



AG BURN ALTERNATIVES GRANT PROGRAM APPLICATION

SECTION 1 - APPLICANT INFORMATION (PLEASE PRINT OR TYPE)

ORGANIZATION INFORMATION		
1. Organization, Company, or Proprietor's Name (as it appears on Form W-9): City of Visalia		
2. Address: 707 W Acequia Ave		
3. City: Visalia	4. State: CA	5. Zip Code: 93291
6. Mailing Address (if different from above): 7579 Avenue 288		
7. City: Visalia	8. State: CA	9. Zip Code: 93277
11. County of Business Location (check all that apply): <input type="checkbox"/> Fresno <input type="checkbox"/> Kern (Valley Portion) <input type="checkbox"/> Kings <input type="checkbox"/> Madera <input type="checkbox"/> Merced <input type="checkbox"/> San Joaquin <input type="checkbox"/> Stanislaus <input checked="" type="checkbox"/> Tulare <input type="checkbox"/> Other, specify:		
12. Total Acreage of All Agricultural Operations in the Valley: 130	13. List any District Burn Permit Number(s) if applicable:	

SECTION 2- CONTACT INFORMATION (PLEASE PRINT OR TYPE)

PRIMARY CONTACT INFORMATION	
1. First and Last Name: Rehana Cale	2. Title: Project Manager
3. Phone Number: 559-713-4176	4. Fax Number:
5. Alternate Contact Number:	6. Email: rehana.cale@visalia.city
SIGNING AUTHORITY INFORMATION (IF DIFFERENT FROM ABOVE)	
7. First and Last Name: Nick Bartsch	8. Title: Public Works Director
9. Phone Number: 559-713-4428	10. Fax Number:
11. Alternate Contact Number: 559-713-4052	12. Email: nick.bartsch@visalia.city

SECTION 3 – PROJECT INFORMATION (PLEASE PRINT OR TYPE)

1. Crop Location Address: See Attached Map (Attachment 1)	
2. City: Visalia	3. Zip Code: 93277
4. Relative Directions from Cross Streets: Ave 288 & Road 68	
5. Which type of practice is being selected: <input type="checkbox"/> Chipping <u>with</u> Soil Incorporation/Whole Orchard Recycling <input checked="" type="checkbox"/> Chipping <u>without</u> Soil Incorporation (On-site land application of chipped material) <input type="checkbox"/> Air Curtain Burner (<u>only for diseased material or material with embedded wire</u>) <input type="checkbox"/> Chipping <u>with</u> Off-site Beneficial Re-use, specify: (i.e. mulching, composting, land application near roadways for dust suppression)	
6. Orchard/Vineyard removal acreage: 130	7. Crop Type: Walnuts
8. (For Vineyard Projects) Grape Category: <input type="checkbox"/> Raisin <input type="checkbox"/> Table <input type="checkbox"/> Wine	9. (For Vineyard Projects) Vineyard Type: <input type="checkbox"/> Cane Pruned <input type="checkbox"/> Spur Pruned (Cordon)
10. For air curtain burners; have all non-combustion alternatives been explored and deemed to be infeasible? <input type="checkbox"/> Yes, no other alternative options are feasible for my orchard/vineyard removal due to the following reason(s): <u>Check all that apply</u> <ul style="list-style-type: none"> <input type="checkbox"/> Removal material is diseased (Submit Diseased Agricultural Material Form) <input type="checkbox"/> Chipping contractors in the area are unable to chip material with embedded wire <input type="checkbox"/> Extensive delay in availability of chipping equipment. Delay of about _____ months <input type="checkbox"/> Other alternative measures are not economically feasible <input type="checkbox"/> Other, please explain _____ <input type="checkbox"/> No (<u>Ineligible for funding</u>)	
11. Will you be completing the project yourself or hiring a third party contractor? Contractor - JFS Enterprises	
12. Final Disposition of Agricultural Material Location/Address: On-site	
13. City: Visalia	14. Zip Code: 93277
15. Relative Directions from Cross Streets: Ave 288 & Road 68	
16. You must disclose if you have applied for, are planning to apply for, or have received funding from any other sources for this project, including but not limited to: Environmental Quality Incentives Program (EQIP), Healthy Soils, Tree Assistance Program (TAP), LandFlex, etc. <ul style="list-style-type: none"> <input checked="" type="checkbox"/> No, I HAVE NOT applied and WILL NOT apply for funding from other sources <input type="checkbox"/> Yes, I HAVE received, will receive, or plan on receiving funding from other sources 	
NOTE: Co-funding is allowed. Applying for or receiving funding from other sources for this project does not necessarily preclude you from applying for or receiving funds under this program, however, the total combined funding may not exceed 100% of the total eligible project costs.	
17. Funding Source Name(s):	Estimated Amount(s):

CERTIFICATIONS FORM

I have read the Eligibility Criteria and Program Guidelines and I agree to **ALL** the following terms and conditions by signing below:

