

VVTA RFP 2020-06 BARSTOW CNG STATION UPGRADE ADDENDUM NO. 5

Thursday, May 21, 2020

This addendum is provided to all known prospective proposers for clarification of the subject Request for Proposal (RFP).

The following were questions posed prior to the deadline for questions on Friday, May 15, 2020, and responses from VVTA Staff and Contractor:

Q1: "Is the Controller to also communicate with the LNG Station?"

A1: Yes, as the 2 systems need to operate together as well as independently in the event of a failure of either system; the whole purpose for this upgrade is redundancy. See notes 3.E and 25 on drawing # G-002.

Q2: "Is the LNG Facility going to be the prime CNG Source or the back up fueling source for this facility?"

A2: LCNG will be prime as we do not want to have venting due to warming without enough use. VVTA currently has one delivery per week of 10,000 gallons. However, the new PLC shall include switchable lead-lag start of the compressor system vs. the LCNG system, allowing either to be prime or lead.

Q3: "Has the Agency identified or defined the 'classification zones' within the existing facility they currently have in place?"

A3: Preliminary guidance is provided on drawing E-601. However, this is a design-build, so the contractor's engineer will be responsible for verifying this issue.

Q4: "The schematic print provided on Sheet D-601 Key D and Key E references ¾" stainless tube 0.070 wall outside of the panel. This tubing typically does not have the ability meet the specified 5500 psig internal pressure requirements for this project. Can you please clarify?"

A4: This was address on Addendum No. 4. See note 16 on sheet G-002.

Q5: "Can we get a copy of the As-Built Drawings of the existing facility underground utilities?"

A5: Links to the drawings are included at the end of this Addendum.

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Q6: "Is the LNG Facility horizontal CNG storage vessel to remain in operation or be removed?"

A6: The three existing CNG-storage vessels that are part of the LCNG system are to remain and be re-connected, per drawing D-601 and other project guidance. Submit turnkey additive alternate cost to provide three additional matching vessels.

Q7: "Can you provide the existing concrete slab thickness and detail?"

A7: See original drawings.

Q8: "Is it the intent to have a single Gas Line stub out that will have two meters. One for the Natural Gas Generator and the other for the CNG System?"

A8: There will need to be 2 gas lines to the station as we will have 2 different rates; one for vehicle fuel and one for the generator and 2 meters. Southwest Gas has verified they will support this.

Q9: Is it the intent to have two separate electric meters?"

A9: No, one meter for electricity is required see drawing E-601, and coordinate construction details as required by SCE.

Q10: "Is there a pre-determined location for the new gas service line and electric service available now, before bid date, that the Contractor can use and consider in his(/her) bid price?"

A10: Contact Southwest Gas and SCE for questions on the gas line and electricity respectfully. The electrical-service upgrade is expected to be near the existing transformer and service. The gas MSA for the CNG system will be in the CNG compound and the gas MSA for the genset will be in the vicinity of the genset.

Q11: "The 8-1/2 x 11 copies of portions of the drawings provided with Addendum No. 2 are hard to read and hard to use. Can we get a .pdf copy of the complete drawing that was copied in segments. More importantly, can we get the As-Built Drawings of **the existing facility underground utilities** ?"

A11: See A5, above for the as-builts. See XYZ link for access to a PDF set of the preliminary drawings

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Q12: “The single line drawing does not include the existing LCNG pumps, we believe there exist two (2) 40 HP motors each, will these loads be on the proposed new standby generator?”

A12: The genset is to be sized to support the normal operation at least the CNG compressor system, air compressor, controls, lights, dispensers and fuel-management terminals, or be sized at 400kW, whichever is greater. The genset power shall also be distributed such that it is able to power the entire LCNG system, PLC system, dispensers, lighting and fuel-management system. But if this capacity is not adequate to operate both the LCNG system and the CNG compressor, that is acceptable, in which case the system would operate either the LCNG system or the compressor system, as well as the accessory loads

Q13: “Given the coronavirus outbreak, would VVTA consider receipt of a PDF copy of proposals sent by email in place of hard copies?”

