- 254 Santa Ana Street	1 LS	\$ 33,516.89	\$ 33,516.89
TOTAL BASE BID:			\$ 173,997.00	

ALTERNATE BID ITEM

1	Regency Tot Lot- 500 Blk Addington Street	1 LS	\$ 34,888.12	\$ 34,888.12
TOTAL ALTERNATE BID:			\$ 38,101.74	

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.



Dear Los Banos Parks and Recreation Department,

September 4th, 2024

This letter is for clarification purposes on our recently submitted bid for the *Shade Structures at City Parks* project for the city of Los Banos.

The base bid for Zoom Recreation for the five parks is \$173,997 as reference on the bid documents titled *Bid schedule for shade structures at city parks*.

The \$212,098.74 amount factors in the cost of the six parks shade structure totals including the add alternate at Regency Tot Lot.

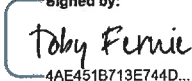
The \$173,997 amount factors in the total cost of providing the shades to the five parks referenced here:

1. Citrus 1 Terrace Park
2. Big Page Park
3. Ranchwood Park
4. Meadowlands 1 Park
5. Davis Park

If you have any questions, please feel free to contact me at toby@zoomrecreation.com and (831) 233-0586.

Sincerely,

Toby Fernie


4AE451B713E744D...

9/4/2024

Northern California Project Manager

(831) 233-0586

toby@zoomrecreation.com

September 4th, 2024

Bid Bond

We, Zoom Recreation, Inc. : 4000 Barranca Parkway Suite 250-659, Irvine, CA 92604

as Contractor, and United States Fire 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 Bid Amount**

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

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

for the construction of: **SHADE STRUCTURES AT CITY PARKS**

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

09/03, 20 24

Zoom Recreation, Inc.

Contractor

(Seal if Corporation)

By:

Nancy Le

Title

Secretary

[SIGNATURE SHEET CONTINUES ONTO NEXT PAGE]

Any claims under this bond may be addressed to:

United States Fire Insurance Company (name and address of Surety)

305 Madison Avenue

Morristown, NJ 07960

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

(phone number of Surety's agent in California)

(Attach Acknowledgment)

United States Fire Insurance Company

Surety

By

David T. Smedley
(Attorney-in-Fact)
David T. Smedley



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.

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.

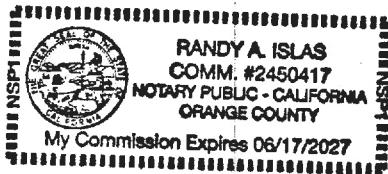
State of California

County of Orange

On 08/22/2021 before me, Randy A Islas, Notary Public
Date Here Insert Name and Title of the Officer

personally appeared Nancy N le
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 and/or Stamp Above

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: Bid Bond

Document Date: _____ Number of Pages: 2

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 of Conservator

☐ Other: _____

Signer is Representing: _____

Signer's Name: _____

☐ Corporate Officer – Title(s): _____

☐ Partner – ☐ Limited ☐ General

☐ Individual ☐ Attorney in Fact

☐ Trustee ☐ Guardian of Conservator

☐ Other: _____

Signer is Representing: _____

Certificate of Acknowledgement

State of Utah
County of Salt Lake

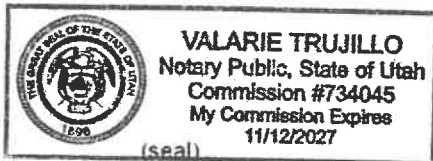
On 09/03/2024, before me, Valarie Trujillo,
(date) (notary)

personally appeared, David T. Smedley,
(signers)

☒ personally known to me -- OR --

☐ 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

WITNESS my hand and official seal



Valarie Trujillo
(notary signature)

**POWER OF ATTORNEY
UNITED STATES FIRE INSURANCE COMPANY
PRINCIPAL OFFICE - MORRISTOWN, NEW JERSEY**

12490

KNOW ALL MEN BY THESE PRESENTS: That United States Fire Insurance Company, a corporation duly organized and existing under the laws of the state of Delaware, has made, constituted and appointed, and does hereby make, constitute and appoint:

Robyn B. Jensen, Brett Palmer, David T. Smedley, Michael R. Vowles, Danise Worwood, Valarie Trujillo, Cameron Colligan

each, its true and lawful Attorney(s)-In-Fact, with full power and authority hereby conferred in its name, place and stead, to execute, acknowledge and deliver: Any and all bonds and undertakings of surety and other documents that the ordinary course of surety business may require, and to bind United States Fire Insurance Company thereby as fully and to the same extent as if such bonds or undertakings had been duly executed and acknowledged by the regularly elected officers of United States Fire Insurance Company at its principal office, in amounts or penalties: **Unlimited**

This Power of Attorney limits the act of those named therein to the bonds and undertakings specifically named therein, and they have no authority to bind United States Fire Insurance Company except in the manner and to the extent therein stated.

This Power of Attorney is granted pursuant to Article IV of the By-Laws of United States Fire Insurance Company as now in full force and effect, and consistent with Article III thereof, which Articles provide, in pertinent part:

Article IV, Execution of Instruments - Except as the Board of Directors may authorize by resolution, the Chairman of the Board, President, any Vice-President, any Assistant Vice President, the Secretary, or any Assistant Secretary shall have power on behalf of the Corporation:

(a) to execute, affix the corporate seal manually or by facsimile to, acknowledge, verify and deliver any contracts, obligations, instruments and documents whatsoever in connection with its business including, without limiting the foregoing, any bonds, guarantees, undertakings, recognizances, powers of attorney or revocations of any powers of attorney, stipulations, policies of insurance, deeds, leases, mortgages, releases, satisfactions and agency agreements;

(b) to appoint, in writing, one or more persons for any or all of the purposes mentioned in the preceding paragraph (a), including affixing the seal of the Corporation.

Article III, Officers, Section 3.11, Facsimile Signatures. The signature of any officer authorized by the Corporation to sign any bonds, guarantees, undertakings, recognizances, stipulations, powers of attorney or revocations of any powers of attorney and policies of insurance issued by the Corporation may be printed, facsimile, lithographed or otherwise produced. In addition, if and as authorized by the Board of Directors, dividend warrants or checks, or other numerous instruments similar to one another in form, may be signed by the facsimile signature or signatures, lithographed or otherwise produced, of such officer or officers of the Corporation as from time to time may be authorized to sign such instruments on behalf of the Corporation. The Corporation 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 Corporation, notwithstanding the fact that he may have ceased to be such at the time when such instruments shall be issued.

IN WITNESS WHEREOF, United States Fire Insurance Company has caused these presents to be signed and attested by its appropriate officer and its corporate seal hereunto affixed this 28th day of September, 2021.

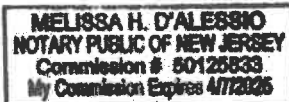
UNITED STATES FIRE INSURANCE COMPANY



Matthew E. Lubin, President

State of New Jersey }
County of Morris }

On this 28th day of September, 2021, before me, a Notary public of the State of New Jersey, came the above named officer of United States Fire Insurance Company, to me personally known to be the individual and officer described herein, and acknowledged that he executed the foregoing instrument and affixed the seal of United States Fire Insurance Company thereto by the authority of his office.



Melissa H. D'Alessio (Notary Public)

I, the undersigned officer of United States Fire Insurance Company, a Delaware corporation, do hereby certify that the original Power of Attorney of which the foregoing is a full, true and correct copy is still in force and effect and has not been revoked.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of United States Fire Insurance Company on the 3rd day of September 20 24

UNITED STATES FIRE INSURANCE COMPANY



Michael C. Fay, Senior Vice President