- I have not chipped, nor will I begin chipping, any of the acres of the orchard/vineyard to be removed at the above-described location referenced in this application until I have an executed voucher. Additionally, if selecting the air curtain burner practice, I have not disposed of any of the material to be removed until I have an executed voucher.
- I understand that the chipped material must be used for soil incorporation (whole orchard/vineyard recycling), on-site land application, off-site beneficial re-use (mulch, composting, land application near roadways for dust suppression, and other District approved beneficial re-use of the chipped material), or other District approved practices, and cannot be used in any combustion practices including, but not limited to biomass power generation and pyrolysis, with the sole exception of air curtain burners, which may only be used to dispose of diseased material or material with embedded wire, such as cordon (spur) pruned vineyard material.
- I understand that no portion of the agricultural material from the orchard/vineyard removal can be burned or used in any of the aforementioned combustion processes with the sole exception of air curtain burners, including (but not limited to): leaves, branches, trunks, roots, stumps, untreated sticks, grape vines, grape canes, and untreated grape stakes.
- I understand that submission of this application does not guarantee incentive funding for the project.
- I understand that the final funding amount reimbursed may be less than the maximum incentive amount if the final invoice amount for the project is less than the maximum incentive amount or if the final project is different from the proposed project. For example, the project proposed and funded was 100% soil incorporation but the final project was 50% with soil incorporation and 50% without soil incorporation.
- I certify that I will continue to use the acres referenced in this application for agricultural use.
 - The property undergoing an orchard removal will remain a commercial agricultural operation, consistent with District Rule 4103 – *Open Burning*, and Section 80100 of Title 17, Code of California Regulations, which provides for the open burning of agricultural materials produced wholly from agricultural operations in the growing and harvesting of crops or the raising of fowl or animals for the primary purpose of making a profit, providing a livelihood, or conducting agricultural research or instruction by an educational institution. Land conversions intended for non-agricultural purposes are not eligible for funding.
 - The orchard/vineyard to be removed at the above-described location is from a commercial agricultural operation.
 - The removal of this orchard/vineyard is not for the purpose of preparing the land for a commercial, residential, or other non-agricultural use.
- I understand that the selection of a third party contractor to perform any or all of the project is completely my choice and the District does not endorse, or is not in partnership with any such contractors and shall not be responsible for any disputes arising from the work performed between the applicant and the contractor. The District will not be held liable for any disputes, circumstances or events that occur between the applicant and contractor. Contractors are independent contractors; they are not officers, representatives, agents, servants, employees, partners, associates, or joint ventures of the District.
- Projects funded by District will not be used as marketable emission reduction credits, to offset any emission reduction obligation, or for credit under any federal or state emission averaging, banking and trading program. In addition, projects funded through this program may not be used to generate a compliance extension or extra credit for determining regulatory compliance.
- Any current financial incentive that directly reduces the project cost, including but not limited to, tax credits or deductions, grants, or other public financial assistance for the same project, must be disclosed to the District.
- I certify that I am currently in compliance with all federal, State, and local air quality rules and regulations and I am not aware of any outstanding or pending enforcement actions.
- I agree not to make a payment towards, or begin chipping of the orchard/vineyard removal prior to receiving a valid voucher from the District. Additionally, if selecting the air curtain burner practice, I agree not to make a payment towards, or begin disposing of any of the material prior to receiving a valid voucher from the District.

I hereby certify that all information provided in this application and any attachments are true and correct to the best of my knowledge.

Signature of Signing Authority:	Date:
12-12-24	
Print Name:	Title:
Nick BARTSCH	
PUBLIC WORKS DIRECTOR	

APPLICATION PACKET CHECKLIST

When submitting a project for consideration, submit a **complete** application packet. An incomplete application packet will lengthen the application processing time and delay possible incentive funding. A complete application packet includes the following items:

- Completed **Application**, no fields left blank.
- Completed **Certifications Form** section, signed by **Applicant (Signing Authority)**.
- First page of IRS **Form W-9**.
- Confirmation of crop/acreage and location of orchard/vineyard removal site.**
 - i.e. site map, google map, assessor's map
 - For off-site beneficial re-use, a secondary site map, google map, assessor's map that confirms the off-site location
- Dated and itemized **Quote** from service provider(s) for the planned activities.
 - The quote must provide an itemized breakdown, including specific information and associated costs with pruning/wire/support removal (vineyards), pushing/piling, chipping/shredding, spreading, soil incorporation (ripping/discing), hauling (beneficial re-use), move-in fees, air curtain burner (for applicable projects), and any additional costs.
 - For off-site beneficial re-use projects, documentation of agreement of acceptance of the chipped material from the proposed recipient must be submitted along with the quotes for the services above. This documentation must include the location of the final disposition site and confirmation of the end use of the chipped material confirming no combustion of the material will occur.
- Documentation of **estimated costs** by participating grower, if additional costs are beyond those on the quote(s) for contracted services
- If applying for air curtain burner as the alternative measure due to diseased agricultural material, submit the completed **Diseased Agricultural Material Form** along with the required supporting documentation.

Please return all completed applications to:

1990 East Gettysburg Avenue Fresno, CA 93726-0244

Phone: (559) 230-5800 ■ Fax: (559) 230-6112 ■ Email: grants@valleyair.org

■ Web Portal: <https://ww2.valleyair.org/grants/ag-burn-alternatives-grant-program>

Don't forget to retain a full copy of the completed application for your own records.