A13: VVTA has uploaded the RFP and all documents to a newly created Public Purchase online bidding platform. You can access the website with this link:
<https://www.publicpurchase.com/gems/vvta.ca/buyer/public/home>

Q14: “The header on the first few pages of the forms pertain to the Barstow Upgrade RFP 2020-06 but then segues to Armored Vehicle Transport RFP 2020-02 (on page 107 of 137) including its pricing sheet. It appears there may be a mix of two different solicitations. Please confirm if VVTA would like proposers to use the existing forms or will VVTA reissue new forms.

A14: Attachment F has been updated – a revised form is attached with this addendum.

Q15: “VVTA did not check the Buy America Certification (Required >\$150,000) form as a required form with this RFP. Is this RFP subject to Buy America requirements (p. 31, 35,38 & 107/137)?”

A15: This is not a Federally Funded project which means Buy America does not apply.

Q16: “There are 5 points assigned for DBE goals (p. 20 of 137). What is required to achieve the 5 points? Would VVTA please clarify if you have a separate contract DBE goal (%) for this RFP? What type of good faith effort documentation is needed to achieve the 5 points? Please provide the contact for your DBE coordinator along with the list of qualified DBEs list for this RFP.”

A16: In order to be considered for the DBE points – a Prime Contractor may subcontractor a California Certified DBE. To find certified DBE's, you can visit:
<https://ucp.dot.ca.gov/licenseForm.htm>

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The VVTA Procurement Manager is also VVTA's DBELO. Since there is not a Contract Goal on this project and it is not Federally Funded, VVTA is not considering Good Faith Efforts.

Q17: "What is VVTA's desired project notice to proceed date?"

A17: Approximately August 1, 2020.

Q18: "Does the project duration allowance of 280 days start from the Notice to Proceed?"

A18: Yes

Q19: "Confirm the backup generator must provide power for all equipment currently and to be installed on site as part of this upgrade. We believe that the 400A specification may be exceeded if this is deemed necessary.

A19: See A 12.

Q20: "Please confirm that VVTA requires the bidders to install a new valve panel in place of the existing one."

A20: Confirmed.

Q21: "Can the existing Bauer vapor-recovery compressor be removed as it is currently not being used?"

A21: Yes

Q22: "Please confirm the vent pressure of the LNG tank."

A22: This information is not currently available.

Q23: "Please provide PDFs of existing drawings."

A23: See A5, above.

Q24: "Please confirm the design-build entity will not be responsible for removal of the tube trailer."

A24: Confirmed. See drawing D-601.

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Q25: "Please confirm permissible downtime for utility and mechanical cut-overs, and any additional cut-over requirements (p 27 of 137, C.2)."

A25: Provide your best and worst case scenarios, as this station is used 24/7 so down time needs to be minimized as much as possible with at least 1 week prior notice.

Q26: "Please confirm that VVTA owns the rights to the existing station LCNG PLC program. If so, can the awarded contractor have unlimited access to it for integration of the new CNG PLC."

A26: VVTA owns all rights to the station and PLC. Further, the contractor shall provide a complete, executable and modifiable PLC-run program file for the new master PLC to the VVTA at the conclusion of the project.

Q27: "Please confirm that VVTA has comprehensive As-Built drawings that documents the existing PLC ladder logic and all inputs and Outputs (I/O)."

A27: Not known.

Q28: "VVTA RRP-2020-06 ATTACHMENT A SECTION 2.17 Item A mentions the ATS to be housed in a NEMA-3R or 4 enclosure and provide "KEY LOCKOUT". Please clarify "KEY LOCKOUT". We interpret the Key Lockout as a handle on the door of the enclosure that is keyed so the door cannot be opened unless the operator has a key.

A28: The interpretation is correct.

Q29: "2.17 – Item B. Contactor Signal: This section uses the term "MTS" (manual transfer switch) instead of ATS (automatic transfer switch). Please clarify that this switch is to be an ATS?"

A29: Provide ATS per drawing E-601.

Q30: "2.17 – Item C. Approved Manufacturers: Is an ABB Critical Power transfer switch an approved equal?"

A30: Yes, to the extent it complies with A29.

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Q31: "Is it acceptable for the Contractor to re-use the existing stainless steel tubing that is feeding the old dispenser? Or is it the intent of VVTA for the Contractor to install a totally new stainless steel feed line to the new Dispenser and abandon the old line or remove it?"

A31: The existing line may be used if it is serviceable.

Q32: "Would you please share the Southwest Gas contact for this project?"

