

**EXHIBIT "A"**

**BID FORM**

**RFB NO. 25-26-35**

**Project: ANNUAL CONTRAC TO SUPPLY HOT MIX ASPHALT MATERIALS**

TO: THE CITY OF VISALIA PURCHASING DIVISION:

In compliance with the City's Notice Inviting Sealed Bids No. 25-26-35 dated: \_\_\_\_\_, the undersigned BIDDER hereby proposes to furnish all materials, equipment, tools, labor appurtenances and incidentals required for the above stated project as set forth in the RFB, including all Exhibits and related contract documents therefore, and to perform all work in the manner and time prescribed therein.

BIDDER declares that this proposal is based upon careful examination of the Instructions to BIDDERS, and the contract requirements. If this bid is accepted for award, BIDDER agrees to enter into a contract with CITY at the unit and/or lump sum prices set forth in the following Bid Schedule.

BIDDER understands that a bid is required for the product and that compensation under the contract will be based upon the product condition received as stated in the bid specifications. It is agreed that all prices bid include all appurtenant expenses, royalties, and fees. All bids will be checked for accuracy. In the case of discrepancies in amounts bid, unit prices shall govern over extended amounts.

BIDDER hereby agrees to execute a contract within ten (10) working days, or such further time as may be allowed in writing by the Purchasing Division, after receiving notification of the acceptance of this Bid, and it is hereby mutually understood and agreed that in case the BIDDER does not, said Purchasing Division may proceed to award the contract to others.

BIDDER understands that the City's intent is to enter into an agreement with more than one Vendor. The most responsive, responsible bidder with the lowest True Delivered Cost per ton bid will be awarded the prime contract. There may or may not be instances when the Prime Vendor cannot provide product when needed. It is for this reason the City may enter into an agreement with the responsive, responsible bidder with the second lowest True Delivered Cost per ton bid. Should this be the case, the City will always request product from the Prime Vendor first.

BIDDER further declares that he/she has not either directly or indirectly entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free competitive bidding in connection with said bid.

BIDDER has read and hereby agrees to the conditions stated in this proposal by affixing his/her signature on the Bid Form.

*In the case of discrepancy in amounts bid, unit pricing shall prevail over extended amounts.*

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**Basis of Award**

Bidders shall provide a unit price per ton for the supply of hot mix asphalt for use by the Streets Division.

The City will calculate a True Delivered Cost (TDC) per ton for award using a standardized hauling cost factor and the one-way distance from the asphalt plant to the City's designated delivery point. For bidding purposes, delivery address shall be the City of Visalia's Corporation Yard, 336 N. Ben Maddox Way, Visalia, CA.

Award will be based on the lowest True Delivered Cost per ton, provided the bidder meets all technical, operational, and regulatory requirements of the RFB.

**Section A – Bidder Information**

Item	Description	Bidder Entry
1	Asphalt Plant Name	Porterville Asphalt, Inc.
2	Plant Address	14200 Rd 284 - Porterville, Ca. 93257
3	Contact Person / Phone	Jerry Cobb 559-676-3847

**Section B – Bidder Pricing**

Bidder hereby proposes to supply the City of Visalia, for the price listed (**Price shall include all costs associated with producing and loading asphalt meeting applicable State of California and local specifications.**) the following product:

Item	Description	Bidder Entry
T	¾" Hot Mix Asphalt	\$ <u>78.00</u> / ton *Does not include sales tax.

**Award Tabulation (For Reference Only)**

The City will use the following formula:

**TDC = T + (0.22 × D)**

Where:

**T** = Bidder's unit price (\$ per ton)

**D** = One-way distance from the asphalt plant to the City's designated delivery location (miles), as determined by the City

The factor 0.22 reflects the City's estimated hauling cost assumptions:

- Hauling rate = \$126/hour
- Average truck payload = 25 tons/load
- Average travel speed = 45 mph
  