For additional assistance, please contact staff in the Grants and Incentives Department at (559) 230-5800

W-9

Form
(Rev. October 2018)
Department of the Treasury
Internal Revenue Service

Request for Taxpayer Identification Number and Certification

► Go to www.irs.gov/FormW9 for instructions and the latest information.

Give Form to the requester. Do not send to the IRS.

Print or type. See Specific Instructions on page 3.	<p>1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank.</p> <p>CITY OF VISALIA</p> <p>2 Business name/disregarded entity name, if different from above</p> <p>3 Check appropriate box for federal tax classification of the person whose name is entered on line 1. Check only one of the following seven boxes.</p> <p><input type="checkbox"/> Individual/sole proprietor or <input type="checkbox"/> C Corporation <input type="checkbox"/> S Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Trust/estate single-member LLC</p> <p><input type="checkbox"/> Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=Partnership) ► _____</p> <p>Note: Check the appropriate box in the line above for the tax classification of the single-member owner. Do not check LLC if the LLC is classified as a single-member LLC that is disregarded from the owner unless the owner of the LLC is another LLC that is not disregarded from the owner for U.S. federal tax purposes. Otherwise, a single-member LLC that is disregarded from the owner should check the appropriate box for the tax classification of its owner.</p> <p><input checked="" type="checkbox"/> Other (see instructions) ► GOVT</p> <p>4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3):</p> <p>Exempt payee code (if any) _____</p> <p>Exemption from FATCA reporting code (if any) _____</p> <p style="text-align: right; font-size: small;">(Applies to accounts maintained outside the U.S.)</p>					
5	Address (number, street, and apt. or suite no.) See instructions.			Requester's name and address (optional)		
6	City, state, and ZIP code					
7	List account number(s) here (optional)					

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the instructions for Part I, later. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN*, later.

Note: If the account is in more than one name, see the instructions for line 1. Also see *What Name and Number To Give the Requester* for guidelines on whose number to enter.

Social security number									
_____	-	_____							
OR									
Employer identification number									
9	4	-	6	0	0	0	4	4	9

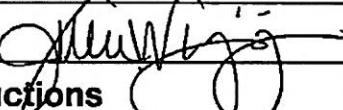
Part II Certification

Under penalties of perjury, I certify that:

1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
3. I am a U.S. citizen or other U.S. person (defined below); and
4. The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions for Part II, later.

Sign Here

Signature of U.S. person ► 

Date ► 1/11/2024

General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Future developments. For the latest information about developments related to Form W-9 and its instructions, such as legislation enacted after they were published, go to www.irs.gov/FormW9.

Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following.

- Form 1099-INT (interest earned or paid)

- Form 1099-DIV (dividends, including those from stocks or mutual funds)
- Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
- Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
- Form 1099-S (proceeds from real estate transactions)
- Form 1099-K (merchant card and third party network transactions)
- Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
- Form 1099-C (canceled debt)
- Form 1099-A (acquisition or abandonment of secured property)

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

*If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See *What is backup withholding*, later.*

ATTACHMENT 1



** All features displayed on the map are a general depiction. Irrigation assets and therefore may not accurately reflect the location.

City of Visalia Walnut Orchards
(Ave 288 & Rd 68)



Visalia City Council

Visalia City Council
707 W. Acequia
Visalia, CA 93291

Staff Report

File #: 24-0463

Agenda Date: 11/18/2024

Agenda #: 5.

Agenda Item Wording:

Award a Contract for Walnut Orchard Demolition and Removal and Appropriation of Funds -
Award a contract to JFS Enterprises for Walnut Orchard Demolition and Removal in the amount of \$495,000 to demolish and remove 130 acres of Walnut Orchards surrounding the Water Reclamation Facility (WRF), and appropriate \$550,000 from the Wastewater Fund.

Deadline for Action: 11/18/2024

Submitting Department: Public Works

Contact Name and Phone Number: Nick Bartsch 559-713-4428 ; Ben Litwack 559-713-4671 ; Rehana Cale 559-713-4176

Department Recommendation:

Staff recommends that the Council authorize staff to enter into a contract with JFS Enterprises in the amount of \$495,000 for the demolition and removal of the 130 Acres of Walnut Orchards surrounding the Water Reclamation Facility (WRF) in accordance with RFB-24-25-18; and appropriate \$550,000 from the Wastewater Fund (431).

Background Discussion:

Based on the health and condition of the walnut orchards, historical and projected crop production, and associated uncertainties related to groundwater sustainability regulations, the City Council directed City staff to stop farming the 130 acres of Walnuts in December 2023. This direction also included the removal of the walnut orchard and the exploration of long-term lease options that would be compatible with the Wastewater Treatment Plant operations.

Request for Bids RFB-24-25-18: Walnut Orchard Demolition & Removal was advertised in the Visalia Times Delta on September 25th and October 1st, 2024. Notices were sent to 57 agricultural contractors, 24 tree service contractors and posted on BidNetDirect online. A pre-bid meeting was held on October 8, 2024 and several Contractors attended. Based on the pricing recently experienced for similar work on the City's East Side Orchard Removal Project, staff estimated these costs to be \$975,000. On October 22, 2024, the City received eight (8) bids, with JFS Enterprises being the lowest bid.