A32: Maria Stosich Rushing; (702)365-2580; marie.stosich-Rushing@swgas.com.

The following links are scans of the 2005 Record Drawings that we have for the project:

Ziped: <http://gofile.me/3iEVy/zWHyK0m8N> Unzipped: <http://gofile.me/3iEVy/7kjqDklxw>

The drawings included in the original RFP can be found on the Public Purchase website and at vvta.org/procurement.

All other terms and conditions of the RFP remain the same.

As stated in the RFP, all addenda must be acknowledged. Please use Attachment H of the RFP to acknowledge receipt of this addendum. Failure to acknowledge any addenda to this RFP may be cause to deem Bidder "Non-Responsive."

END OF ADDENDUM NO. 5

Revised Attachment F Follows

VVTA RFP 2020-06 BARSTOW CNG STATION UPGRADE
ATTACHMENT F – SUBMISSION OF FORMS - REVISED - FINAL

1. If a qualifier, i.e. (Required >\$100,000) follows the title of the form, then submit that form only if the BID meets that requirement.
2. Duplicate forms as necessary.
3. **Submit ONLY those forms that are checked, unless required elsewhere in the IFB/RFP/RFQ.**
4. Submit the following checked items AT THE TIME OF BID SUBMISSION:
 - ☒ Proposal Pricing Form (Sealed Separate Envelope)
 - ☐ Buy America Certification (Required >\$150,000)
 - ☒ Current Client References
 - ☒ Not on Excluded Parties List System (SAM.com) (Provide page from website)
 - ☒ Affidavit of Non-Collusion
 - ☒ Debarment, Suspension, & Other Responsibility Matters
 - ☒ List of Subcontractors and DBE's (Required >1/2 of 1% Share of Bid)
 - ☒ Proposed Disadvantaged Business Enterprise (DBE) Participation; if you or a subcontractor are a DBE, please submit certification with bid.
 - ☒ Restriction on Lobbying (Prime) One (1) form required of each prime bidder and any proposed subcontractor having greater than a \$100,000 share of the bid.
 - ☒ CSLB Contractor's License(s). Provide copies in your Proposal Package.
 - ☒ DIR Registration – Provide a screen shot from the DIR website showing registration number.
 - ☒ Warranty Procedures Form (Required)
 - ☒ Audited Financials or Tax Returns, for the most recent two-year period.
5. Submit the following **Required** forms **AT THE TIME OF CONTRACT AWARD:**
 - a. **Proof of Licenses.** As required by law, in addition to contract requirements. Must be California approved, valid, showing expiration dates and license numbers. These include, but are not limited to (**Only those items checked**):
 - i. ☒ Sales or Services; if applicable
 - ii. ☒ Business: authorized by the city wherein business is to be conducted (if applicable.)
 - iii. ☐ Driver's: within classification, required, valid, etc...
 - iv. ☒ Others: any not mentioned herein, but required by industry standard, required by law, by requirements of Contract.

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- b. ☒ **Proof of Permits:** as required by law, in addition to contract requirements. Must be California approved, valid, showing expiration dates and license numbers.
- c. ☒ **Insurance Certificate (Proof)** must meet the requirements in the RFP. If the Insurance Certificate with the additional insured endorsement is submitted with the bid, the Notice to Proceed can be issued sooner. Failure to submit the Proof of Insurance as requested may result in contract award annulment.
- d. ☒ **Performance Bond:** One Hundred percent (100%) of the contract price
- e. ☒ **Payment Bond:** One Hundred percent (100%) of the contract price.

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VVTA - RFP 2020-06 PRICE PROPOSAL

Proposer shall complete the following form and include same in the Price Proposal package separate from the Technical Proposal submitted in response to this solicitation.

By execution below Proposer hereby agrees to furnish the related equipment, and services as specified in Victor Valley Transit Authority's Request for Proposals No. 2020-06 at the prices submitted in response to this solicitation.