- Derivation of Hauling Cost Factor
  - Hourly hauling rate: \$126/hour
  - Cost per mile: \$126 ÷ 45 mph = \$2.80 per mile
  - Cost per ton per mile: \$2.80 ÷ 25 tons = \$0.112 per ton per mile
  - Round-trip adjustment (2 × \$0.112): = \$0.224 per ton per one-way mile
  - Rounded for bid purposes to: 0.22

Bidder determines:

- Bidder's unit price (**T**) = \$85.00 per ton (example)

City determines:

- Distance (**D**) = 25 miles (example)

City Calculation:     TDC = T + (0.22 × D)  
                              TDC = 85.00 + (0.22 × 25)  
                              TDC = 85.00 + 5.50  
                              **TDC = \$90.50 per ton**

The City will apply this calculated value to all bids to determine the lowest True Delivered Cost per ton.

(1) Porterville Asphalt, Inc.  
Bidding Firm

(2) Corporation  
Corporation, Partner, Joint Venture

(3) 14200 Rd 284 Porterville Ca. 93257  
Business Address City State Zip Code

559-781-6389 asphalt@portervilleroad.com  
Telephone Number E-mail Address

(4) [Signature] 5/13/2020  
Signature of Authorized Person (Date)

Jerry Cobb, Manager  
Type or Print Authorized Person's Name

**PLEASE SEE THE FOLLOWING INSTRUCTIONS REGARDING SIGNATURE**

(1) If the BIDDER is an individual, enter name here in style used in business; if a joint venture, exact name of entities joining in the venture; if a partnership, the correct trade style of the partnership; if a corporation, the exact name of the corporation.

(2) If BIDDER is other than an individual, identify here its character, i.e., joint venture, partnership, corporation, including the state of incorporation. If BIDDER is an individual operating under a trade name, state "an individual dba (trade name in full)".

(3) State on this line, the address to which all communications and notices regarding the Bid Proposal, and any contract awarded thereunder, are to be addressed.

(4) If BIDDER is a joint venture, signature must be by one of the joint venturers, and if one or both of the joint venturers is a partnership or a corporation, each participating partnership must sign by a general partner, and each corporation by an authorized officer or employee; if a partnership, by a general partner; if a corporation, by an authorized officer or employee. The title of the person signing must appear after his/her signature. Where BIDDER is a partnership or corporation, the names of all other general partners, or the president or secretary of the corporation and their business addresses must be shown below.

Mitchell Brown, President 14200 Rd. 284, Porterville, CA 93257  
Elizabeth Brown, CEO/Sec. 14200 Rd. 284, Porterville, CA 93257

Note: All names must be typewritten under written signature. All Addresses must be complete with street number, city, state and zip code.

**CITY OF VISALIA BUSINESS TAX CERTIFICATE NO.:** \_\_\_\_\_

A City Business Tax Certificate (License) is not required to submit a bid; however, vendor is required to obtain a City License prior to commencement of work or if vendor is presently transacting business within the City of Visalia regardless of whether the business address is actually located within the City. Contact the Business License Division for clarification of questions at 559-713-4326.

**Federal Tax I.D. No.:** 71-0901217

**REFERENCES**

Please list (3) companies as references of approximately the same size and characteristics of the product and/or equipment and/or materials as described in this bid.

- | Company Name              | Tel. No.     | Contact         | Product(s)             |
|---------------------------|--------------|-----------------|------------------------|
| 1. Yates Grading & Paving | 559-834-4818 | Laurie O'Brien  | Contractor             |
| 2. Martin Marietta        | 559-233-3338 | Marcus Galewitz | Asphalt Producer       |
| 3. Quikrete               | 559-781-1949 | Matthew Wiken   | Construction Materials |

**EXHIBIT "B-1"**

**NON-COLLUSION AFFIDAVIT**

(Title 23 United States Code Section 112 and Public Contract Code Section 7106)

In accordance with Title 23 United States Code section 112 and Public Contract Code 7106 the bidder declares that 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; 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.

  
Signature

5/13/2024  
Date

Note: The above Non-collusion Affidavit is part of the Bid/Proposal.  
Bidders are cautioned that making a false certification may subject the certifier to criminal prosecution.