Bid Summary:

1. JFS Enterprises	Fresno, CA	\$ 495,000
2. Kroeker	Fresno, CA	\$ 595,000
3. Nates Tree Service	Sonora, CA	\$ 605,000
4. Ares Engineering	Tollhouse, CA	\$ 795,250
5. HD Mathews Demo and Excavation	Fresno, CA	\$ 860,323.12
6. Ag Industrial Enterprises	Earlimart, CA	\$ 886,396.20

BSN
50

7. DSB Ag Services	Williams, CA	\$ 961,940
8. Katch Environmental	Fresno, CA	\$ 1,415,000

Staff has reviewed JFS Enterprises' qualifications and their provided references and found them to be properly licensed with a positive work history. Additionally, JFS Enterprises is the current contractor on the East Side Orchard Removal project, which is underway and progressing satisfactorily.

Fiscal Impact:

The farmland surrounding the Water Reclamation Facility (WRF) is owned by the Wastewater Fund (431) and operated under the Farming Division (4344). Therefore, costs associated with the operation, and the subject tree removal, are paid by the Wastewater Fund (431). Staff is requesting the appropriation of \$550,000 to cover the cost of the removal contract and provide a contingency to address any unforeseen conditions that may be encountered.

Based on the prior direction from City Council to take these walnuts out of production, Staff recently submitted a proposal to the Greater Kaweah Ground Water Sustainability Agency (GKGSA) to fallow this land, under their 2024-2025 Fallowing Program. The program is offered to Growers within the GKGSA's jurisdictional boundaries in an effort to reduce demand on the groundwater resources of the GKGSA, thus reducing impacts to domestic and irrigation wells, and move toward groundwater sustainability. Subject to Council's acceptance and approval of a land-fallowing agreement with the GKGSA, under this program, the land shall remain fallowed from October 1, 2024 through September 30, 2025. In turn, the City would receive \$500 per field acre that is fallowed. Therefore, if accepted, this would equate to approximately \$60,435 in revenue that could ultimately be used to offset the impact of these one-time expenses of removal.

Prior Council Action:

- December

18, 2023 - City Council was presented an update to the city-owned farmland and farming operations and provided direction to cease farming operations of the 130 acres of walnuts.

- February 16, 2021 - City Council was presented an update to the city-owned farmland and farming operations.

- February 19, 2019 - City Council

entered into a contract with Jeb Headrick Farming for an annual not to exceed amount of \$1,000,000.

Other: N/A

Alternatives: N/A

Recommended Motion (and Alternative Motions if expected):

I move to authorize staff to enter into a contract with JFS Enterprises in the amount of \$495,000 for the demolition and removal of the 130 Acres of Walnut Orchards surrounding the Water Reclamation Facility in accordance with RFB-24-25-18; and appropriate \$550,000 from the Wastewater Fund (431).

Environmental Assessment Status: N/A

CEQA Review: N/A

File #: 24-0463

Agenda Date: 11/18/2024

Agenda #: 5.

Attachments: Attachment #1 - Orchard Removal Map

ATTACHMENT 1



City of Visalia Walnut Orchards
(Ave 288 & Rd 68)

0 250 500 1,000
Feet

** All features displayed on the map are a general depiction and therefore may not accurately reflect the 47 location.

BID PROPOSAL

SECTION 1 BID ITEM PROPOSAL SCHEDULE

FROM: CONTRACTOR JFS Enterprises
Company Name of bidder

Bids are required for the entire work complete and in place. Contractor must fill out all portions of Bid Proposal Form.

Project Name: 2024 WALNUT ORCHARD DEMOLITION & REMOVAL
RFB NO. 24-15-18

To the City Clerk of the City of Visalia:

The undersigned as bidder declares that he has carefully examined the location of the proposed work, that he has examined the specifications, and read the accompanying instructions to bidders, and hereby proposes and agrees, if this proposal is accepted, to furnish all materials, labor, equipment and supplies required and do all the work required to complete said work in accordance with said Specifications and Contract Documents in the time and manner therein prescribed, for the lump sum price set forth in the following **Bid Schedule:**

Total bid amount shall be written in both figures and words where indicated below. In case of discrepancy between words and figures, the words shall prevail.

The Low Bidder will be based on the LOWEST TOTAL BID AMOUNT.

DESCRIPTION OF WORK: 2024 Walnut Orchard Removal which includes the demolition & Removal of a 130 Acre Walnut Orchard as specified in RFB-24-25-18.	TOTAL BID AMOUNT (price bid includes all material, labor, equipment, and supplies to complete the work described)
	<u>\$ 495,000.00</u> (lump sum)
Total Lump Sum Bid Amount in words: <u>Four Hundred Ninety Five Thousand</u> (words) and <u>Zero</u> (words) cents.	

The award of the Contract, if it is awarded, will be to the lowest bidder whose proposal is deemed by the City as responsive and responsible and complies with all the requirements described.

If this proposal shall be accepted and the undersigned shall fail to contract as aforesaid and to deliver the performance bond in the sums to be determined as aforesaid, with surety satisfactory to the City of Visalia, and to deliver all required insurance policies within ten (10) days, not including Sundays and legal holidays, after the bidder has received notice that the contract has been awarded, the City Council may, at its option,

determine that the bidder has abandoned the Contract, and thereupon this proposal and the acceptance thereof shall be null and void.