PROPOSER COMPANY NAME:

CA CONTRACTOR STATE LICENSE NUMBER: _____ LIC. CLASS: _____

DIR REGISTRATION NUMBER: _____

STREET ADDRESS:

CITY, STATE, ZIP CODE:

AUTHORIZED OFFICER:

COMPANY OFFICER TITLE:

SIGNATURE OF AUTHORIZED OFFICER:

CONTACT INFORMATION:

OFFICE PHONE NUMBER:

EMAIL ADDRESS: _____

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Work Item	Total \$
1. ENGINEER & DESIGN SERVICES	\$
2. SITE CONDITIONS/SITE PREPARATION	\$
3. EQUIPMENT PROCUREMENT	\$
4. PERMITS & UTILITY COORDINATION	\$
5. MOBILIZATION/DEMOBILIZATION	\$
6. DEMOLITION	\$
7. CONCRETE	\$
8. MECHANICAL INSTALLATION	\$
9. ELECTRICAL INSTALLATION	\$
10. SITEWORK & FENCING	\$
11. PAINTING	\$
12. OVERHEAD	\$
13. PROFIT	\$
BASE PRICE*	\$

* BASE PRICE SHALL INCLUDE THE DESIGN AND PROVISION OF EQUIPMENT PADS AND FOUNDATIONS AS NEEDED TO ACCOMMODATE THE ADDITIVE-ALTERNATE ITEMS EQUIPMENT LISTED ELSEWHERE IN THIS SCHEDULE, REGARDLESS OF WHETHER ANY ALTERNATES ARE PROCURED. ALSO PROVIDE AND COORDINATE GAS METER AND

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GAS-SUPPLY PIPING IN THE VIVINITY OF THE PLANNED GENERATOR AS PART OF THE
BASE PRICE

ALTERNATES **	PRICE
A1. GENERATOR W/TRANSFR SWITCH	\$
A2. PRE-ENGINEERED SHADE CANOPY OVER NEW ELECTRICAL EQUIPMENT AND GENSET	\$
A3. SET OF THREE CNG STORAGE VESSELS	\$

** PRICING FOR EACH ALTERNATE SHALL BE TURNKEY AND INCLUSIVE OF ALL ASSOCIATED EQUIPMENT, MATERIALS, LABOR AND MARKUPS AS REQUIRED TO MAKE THE RESPECTIVE ITEM COMPLETE AND FUNCTIONAL. ALTERNATES MAY BE AWARDED IN ANY COMBINATION AT THE OWNER'S DISCRETION, INCLUDING NONE.

Listing of Holidays CONTRACTOR does not provide regular service: _____

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CURRENT CLIENT REFERENCES

Proposer by its signature below, certifies that the following references of supplied service to other clients over the last seven (7) years (use additional pages as necessary): (A minimum of 5 are required)

Agency Name	Contact Name/Phone	Year
1.		
2.		
3.		
4.		
5.		
6.		
7.		

Signature of the Proposer's Authorized Official

Name and Title of the Proposer's Authorized Official

Company Name

Date

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NON-COLLUSION AFFIDAVIT
(Per Public Contract Code Section 7106)

State of California)
) ss.

County of _____)

_____, being first duly sworn, deposes and says that he or she is _____, of _____ ("Proposer") the party making the foregoing proposal that the proposal is not made in the interest of, or on behalf of, any undisclosed person, partnership, company, association, organization, or corporation; that the proposal is genuine and not collusive or sham; that the Proposer has not directly or indirectly solicited any other Proposer to put in a false or sham proposal, and has not directly or indirectly colluded, conspired, connived, or agreed with any Proposers or anyone else to put in a sham proposal, or that anyone shall refrain from bidding; that the Proposer has not in any manner, directly or indirectly, sought by agreement, communication, or conference with anyone to fix the proposal fee of the Proposer or any other Proposer, or to fix any overhead, profit, or cost element of the proposal fee, or of that of any other Proposer, or to secure any advantage against the public body making the award of anyone interested in the proposed award; that all statements contained in the proposal are true; and, further, that the Proposer has not, directly or indirectly, submitted his or her proposal fee 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, proposal depository, or to any member or agent thereof to effectuate a collusive or sham proposal.

I certify (or declare) under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Signature

Company Name

Printed Name

Title

SUBSCRIBED AND SWORN TO BEFORE ME

This _____ day of _____, _____.

