

BID

TO THE SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

**FOR THE TRANSBAY TUBE INTERNAL RETROFIT, CONTRACT NO. 09AU-110**

Name of Bidder Proven Management, Inc.

Business Address 712 Sansome Street  
San Francisco, CA 94111-1704

Address where notification should be sent 712 Sansome Street  
San Francisco, CA 94111-1704

Business office number 415-421-9500 facsimile (Fax) number 415-421-9600

Email address bill@provenmanagement.com (where notification should be sent).

Please indicate how you found out about this contract: (check all that apply)

Through news paper advertisement

Through BART web site

Through one of the plan rooms

Through advance notice to Bidders

Other ( \_\_\_\_\_ )

The Work to be done is located in the Counties of San Francisco and Alameda, State of California, and is to be done in accordance with the Contract Document which include the Contract Drawings and the referenced sections of BART Facilities Standards, Standard Specifications, Release R1.2, dated August 2004, and the Contract Book incorporating the General Conditions, Supplementary Conditions, Contract Specifications, and other documents as listed therein.

The undersigned, as Bidder, declares that the only person or parties interested in this Bid as principals are those named herein; that this Bid is made without collusion with any other person, firm or corporation; that the undersigned has carefully examined the location of the proposed Work, the annexed proposed form of Contract, and the Contract Documents therein referred to; and the undersigned proposes and agrees, if this Bid is accepted, that the undersigned will contract with the San Francisco Bay Area Rapid Transit District, in the form of the copy of the Contract annexed hereto, to provide all necessary labor, machinery, tools, apparatus, and other means of construction, and to do all the Work and provide all the materials specified in the Contract, in the manner and time therein prescribed, and according to the requirements of the Engineer as therein set forth, and that the undersigned will take in full payment therefor the following prices:

**BID SCHEDULE**

ITEM	SPEC.SEC.	DESCRIPTION	UNIT	EST. QTY.	UNIT PRICE	ITEM TOTAL
1	01 45 24	Demonstration Test	1	Lump Sum	XXXX	\$750,000
2	01 51 00	Temporary Utilities	1	Lump Sum	XXXX	\$500,000
3	01 71 13	Mobilization	1	Lump Sum	XXXX	\$1,000,000
4	01 71 23	Field Engineering	1	Lump Sum	XXXX	\$50,000
5	02 83 19	Lead-Based Paint Abatement	1	Lump Sum	XXXX	\$50,000
6	05 58 00	Furnish Steel Plates	1	Lump Sum	XXXX	\$3,590,800
7	05 58 00	Install Steel Plates	1	Lump Sum	XXXX	\$3,400,000
8	09 91 00	Painting	1	Lump Sum	XXXX	\$400,000
9	41 23 00	Plate Handling System	1	Lump Sum	XXXX	\$50,000
10	41 64 00	Hi-Rail Vehicles	1	Lump Sum	XXXX	\$400,000
11	01 20 00	Allowance for Partnering	1	Allowance	XXXX	\$5,000
12	01 20 00	Allowance for Operating System Access Delays	1	Allowance	XXXX	\$100,000
13	01 20 00	Allowance for Differing Site Conditions	1	Allowance	XXXX	\$100,000
14	13 54 00	Allowance for Plugs for Investigation Holes	1	Allowance	XXXX	\$500,000
<b>TOTAL BID PRICE (ITEMS 1 THROUGH 14 INCLUSIVE)</b>						<b>\$10,895,800</b>

The above item totals for all Bid Items (ITEMS 1 THROUGH 14) are submitted by the Bidder for the convenience of the District. In the event of a discrepancy between the Bid unit price and the amount entered in the item total column, the Bid unit price shall govern. The District will calculate the total Bid Price based on the unit prices or lump sum prices bid, as applicable. In the event of a discrepancy

between the District's calculations and the item totals for all Bid Items as submitted by the Bidder, the District's calculations shall govern.

The District reserves the right, in its sole discretion, to make no Award, or to make an Award to the lowest responsible Bidder.

FOR A BID TO BE CONSIDERED, ALL ITEMS MUST BE BID.

THE DISTRICT RESERVES THE RIGHT TO REJECT ANY AND ALL BIDS.

If this Bid shall be accepted and the undersigned shall fail to contract as aforesaid and to give the two bonds in the sums to be determined as specified, with surety satisfactory to the District, or comply with the District's insurance requirements within ten (10) Days after the Bidder has received notice from the District that the Contract has been awarded, unless the District, in its discretion, allows additional time in writing for such submissions, the District may, at its option, determine that the Bidder has abandoned the Contract; thereupon this Bid and the acceptance thereof shall be null and void, and the forfeiture of such security accompanying this Bid shall occur and the same shall be the property of the District.