Bidder acknowledges receipt of the following addenda:

No. 1, dated October 15, 2024

No. 2, dated October 15, 2024

No. _____, dated _____, 20_____

SECTION 2 REQUIRED BID PROPOSAL FORMS

2-1 PUBLIC CONTRACT CODE SECTION 10162 QUESTIONNAIRE

In accordance with Public Contract Code Section 10162, the Bidder hereby completes, under penalty of perjury, the following questionnaire:

Has the bidder, or any office of the bidder, or any employee who has a proprietary interest in the bidder, ever been disqualified, removed, or otherwise prevented from bidding on, or completing a federal, state, or local government project because of a violation of law or a safety regulation?

Yes No ✓

If the answer is yes, explain the circumstances in the following space:

PUBLIC CONTRACT CODE SECTION 10232 STATEMENT

In accordance with Public Contract Code Section 10232, the Contractor, hereby states under penalty of perjury, that no more than one final unappealable finding of contempt of court by a federal court has been issued against the Contractor within the immediately preceding two year period because of the Contractor's failure to comply with an order of a federal court which orders the Contractor to comply with an order of the National Labor Relations Board.

Note: The above Questionnaire and Statement are a part of the Proposal. Signing this Proposal on the signature portion thereof shall also constitute signature, under penalty of perjury, of this Questionnaire and Statement.

Bidders are cautioned that making a false certification may subject the certifier to criminal prosecution.

2-2 **CERTIFICATION OF ANTI-KICKBACK COMPLIANCE**

CERTIFICATION OF ANTI-KICKBACK COMPLIANCE
(48 Stat. 948; 62 Stat. 740; 63 Stat. 108; Title 18 U.S.C. § 8741; and 40 U.S.C. (c))

To Accompany Bid Form

By submission of a Bid, the BIDDER certifies that it has read the "Anti-Kickback Procedures," referenced above and that neither it nor any of its employees has performed or participated in any prohibited actions, as defined in that provision, relating to the award of the Contract. By commencing performance of the Contract work, the selected BIDDER certifies to Anti-Kickback Compliance.

Company: JFS Enterprises

Business Address: 2787 W Bullard Ave Ste 109B, Fresno, CA 93711

Signature: 
John Yergat

Name of Signing Official: John Yergat

Title of Signing Official: President

Date: 10/22/2024

Company Seal:



2-3 **BIDDER'S STATEMENT ON PREVIOUS CONTRACTS**

BIDDER'S STATEMENT ON PREVIOUS CONTRACTS
SUBJECT TO EQUAL EMPLOYMENT OPPORTUNITY CLAUSE
(EXECUTIVE ORDER 11426)

To Accompany Bid Form

The BIDDER shall complete the following statement:

The BIDDER John Yergat, proposed subcontractor
JFS Enterprises, hereby certifies that he has , has not ✓
participated in a previous contract subject to the Equal Employment Opportunity Clauses, as required by
Executive Orders 10925, 11114, or 11246, and that, where required, he has filed with the Joint Reporting
Committee, the Director of the Office of Federal Contract Compliance, a Federal Government contracting
or administering agency, of the former President's Committee on Equal Employment Opportunity, all
reports due under the applicable filing requirements.

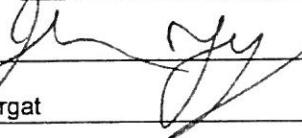
The BIDDER has has not ✓ submitted all compliance reports in connection with any such
contract due under the applicable filing requirements; and that representations indicating submission of
required compliance reports signed by proposed SUBBIDDERs will be awarded prior to award of
subcontracts.

If the BIDDER has participated in previous contracts subject to the Equal Employment Opportunity Clause
and has not submitted compliance reports due under applicable filing requirements, the BIDDER shall
submit a compliance report on Standard Form 100, "Employee Information Report EEO-I" prior to award
of the contract.

Note: Failure to complete the blanks may be grounds for rejecting the bid.

Company: JFS Enterprises

Business Address: 2787 W Bullard Ave Ste 109B, Fresno, CA 93711

Signature: 

Name John Yergat

Title President

Date: 10/22/2024

EQUAL EMPLOYMENT OPPORTUNITY COMPLIANCE CERTIFICATION**EQUAL EMPLOYMENT OPPORTUNITY COMPLIANCE CERTIFICATE
(EXECUTIVE ORDER 11246)****To Accompany Bid Form****Equal Opportunity Clause**

Unless exempted by rules, regulations or orders of the Secretary of Labor issued pursuant to Executive Orders 10925, 11114 or Section 204 of Executive Order 11246 of September 24, 1965, during the performance of each contract with the City of Visalia, the BIDDER agrees as follows:

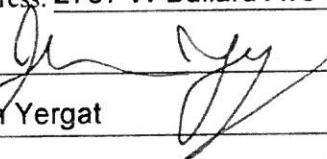
1. The BIDDER will not discriminate against any employee or applicant for employment because of race, color, religion, gender, national origin or political affiliation. The BIDDER will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, gender, national origin or political affiliation. Such action shall include, but not be limited to, the following: employment upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship. The BIDDER agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of this nondiscrimination clause.
2. The BIDDER will, in all solicitations or advertisements for employees, placed by or on behalf of the BIDDER, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, gender, national origin or political affiliation.
3. The BIDDER will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice to be provided by the agency contracting officer, advising the labor union or the workers' representative of the BIDDER's commitments under Section 202 of Executive Order 11246 of September 24, 1965, and shall post copies of the notice on conspicuous places available to employees and applicants for employment.
4. The BIDDER will comply with all provisions of Executive Order 11246 of September 24, 1965, and the rules, regulations and relevancy orders of the Secretary of Labor.
5. The BIDDER will furnish all information and reports required by Executive Order 11246 of September 24, 1965, and by the rules, regulations and relevant orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records and accounts by the contracting agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations and orders.
6. In the event of the BIDDER's non-compliance with the non-discrimination clauses of this subcontract or with any of such rules, regulations or orders, this subcontract may be canceled, terminated or suspended, in whole, or in part and the BIDDER may be declared ineligible for further government contracts in accordance with the procedures authorized in accordance with Executive Order 11246 of September 24, 1965, and such other sanctions may be imposed and remedies

invoked as provided in Executive Order 11246 of September 24, 1965, or by rule, regulation or order of the Secretary of Labor, or otherwise provided by law.

7. The BIDDER will include the provisions of Paragraphs (1) through (7) in every subcontract or purchase order unless exempted by rules, regulations or orders of the Secretary of Labor issued pursuant to Section 204 of Executive Order 11246 of September 24, 1965, so that such provisions will be binding upon each SUBBIDDER or vendor. The BIDDER will take such action with respect to any subcontract or purchase order as the contracting agency may direct as a means of enforcing such provisions including sanctions for non-compliance. Provided, however, that in the event the BIDDER becomes involved in, or is threatened with litigation with a SUBBIDDER or vendor as a result of such direction by the contracting agency, the BIDDER may request the United States to enter into such litigation to protect the interest of the United States.

Company: JFS Enterprises

Business Address: 2787 W Bullard Ave Ste 109B, Fresno, CA 93711

Signature: 

Name John Yergat

Title President

Date: 10/22/2024

2-5 **CERTIFICATE OF NON-SEGREGATED FACILITIES**

**CERTIFICATE OF NONSEGREGATED FACILITIES
(BIDDERS/SUBCONTRACTORS)
To Accompany Bid Form**

8. "Segregated facilities," as used in this provision, means any waiting rooms, work areas, rest rooms and wash rooms, restaurants and other eating areas, time clocks, locker rooms and other storage or dressing areas, parking lots, drinking fountains, recreation or entertainment areas, transportation, and housing facilities provided for employees, that are segregated by explicit directive or are in fact segregated on the basis of race, color, religion, or national origin, because of habit, local custom, or otherwise.
9. By the submission of a bid, the BIDDER certifies that it does not and will not maintain or provide for its employees any segregated facilities at any of its establishments, and that it does not and will not permit its employees to perform their services at any location under its control where segregated facilities are maintained. The BIDDER agrees that a breach of this certification is a violation of the Equal Opportunity clause in the contract.
10. By submission of the bid, the BIDDER further agrees that (except where it has obtained identical certifications from proposed SUBCONTRACTORS for specific time periods) it will:
 - a. Obtain identical certifications from proposed SUBCONTRACTORS before the award of subcontracts under which the SUB-BIDDER will be subject to the Equal Opportunity clause;
 - b. Retain such certifications in its files; and
 - c. Forward this certification and the following notice to the proposed SUBCONTRACTORS:

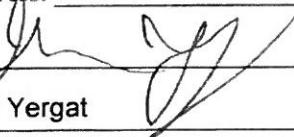
**NOTICE OF PROSPECTIVE SUBCONTRACTORS OF REQUIREMENT
FOR CERTIFICATION OF NONSEGREGATED FACILITIES**

A certificate of Nonsegregated Facilities must be submitted before the award of a subcontract under which the SUBCONTRACTOR will be subject to the equal Opportunity clause. The certification may be submitted either for each SUBCONTRACTOR for all subcontracts during a period (i.e., quarterly, semi-annually, or annually).

11. By commencing performance of the Contract work, the selected BIDDER certifies to the Non-segregated Facilities provisions above.

Company: JFS Enterprises

Business Address: 2787 W Bullard Ave Ste 109B, Fresno, CA 93711

Signature: 

Name John Yergat

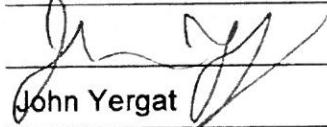
Title President Date 10/22/2024

2-6 NON-COLLUSION AFFIDAVIT

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.

Company: JFS Enterprises
Business Address: 2787 W Bullard Ave Ste 109B, Fresno, CA 93711
Signature: 
Name of Signing Official: John Yergat
Title of Signing Official: President
Date: 10/22/2024

Note: The above Non-collusion Affidavit is part of the Proposal. Signing this Proposal on the signature portion thereof shall also constitute signature of this Non-collusion Affidavit.

Bidders are cautioned that making a false certification may subject the certifier to criminal prosecution.

2-7 **CERTIFICATION CONCERNING WORKER'S COMPENSATION INSURANCE**

**CERTIFICATION CONCERNING WORKER'S
COMPENSATION INSURANCE**

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 of this Contract.