Notary Public

(Seal)

**VVTA RFP 2020-06 BARSTOW CNG STATION UPGRADE
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FTA CERTIFICATION REGARDING DEBARMENT,

**DEBARRED BIDDERS CERTIFICATION
SUSPENSION, INELIGIBILITY AND VOLUNTARY
EXCLUSION**

For Contracts and Subcontracts in Excess of \$25,000.00

Instructions for Certification

1. By signing and submitting its bid or proposal, the prospective lower tier participant is providing the signed certification set out below.
2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into; If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, VVTA may pursue available remedies, including suspension and/or debarment.
3. The prospective lower tier participant shall provide immediate written notice to VVTA if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
4. The terms “covered transaction,” “debarred,” “suspended,” “ineligible,” “lower tier covered transaction,” “participant,” “persons,” “principal,” “proposal,” and “voluntary excluded,” as used in this clause, have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549 [49 C.F.R. Part 29]. You may contact VVTA for assistance in obtaining a copy of those regulations.
5. The prospective lower tier participant agrees by submitting its bid or proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized in writing by VVTA.
6. The prospective lower tier participant further agrees by submitting its bid or proposal that it will include the clause, set out below, titled “Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion – Lower Tier Covered Transaction,” without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions and in all solicitations for lower tier covered transactions.
7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each

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participant may, but is not required to, check the Non-procurement List issued by U.S. General Service Administration.

8. Nothing contained in the foregoing shall be construed to require establishment of system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
9. Except for transactions authorized under Paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to all remedies available to the Federal Government, RT may pursue available remedies including suspension and/or debarment.

“Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion – Lower Tier covered Transaction”

1. The prospective lower tier participant certifies, by submission of its bid or proposal, that neither it nor its “principals” [as defined at 49 C.F.R. §29.105(p)] is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.
2. When the prospective lower tier participant is unable to certify to the statement in this certification, such prospective participant shall attach an explanation to its bid or proposal.

Signature of the Proposer’s Authorized Official

Name and Title of the Proposer’s Authorized Official

Company Name

Date

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**FTA CERTIFICATION OF RESTRICTIONS ON LOBBYING
(For Bids Over \$100,000)**

I. _____, hereby certify on behalf of _____
(Company Name) that:

1. No Federal or State appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any State or Federal agency, a Member of the State Legislature or the United States Congress, an officer or employee of the Legislature or Congress, or an employee of a Member of the Legislature or Congress, in connection with the awarding of any State or Federal contract, the making of any State or Federal grant, the making of any State or Federal loan, the entering into of any State or Federal cooperative agreement and the extension, continuation, renewal, amendment or modification of any State or Federal contract, grant, loan, or cooperative agreement.
2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, or an officer or employee of Congress, in connection with this contract, grant, loan or cooperative agreement, which is funded in whole or in part by Federal funds, the undersigned shall complete and submit Standard Form–LLL, “Disclosure Form to Report Lobbying,” in accordance with its instructions.
3. The undersigned shall require that the language of this certification be included in the award documents for any subcontractor at any tier performing work under this Federal-Aid funded Contract and that all subcontractors of any tier shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance is placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by § 13 52, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Executed this _____ day of _____, _____

Signature of the Proposer's Authorized Official

Name and Title of the Proposer's Authorized Official

Company Name

Date

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PERFORMANCE BOND

Bond No.
Premium:

KNOW ALL PERSONS BY THESE PRESENTS THAT:

WHEREAS, on _____, 20__, the VICTOR VALLEY TRANSIT AUTHORITY (“VVTA”) awarded to (“PRINCIPAL”) a contract for performance of the work described as **VVTA Barstow CNG Station Upgrade - RFP No. 2020-06** (“CONTRACT”), the terms and conditions of which are incorporated herein by reference; and

WHEREAS, the CONTRACT requires PRINCIPAL to furnish this Performance Bond (“BOND”) to guarantee PRINCIPAL’s faithful performance of all provisions of the CONTRACT; and

WHEREAS, _____ (“SURETY”), a corporation legally authorized to execute and furnish performance bonds as sole surety in the State of California, is willing to act as PRINCIPAL’s SURETY in the making and giving of this BOND.

NOW, THEREFORE, we PRINCIPAL and SURETY hereby hold and firmly bind ourselves to pay to CITY in lawful United States currency the principal sum of _____ Dollars (\$ _____), for which payment well and truly to be made to CITY or CITY’s successors or assigns we hereby bind ourselves and our heirs, legal representatives, successors and assigns, jointly and severally, firmly by these presents.