EXHIBIT "B-2"

**WORKERS' COMPENSATION INSURANCE CERTIFICATE  
(CALIF. LABOR CODE § 3700)**

STATE OF CALIFORNIA     )  
  ) ss  
CITY OF VISALIA            )

I am aware of the provisions of Section 3700 of the Labor Code which requires every employer to be insured against liability for workers' compensation or to undertake self-insurance in accordance with the provisions of that code, and I will comply with such provisions before commencing the performance of the work under this contract.


Company: Porterville Asphalt, Inc.  
Business Address: 14200 Rd 284, Porterville, Ca. 93257  
Signature:   
Name of Signing Official: Jerry Cobb  
Title of Signing Official: Project Specialist  
Date: 5/13/2021  
Company Seal:

EXHIBIT "B-4"

Ownership Disclosure and California Levine Act Statement

The following disclosure and statement apply to the Bidder/Proposer/Contractor/Consultant/ Vendor/Supplier or Company:

- 1. submitting a bid or proposal in response to a solicitation by City of Visalia; or
2. as Awardee of a contract/purchase order which is subject to approval by the Visalia City Council.

OWNERSHIP DISCLOSURE

Porterville Asphalt Inc.

Name of Bidder/Proposer/Contractor/Consultant/Vendor/Supplier or Company

14200 Rd 284 - Porterville, Ca. 93257

Address

List the names of all principals, partners, and/or trustees. For corporations, provide names of officers, directors and all stockholders owning more than 10% equity interest in corporation:

Mitchell Brown, President
Elizabeth Brown, Sec/COO
Louryn Corrala, Stockholder, Ryan Brown, Stockholder, Taylor Brown, Stockholder

CALIFORNIA LEVINE ACT STATEMENT

California Government Code Section 84308, also know as the "Levine Act," can prohibit members of the Visalia City Council from participating in any action related to a contract if he or she receives any political contributions totaling more than \$500 within the previous twelve (12) months, and for twelve (12) months following the date a final decision concerning the contract has been made, from the person or company awarded the contract. The Levine Act also requires disclosure of such contribution(s) by a party to be awarded a specific contract.

The following website contains a list of current Visalia City Council Members,

https://www.visalia.city/government/city\_council/default.asp. You are responsible for reviewing the names of Visalia City Council Members prior to making the following disclosure:

- 1. Have you or your company, or any agent on behalf of you or your company, made any political contributions of more than \$500 to a Visalia City Council Member in the twelve (12) months preceding the date of the submission of your proposals or the anticipated date of any City Council action related to this contract?
YES: NO: X If yes, please identify the City Council Member(s) and date(s) of contribution in the space below:

Council Member(s) Name

Date of Contribution(s)

Answering YES, does not preclude the City of Visalia from awarding a contract to your firm or from taking any subsequent action related to the contract. It does, however, preclude the identified Visalia City Council Member(s) from participating in any actions related to this contract.

NOTICE: The disclosure duty under state law continues for twelve (12) months after the award. If the above information regarding contributions changes during this time after the award, then the awardee is required to update this disclosure form.

Porterville Asphalt Inc.

Print or Type Name of Bidder/Proposer/Contractor/Consultant/Supplier/Vendor/Company

Signature of Company Authorized Individual

Elizabeth Brown, Sec/COO

Date


5/13/24

**EXHIBIT "B-5"**

STATE OF CALIFORNIA  
**DRUG-FREE WORKPLACE CERTIFICATION**  
 STD.21 (REV.12-93)

**CERTIFICATION**

*I, the official named below, hereby swear that I am duly authorized legally to bind the contractor or grant recipient to the certification described below. I am fully aware that this certification, executed on the date below, is made under penalty of perjury under the laws of the State of California.*

CONTRACTOR/BIDDER FIRM NAME <i>Porterville Asphalt, Inc.</i>	FEDERAL ID NUMBER
BY(Authorized Signature) 	DATE EXECUTED <i>5/13/2026</i>
PRINTED NAME AND TITLE OF PERSON SIGNING <i>Jerry Cobb</i>	TELEPHONE NUMBER (Include Area Code) <i>(559) 781-6389</i>
TITLE <i>Project Specialist</i>	
CONTRACTOR/BIDDER FIRM'S MAILING ADDRESS <i>14200 Rd 284 Porterville, Ca. 93257</i>	