Date: 10/22/2024

Signature: 

2-8 **AMERICANS WITH DISABILITIES ACT COMPLIANCE**

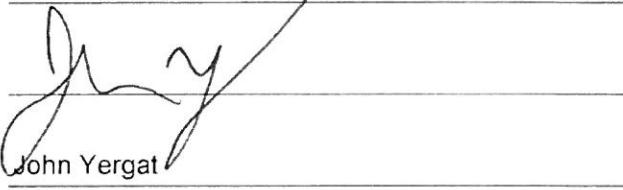
AMERICANS WITH DISABILITIES ACT COMPLIANCE CERTIFICATE

To Accompany Bid Form

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: JFS Enterprises

Business Address: 2787 W Bullard Ave Ste 109B, Fresno, CA 93711

Signature: 

Name of Signing Official: John Yergat

Title of Signing Official: President

Date: 10/22/2024

Company Seal:



2-9 DISCLOSURES

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

JFS Enterprises

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

2787 W Bullard Ave Ste 109B, Fresno, CA 93711

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:

John Yergat

CALIFORNIA LEVINE ACT STATEMENT

California Government Code Section 84308, also known 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 \$250 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 \$250 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: ✓. 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.

JFS Enterprises

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

John Yergat

Signature of Company Authorized Individual

Print or Type Name of Authorized Individual

2-10 DRUG FREE WORKPLACE CERTIFICATION

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

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 JFS Enterprises BY(Authorized Signature)	FEDERAL ID NUMBER 20-5937289
PRINTED NAME AND TITLE OF PERSON SIGNING John Yergat, President	DATE EXECUTED 10/22/2024
TELEPHONE NUMBER (Include Area Code) (559) 664-8863	
TITLE President	
CONTRACTOR/BIDDER FIRM'S MAILING ADDRESS 2787 W Bullard Ave Ste 109B, Fresno, CA 93711	

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, then 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.

2-11 IRAN CONTRACTING ACT

IRAN CONTRACTING ACT CERTIFICATION

(Public Contract Code Section 2200 et seq.)

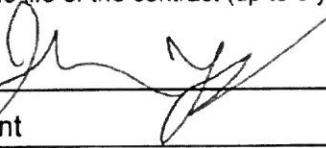
As required by California Public Contract Code Section 2204, the Contractor certifies subject to penalty for perjury that the option checked below relating to the Contractor's status in regard to the Iran Contracting Act of 2010 (Public Contract Code Section 2200 et seq.) is true and correct:

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 \$1,000,000 over the life of the contract (up to 5 years).

Signature:  Printed Name: John Yergat

Title: President Agency Name: JFS Enterprises

Date: 10/22/2024

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.

2-12 BID PROPOSAL CONTRACT

The name of all persons interested in the foregoing proposal as principals are as follows:

IMPORTANT NOTICE: If bidder or other interested person is a corporation, state legal name of corporation, also names of the president, secretary, treasurer, director and manager thereof and all stockholders owning more than 10% equity interest in corporation; if a co-partnership, state true name of firm, also names of all individual copartners composing firm; if bidder or other interested person is an individual, state first and last name in full.

JFS Enterprises

Print Name of Corporation or True Name of Firm

John Yergat, President

Print Officer's Name or Copartner's Name and Title

Print Officer's/Stockholder Name or Copartner's Name and Title

Licensed in accordance with an act providing for the registration of Contractors,

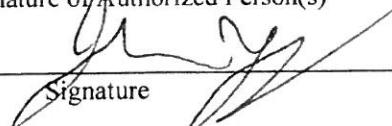
License No. 886968, Class of License(s) C12 - Earthwork and Paving.

License Expiration Date 11/30/2024.

Department of Industrial Relations Registration No. 1000059814.

The representations made herein are made under penalty of perjury. Any bid not containing this information, or a bid containing information which is subsequently proven false, shall be considered non-responsive and shall be rejected by the City of Visalia.

Signature of Authorized Person(s)


Signature

President


Signature

Title

John Yergat

Print Name

NOTE: If bidder is a corporation, the legal name of the corporation shall be set forth above together with the signature of the officer or officers authorized to sign contracts on behalf of the corporation; if bidder is a co-partnership, the true name of the partner or partners authorized to sign contracts on behalf of the co-partnership; and if bidder is an individual, his signature shall be placed above. If signature is by an agent, other than an officer of a corporation or a member of a partnership, a Power of Attorney must be on file with the City Clerk prior to opening bids or submitted with the bid; otherwise, the bid will be disregarded as irregular and unauthorized.

Business Address 2787 W Bullard Ave Ste 109B

Street Address

<u>Fresno</u>	<u>CA</u>	<u>93711</u>
<u>City</u>	<u>State</u>	<u>Zip Code</u>

Business Telephone Number (559) 664-8863

Place of Residence 5281 N Briarwood Ave, Fresno, CA 93711

Dated: 10/22/2024

E-mail info@jfscompany.com

2-13 SUBCONTRACTORS LIST

In accordance with the provisions of Section 2-8 "Designation of Subcontractors," of the Standard Specifications, each bidder shall list below the name and location of place of business of each subcontractor who will perform a portion of the contract work in an amount in excess of one-half of one percent of the total contract price or \$10,000, whichever is greater. In each instance, the nature and extent of the work to be sublet shall be described.