THE CONDITION OF THIS BOND IS THAT IF PRINCIPAL or PRINCIPAL’s heirs, legal representatives, successors or assigns shall in all things stand to, abide by, and well and truly keep and faithfully perform all of the covenants, conditions and promises in the CONTRACT, including its work Guaranty, and all alterations thereof made as therein provided on PRINCIPAL’s part to be kept and performed at the time and in the manner specified therein, and in all respects according to their true intent and meaning, and shall indemnify and save harmless CITY and CITY’s officers, employees and agents as therein specified, then this obligation shall become null and void; otherwise, it shall be and remain in full force and binding effect.

SURETY hereby agrees that no change in the terms of the CONTRACT or the work to be performed thereunder, or any extension of time for completion thereof, shall in any way relieve it of its obligations under this BOND, and hereby waives notice of any change or extension thereof, and further waives the provisions of California Civil Code sections 2819 and 2845.

If lawsuit is brought by CITY on this BOND, PRINCIPAL and SURETY shall pay to CITY, over and above the principal sum hereof, reasonable costs and attorney’s fees which the court is hereby authorized to award.

IN WITNESS WHEREOF, we sign and seal this BOND on _____.

Correspondence or claims relating to
this BOND should be sent to SURETY at
the following address:

Principal

By: _____

(Seal)

Typed Name and Title

Surety

(Seal)

Attorney-In-Fact

Telephone Number _____

Typed Name and Title

Note: Signatures of those executing for
SURETY must be acknowledged, and a

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Power of Attorney attached.

PAYMENT BOND

Bond No. _____

Premium: _____

KNOW ALL PERSONS BY THESE PRESENTS THAT:

WHEREAS, on _____, 2018, the VICTOR VALLEY TRANSIT AUTHORITY (“VVTA”) awarded to (“PRINCIPAL”) a contract for performance of work described as **VVTA Barstow CNG Station Upgrade - RFP No. 2020-06** (“CONTRACT”), the terms and conditions of which are incorporated herein by reference; and

WHEREAS, the CONTRACT requires PRINCIPAL to furnish this Payment Bond (“BOND”) to secure payment of the claims of persons described in California Civil Code section 3248(b); and

WHEREAS, _____ (“SURETY”), a corporation legally authorized to execute and furnish payment bonds as sole surety in the State of California, is willing to act as PRINCIPAL’s SURETY in the giving of this BOND.

NOW, THEREFORE, we PRINCIPAL and SURETY hold and firmly bind ourselves unto CITY and all persons and entities described in California Civil Code section 3248(b) whose claims are not paid by PRINCIPAL in the total sum of Dollars (\$ _____), for which payment well and truly to be made we bind ourselves and our heirs, legal representatives, successors and assigns, jointly and severally, firmly by these presents.

THE CONDITION OF THIS BOND IS THAT IF PRINCIPAL or PRINCIPAL’s successors, assigns, or subcontractors fail to pay any of the persons described in California Civil Code section 3181, any amounts due under the California Unemployment Insurance Code with respect to work or labor performed under the CONTRACT or any amounts required to be deducted, withheld and paid over to the California Employment Development Department from the wages of employees of PRINCIPAL and PRINCIPAL’s subcontractors pursuant to California Unemployment Insurance Code section 13020 with respect to such work and labor, SURETY will pay for the same in an amount not exceeding the sum stated above, plus all costs and reasonable attorney’s fees awarded by any court of competent jurisdiction in any lawsuit brought upon this BOND.

THIS BOND SHALL INURE TO the benefit of all persons and entities described in California Civil Code section 3248(b) so as to give them or their assigns a right of action in any lawsuit brought upon this BOND, and is executed and filed to comply with the Public Works Payment Bond provisions of Chapter 7, Title 15, Part 4, Division 3 of the California Civil Code (commencing at Section 3247) and all amendments thereto, which provisions are incorporated herein by this reference.

IN WITNESS WHEREOF, we sign and seal this BOND on _____.

Correspondence or claims relating to
this BOND should be sent to SURETY at
the following address:

Principal

By: _____

(Seal)

Typed Name and Title

Surety

(Seal)

Attorney-In-Fact

Telephone Number _____

Typed Name and Title

Note: Signatures of those executing for
SURETY must be acknowledged, and a
Power of Attorney attached.

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END OF REQUIRED FORMS