The contractor or grant recipient named above hereby certifies compliance with Government Code Section 8355 in matters relating to providing a drug-free workplace. The above named contractor or grant recipient will:

1. Publish a statement notifying employees that unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance is prohibited and specifying actions to be taken against employees for violations, as required by Government Code Section 8355(a).
2. Establish a Drug-Free Awareness Program as required by Government Code Section 8355(b), to inform employees about all of the following:
  - (a) The dangers of drug abuse in the workplace,
  - (b) The person's or organization's policy of maintaining a drug-free workplace,
  - (c) Any available counseling, rehabilitation and employee assistance programs, and
  - (d) Penalties that may be imposed upon employees for drug abuse violations.
3. Provide as required by Government Code Section 8355©, that every employee who works on the proposed contract or grant:
  - (a) Will receive a copy of the company's drug-free workplace policy statement, and
  - (b) Will agree to abide by the terms of the company's statement as a condition of employment on the contract or grant.
4. At the election of the contractor or grantee, from and after the "Date Executed" and until \_\_\_\_\_ (NOT TO EXCEED 36 MONTHS), the state will regard this certificate as valid for all contracts or grants entered into between the contractor or grantee and this state agency without requiring the contractor or grantee to provide a new and individual certificate for each contract or grant. If the contractor or grantee elects to fill in the blank date, than the terms and conditions of this certificate shall have the same force, meaning effect and enforceability as if a certificate were separately, specifically, and individually provided for each contract or grant between the contractor or grantee and this state agency.

**EXHIBIT "B-6"**

**AMERICANS WITH DISABILITIES ACT COMPLIANCE CERTIFICATE**

By submission of a bid, the BIDDER certifies it will comply with the Americans with Disabilities Act, 42 U.S.C., 12101 et. seq., and will maintain compliance throughout the life of this Contract. By commencing performance of the Contract work, the selected BIDDER certifies to the Americans with Disabilities Act compliance.

Company:

Porterville Asphalt, Inc.

Business Address:

14200 Rd 284 Porterville, Ca. 93257

Signature:



Name of Signing Official:

Jerry Cobb

Title of Signing Official:

Project Specialist

Date:

5/13/2024

Company Seal:  
(if any)

**EXHIBIT "B-7"**

**IRAN CONTRACTING ACT CERTIFICATION  
(PUBLIC CONTRACT CODE SECTION 2200 ET SEQ.)**

As required by California Public Contract Code Section 2204, the Contractor certifies subject to penalty for perjury that the option checked below relating to the Contractor's status in regard to the Iran Contracting Act of 2010 (Public Contract Code Section 2200 et seq.) is true and correct:



The Contractor is not:

(1) Identified on the current list of persons and entities engaged in investment activities in Iran prepared by the California Department of General Services in accordance with subdivision (b) of Public Contract Code Section 2203; or

(2) A financial institution that extends, for 45 days or more, credit in the amount of \$20,000,000 or more to any other person or entity identified on the current list of persons and entities engaging in investment activities in Iran prepared by the California Department of General Services in accordance with subdivision (b) of Public Contract Code Section 2203, if that person or entity uses or will use the credit to provide goods or services in the energy sector in Iran.



The City has exempted the Contractor from the requirements of the Iran Contracting Act of 2010 after making a public finding that, absent the exemption, the City will be unable to obtain the goods and/or services to be provided pursuant to the Contract.



The amount of the Contract payable to the Contractor for the Project does not exceed \$1,000,00 over the life of the contract (up to 5 years).

Signature: 

Printed Name: Jerry Cobb

Title: Project Specialist

Agency Name: Porterville Asphalt, Inc.

Date: 5/13/2020

Note: In accordance with Public Contract Code Section 2205, false certification of this form shall be reported to the California Attorney General and may result in civil penalties equal to the greater of \$250,000 or twice the Contract amount, termination of the Contract and/or eligibility to bid on contracts for three years.