



April 19, 2016

DEPARTMENT OF PLANS & PUBLIC WORKS

Ms. Billie Sposeto, President  
FBD Vanguard Construction, Inc.  
651 Enterprise Ct.  
Livermore, CA 94550

Re: Notice to Proceed for 2016 Citywide Sidewalk Repair – Phase 1 Project  
(35c1552)

Dear Ms. Sposeto:

This is your "Notice-to-Proceed" to perform all of the work and furnish all labor, materials, equipment and transportation necessary for the 2016 Citywide Sidewalk Repair – Phase 1 Project (35c1552) for the Total Base Bid (Items 1 – 8) for a fee not-to-exceed \$568,092.20 with a sum of up to 10% for such contingencies as the City Manager, or his designee, deems appropriate.

The effective date of this Notice to Proceed is Monday, April 25, 2016. As stated in the Public Works Contract (Ag-5296), the work shall commence within fourteen (14) calendar days from the effective date of this Notice to Proceed, and shall be completed on or before the expiration of One Hundred and Fifty (150) calendar days from the effective date of this Notice to Proceed.

We will forward the City Purchase Order to you once we receive it from our Accounting staff. Please include the Purchase Order number on all invoices to the City for this project. Please coordinate all work with Lori Lynn Williamson, Construction Project Manager with the City of Monterey, at (831) 242-8746. We look forward to partnering with you and your team on this project.

Sincerely,

  
Steve Wittry, P.E.  
City Engineer

SW/mm

Enclosures: Ag-5296

cc Kyle Wood, FBD Vanguard Construction, Inc.  
Lori Lynn Williamson, P.E., Construction Project Manager  
Thomas Korman, P.E., Senior Engineer  
Laurie Williamson, P.E., Senior Engineer  
Clementine Bonner Klein, Senior Assistant City Clerk  
Scott Connolly, Accounting Specialist  
File

**PUBLIC WORKS CONTRACT (Formal Bid)**

**2016 Citywide Sidewalk Repair – Phase 1 Project (35c1552)**

THIS AGREEMENT, hereinafter referred to as the "Agreement", made and entered into this 7 day of April, 2016, by and between the CITY OF MONTEREY, a municipal corporation, hereinafter referred to as the "City", and FBD VANGUARD CONSTRUCTION, INC. hereinafter referred to as the "Contractor";

**WITNESSETH:**

WHEREAS, the Council of the City has awarded a contract to the Contractor for performing the work hereinafter described in accordance with the City's Plans and Specifications and Contractor's sealed proposal;

NOW, THEREFORE, IT IS AGREED AS FOLLOWS:

1. **SCOPE OF WORK.** The Contractor shall perform all of the work and furnish all labor, materials, equipment and transportation necessary for **2016 Citywide Sidewalk Repair – Phase 1 Project**. Work is to be as set out in the Plans and Specifications on file in the Office of the City Engineer and as in the Contractor's Proposal attached hereto, dated February 23, 2016, for the **Total Base Bid (Items 1 – 8) in an amount not to exceed Five Hundred Sixty Eight Thousand, Ninety Two Dollars and Twenty Cents (\$568,092.20)** plus a sum of up to 10% for such contingencies as the City Manager, or his designee, deems appropriate.
2. **TIME OF PERFORMANCE.** The work under this contract shall commence within fourteen (14) calendar days from the effective date of the Notice to Proceed and shall be completed on or before the expiration of One Hundred and Fifty (150) calendar days from the effective date of the Notice to Proceed.
3. If any provision in this Agreement is held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remaining provisions will continue in full force without being impaired or invalidated in any way.
4. Contractor agrees that in the performance of this Agreement, it will comply with all applicable state, federal and local laws, codes and regulations. This Agreement shall be governed by and construed in accordance with the laws of the State of California and the City of Monterey.
5. In accordance with the provisions of Sections 1725.5, 1771.1, 1771.3, and 1771.4 of the Labor Code, this project is subject to compliance monitoring and enforcement by the Department of Industrial Relations. A contractor or subcontractor shall not be qualified to bid on, be listed in a bid proposal, subject to the requirements of Section 4104 of the Public Contract Code, or engage in the performance of any contract for public work, as defined by that chapter of the Labor Code, unless currently registered and qualified to perform public work pursuant to Section 1725.5 of the Labor Code. It is not a violation of this section for an unregistered contractor to submit a bid that is authorized by Section 7029.1 of the Business and Professions Code or by Section 10164 or 20103.5 of the Public Contract Code, provided the contractor is registered to perform public work pursuant to Section 1735.5 at the time the contract is awarded.
6. The Monterey City Council awarded this contract on March 15, 2016 by Resolution 16-031 C.S.
7. This Agreement shall consist of this Public Works Contract document and the following items, all of which are on file in the office of the City Clerk and are incorporated herein and made a part hereof by reference:
  - A. Plans and Specifications
  - B. Accepted Proposal
  - C. Performance Bond
  - D. Payment Bond (labor and materials)
  - E. Non-Collusion Declaration
  - F. Debarment and Suspension Certification
  - G. Certification(s) of Good Faith Effort to Hire Local Residents

IN WITNESS WHEREOF, said Contractor and said City have hereunto set their hands, all on the day and year first above written.



ATTEST  
By: [Signature]  
City Clerk

CITY OF MONTEREY:  
By: [Signature]  
City Manager, or his designee

FBD VANGUARD CONSTRUCTION, INC.:  
By: [Signature]  
Billie Sposeto, President