Accompanying this Bid is (1) Bidder's Bond in an amount equal to at least ten percent (10%) of the total Bid Price.

Receipt of the following attached addenda is hereby acknowledged:

Addenda numbers 1, 2, 3, 4

The Bidder, William Gilmartin  
(name),

hereby certifies that:

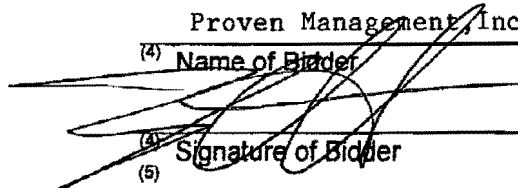
- (A) Bidder is aware of the provisions of Supplementary Conditions Article SC7.1 regarding the District's Non-Discrimination Program for Subcontracting for the Contract and the requirements for submission therefor; and
- (B) Bidder has read the Contract Book, understands its requirements, including those for keeping records, and has asked for explanations of anything it did not understand.

<sup>(2)</sup> Bidder holds California Contractor's license No. 749370, Classification A, B, HAZ. The license expiration date is 5/31/2012. If the Bidder is a joint venture, list the California Contractor's license numbers, classifications and expiration dates for each joint venturer as follows:

(3) Name of Joint Venturer	Contractor's License	Classification	Expiration Date
A. <u>Not Applicable</u>			
B. _____	_____	_____	_____

Failure to provide any joint venturer's information as required above may render the Bid non-responsive.

Bidder declares under penalty of perjury that the foregoing is true and correct.

Proven Management, Inc.  
<sup>(4)</sup> Name of Bidder  
  
<sup>(5)</sup> Signature of Bidder  
<sup>(6)</sup> William Gilmartin, Vice President  
Print Name and Title of Person Signing

## DESIGNATION OF SUBCONTRACTORS AND M/WBE PARTICIPATION FORM

To comply with the requirements of the California Subletting and Subcontracting Fair Practices Act (California Public Contract Code Section 4100 et seq.), Bidder shall list in Part I of this form the name and address of each Subcontractor to whom Bidder proposes to subcontract more than ½ of 1% of the Work, and description, and total dollar amount of the portions of the work or services subcontracted, whether the Subcontractor is an MBE or WBE. The above list of information shall be submitted with the Bid. Other information required in Part I herein may be submitted up to 24 hours after the designated time to submit the Bid. Bidder's attention is directed to Article GC5.7.1 of the General Conditions.

In addition in Part II of this form list all MBEs and WBEs not subject to the requirements of General Conditions Article GC5.7.1.

Attach additional copies of this form if more space is needed and paginate the forms (i.e., Page 1 of 3)

Name and Address	MBE (Check if MBE)	WBE (Check if WBE)	Description of Portion of Work or Services Subcontracted	Total Dollar Amount of Subcontracted work or Services
<b>I. All Subcontractors (MBEs, WBEs and Non-MBEs and Non-WBEs) subject to the requirement of General Conditions Article GC5.7.1</b>				
Name: <u>West Coast Welding</u> Address: <u>818 Grayson Pleasant Hill, CA</u> Phone Number: <u>925-934-5728</u> Age of Firm: <u>8 yrs.</u> Annual Gross Receipts as of last Tax Year: <u>\$ 9,500,000</u>			Welding	\$640,000
Name: <u>Jeffco Painting</u> Address: <u>1260 Railroad Vallejo, CA</u> Phone Number: <u>707-562-1900</u> Age of Firm: <u>33 yrs.</u> Annual Gross Receipts as of last Tax Year: <u>\$ 11,000,000</u>			Painting	\$364,000

All Subcontractors (MBEs, WBEs and Non-MBEs and Non-WBEs) subject to the requirement of General Conditions Article GC5.7.1	MBE (Check if MBE)	WBE (Check if WBE)	Description of Portion of Work or Services Subcontracted	Total Dollar Amount of Subcontracted work or Services
Name: _____ Address: _____ _____ _____ Phone Number: _____ Age of Firm: _____ Annual Gross Receipts as of last Tax Year: \$ _____				
Name: _____ Address: _____ _____ _____ Phone Number: _____ Age of Firm: _____ Annual Gross Receipts as of last Tax Year: \$ _____				
Name: _____ Address: _____ _____ _____ Phone Number: _____ Age of Firm: _____ Annual Gross Receipts as of last Tax Year: _____				