The general Contractor to whom the contract is awarded will not be permitted, without the written consent of the Project Manager, to substitute any person as subcontractor in place of the subcontractor designated in the original bid, or to permit any subcontract to be assigned or transferred, or to allow it to be performed by anyone other than the original subcontractor. The Project Manager may consent to the substitution of another person as subcontractor, if the original subcontractor, after having reasonable opportunity to do so, shall fail or refuse to execute, when said written contract is based upon the conditions of the general contract and complies with the subcontractor's written bid.

The failure of the Contractor to specify a subcontractor for any portion of the contract work in excess of one-half of one percent or \$10,000 of the total contract price shall be deemed to indicate that the Contractor intends to perform such portion himself. The subletting or subcontracting of work for which is in excess of one-half of one percent or \$10,000 of the total contract price, will be allowed only with the written consent of the Project Manager.

Complete Columns 1 through 4 and submit with the bid. Failure to provide complete information in Columns 1 through 4 will result in a non-responsive bid. See the following page for the SUBCONTRACTORS LIST table.

In Column 1 the Contractor shall also list the Subcontractor's Department of Industrial Relations (DIR) Registration Number. This registration number is required to comply with California Labor Code provisions including section 1725.5.

Bidding Agency: JFS Enterprises

SUBCONTRACTORS LIST

Column 1 Business Name, Location, Contractor License Number, Class of License, DIR Registration Number, and e- mail address	Column 2 Bid Item No(s.)	Column 3 A) Subcontracted Cumulative Dollar Amount & B) Subcontracted Percent of total project	Column 4 Description of Subcontracted Work
N/A No Subcontractors			

2-14 CONTRACTOR'S REFERENCE FORM

Name of Proposing Company	JFS Enterprises	
Representative Name and Title	John Yergat, President	
Phone Number & E-mail	(559) 664-8863	info@jfscompany.com

This form must be submitted with the bid. References must not be relatives of the Contractor's representative or owners. The references given must be for clients with projects similar in size and nature to the proposed project within the last five years. See Section 2-14 of Engineering Standard Specifications "Contractor Qualification Requirements," for further instructions. The City reserves the right to request additional references if deemed necessary.

Reference 1		
Client's name	County of Fresno	
Description of device/project and total project cost	Vineyard Removal - Removal of Vines, Metal Stakes, End Posts, Plastic Drip Hoses	
Contact Person	Aaron Smith	
Address	4590 E Kings Canyon Rd	
City and Zip Code	Fresno 93702	
Phone Number	559-600-7243	
E-mail Address		

Reference 2		
Client's name	City of Kerman	
Description of device/project and total project cost	Dig and grind trees, haul away woodchips, and handpick of leftover debris	
Contact Person	Michael Barajas	
Address	850 S Madera Ave	
City and Zip Code	Kerman 93630	
Phone Number	559-846-9384	
E-mail Address		

Reference 3		
Client's name	Madera Irrigation District	
Description of device/project and total project cost	Vineyard and Orchard Removal by hauling	
Contact Person		
Address	12152 Road 28 1/4	
City and Zip Code	Madera 93637	
Phone Number	559-673-3514	
E-mail Address		

City of Visalia, CA

707 West Acequia Ave., Visalia, CA 93291



Purchasing Division

Tel: (559) 713-4334 Fax: (559) 713-4801

**REQUEST FOR BIDS RFB-24-25-18
WALNUT ORCHARD DEMOLITION & REMOVAL**

ADDENDUM NO. 1

Issued: October 15, 2024

Bids Due: **1:00 P.M. on Tuesday, October 22, 2024**

Submit Bid to Visalia Purchasing Dept., 707 W. Acequia Ave., Visalia, CA 93291

This Addendum is being issued to provide responses to questions and additional information. This addendum becomes part of the RFB 24-25-18 document and must be signed and submitted with proposal.

ITEM 1: QUESTIONS/RESPONSES

Q1 Is the Contractor to haul out or will there be any spreading? Response: Haul out

Q2 What are the working hours? Response: Section 62-5 specifies the Contractor shall work during daylight hours, between the hours of 7:00am and 4:30pm, Monday through Friday.

Q3 Is Contractor to remove stumps? Response: Yes

Q4 What is the Contractor to do about any underground irrigation lines or other types of piping that may be present? Response: Page 34 of RFB states "All surface irrigation materials shall be removed and piled for disposal by the Contractor."

Page 35 of RFB states "DISPOSAL: All orchard green waste, irrigation materials, will be considered C&D demolition debris and will be subject to a 100% diversion to be completed in accordance with the requirements of Attachment 4. The contractor shall submit a C&D Debris Recycling and Reuse Plan to the City for approval prior to commencing work. Weight tickets and receipts from the selected disposal facilities will be submitted to the City as part of the final completion of the project."

ITEM 2: PREVAILING WAGES

Prevailing wages were checked on 10/15/24. There were no changes to the wages that were originally posted with the document (Attachment 6 to RFB). These wages remain in effect for this bid.

END OF ADDENDUM NO. 1

/s/ Purchasing Division

(559) 713-4334

BIDDER to sign and submit with BID

Firm:

JFS Enterprises

Date: 10/22/2024

By:

J. J. J.

Bidder's Signature

