PROPOSAL

The undersigned hereby declares, as Bidder, that the only persons or parties interested in this proposal as principals are those named herein; that no director or any other officer or employee of the Eastern Municipal Water District is in any manner interested directly or indirectly in this proposal or in the profits to be derived from the contract proposed to be taken; that this bid is made without any connection with any person or persons making a bid for the same purpose; that the bid is in all respects fair and without collusion or fraud; that he has read the Notice Inviting Bids (or Bidding Information), Insurance Requirements and the Instructions to Bidders and agrees to all the stipulations contained herein; that he proposes and agrees that if his bid as submitted in the attached sheets, be accepted he will contract in the form so approved and furnish all items called for in accordance with the provisions of said approved form of Agreement, Insurance Requirements and the Specifications and to deliver the same within the time stipulated therein; and that he will accept in full payment therefore the prices named in said Bid Sheet.

The Bidder further agrees, that upon receipt of written notice of the acceptance of this proposal within 60 days after the day of opening bids (unless otherwise specified in the Notice Inviting Bids or Bidding Information) he will execute and return the Contract in accordance with the proposal as accepted and furnish the required bond(s) within SEVEN (7) days from the date of mailing the Notice of Acceptance of Proposal to him at his address given below, or within such time as allowed by the Engineer; and that upon his failure or refusal to do so within the said time, then the certified or cashier's check or bond accompanying this bid shall become the property of and be retained by the Eastern Municipal Water District as liquidated damages for such failure or refusal, and shall be deposited with the Treasurer of said Eastern Municipal Water District as monies belonging to the Eastern Municipal Water District; provided, that if said Bidder shall execute the Contract and furnish the required bond within the time aforesaid, his check or bond shall be returned to him thereafter.

The Bidder further declares that the surety or sureties named in the attached sheet have agreed to furnish bond in form and amount set forth in the accompanying Notice Inviting Bids (or Bidding Information) and paragraph 8-6 of the Instructions to Bidders, in the event contract is awarded on basis of this proposal.

Company: DOWNING CONSTRUCTION, INC.

Address: 32194 OUTER HIGHWAY 10 SOUTH, REDLANDS, CA 92373

Date: 1-8-19

By: MICHELLE LAVANWAY, AUTHORIZED SIGNER
(Print Name) (Name should appear below)

(Signature of Owner or Officer required)

<table>
<thead>
<tr>
<th>Name(s) and Title of Member of Firm or Office of Corporation authorized to enter into a binding Contract:</th>
<th>Address (if different from above)</th>
</tr>
</thead>
<tbody>
<tr>
<td>MICHELLE LAVANWAY, AUTHORIZED SIGNER</td>
<td>13041 ORCHID ST, YUCAIPA, CA 92399</td>
</tr>
</tbody>
</table>

For further details on this proposal, please contact:

Name: KEVIN ELLIS
Email Address: KEVIN@DOWNINGCONSTRUCTIONINC.COM
Address: 32194 OUTER HIGHWAY 10 SOUTH, REDLANDS, CA 92373
Telephone: 909-797-7444

C3-1

00024 Proposal (7 day)
DOWNING CONSTRUCTION, INC.

DIRECTOR ACTION BY UNANIMOUS WRITTEN CONSENT

The sole Director of Downing Construction, Inc. adopts the following resolution(s) by unanimous written consent pursuant to Corporations Code §307(b):

RESOLVED, Michelle LaVanWay is authorized to sign bids and related documents on behalf of Downing Construction, Inc.

Dated: April 27, 2015

Randy Downing, Director
The Contractor shall construct the project under these Specifications all in conformance with the Contract Drawings listed in Section P and these Specifications.

The District reserves the right to:

A. Accept or reject any or all bids on this specification;
B. Award Contract to the lowest qualified bidder, based on the total bid price;
C. Waive any defects and informalities.

The District shall be the final authority with regard to whether a bid is responsive to the call for bids and to whether a bidder is a responsible bidder under the conditions of his bid, or for any reason.

The total contract price shall include all work, materials and equipment needed to complete the project as defined in the General Conditions, Section F. The bidder shall include costs for such other items in the most appropriate category (bid item).
<table>
<thead>
<tr>
<th>Bid Item</th>
<th>Qty</th>
<th>Unit</th>
<th>Description (Unit Price Written in Words)</th>
<th>Unit Price (Figures)</th>
<th>Total Amount (Figures)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>1</td>
<td>LS</td>
<td>Mobilization and Approved: Bonds, Insurance, and Schedule of Values (see Section 01026)</td>
<td>Sixteen Thousand Dollars</td>
<td>$ PRESET $ $16,000</td>
</tr>
<tr>
<td>2</td>
<td>1</td>
<td>LS</td>
<td>Furnish and install all necessary material and equipment for the construction of the Indian Street Recycled Water 12-inch Pipeline (from Sta. 30+07.89 to 43+84.89) including but not limited to all pipe, excavation, valves, connections, appurtenances, trenching, shoring, backfill, control density fill, AC pavement and street overlay per City of Moreno Valley Encroachment Permits and removal and disposal of existing AC pavement; all system shutdowns and piping tie-ins as specified and related work; any dewatering of existing pipelines; preparation, approval and implementation of traffic control plans; preparation, approval and restoration work; all related work as required to have an operational facility; all in accordance with the Contract Drawings and Specifications complete and in place.</td>
<td>Three Thousand Sixty-Eight Thousand, Six-Hundred Sixty-Nine Dollars</td>
<td>$ Lump Sum $ $368,669.00</td>
</tr>
</tbody>
</table>

BS-2 00020 Bidding Sheets
**EASTERN MUNICIPAL WATER DISTRICT**  
**SPECIFICATION NO. 1270P**  
**INDIAN STREET RECYCLED WATER 12-INCH PIPELINE**

**BIDDING SHEETS**

<table>
<thead>
<tr>
<th>Bid Item</th>
<th>Qty</th>
<th>Unit</th>
<th>Description (Unit Price Written in Words)</th>
<th>Unit Price (Figures)</th>
<th>Total Amount (Figures)</th>
</tr>
</thead>
<tbody>
<tr>
<td>3 1</td>
<td>LS</td>
<td></td>
<td>Remove existing 6&quot; valve and install blind flange at tee. Abandon existing 6&quot; waterline with CDF and install 2 plugs at both ends. Remove existing 6&quot; reduced pressure detector assembly and connect to existing blow off. Existing blow off to remain.</td>
<td>$5,000.00</td>
<td></td>
</tr>
</tbody>
</table>

Five Thousand Dollars and zero cents

Lump Sum $5,000.00

4 1 LS **ADDICTION OR DEDUCTION**  

Circle one (If applicable):  
- Addition (+)  
- Deduction (-)

(1000s)

TOTAL BID (Basis of award)  

$389,669.00

BS-3  

00020 Bidding Sheets
EASTERN MUNICIPAL WATER DISTRICT
SPECIFICATION NO. 1270P
INDIAN STREET RECYCLED WATER 12-INCH PIPELINE

BIDDING SHEETS

**ADDITION OR DEDUCTION:** Provision is made here for the bidder to include an addition/deduction in their bid, *if desired*, to reflect any last minute adjustments in prices. The addition/deduction, if made, will be proportionately applied to item(s) _______ and reflected in the unit prices for payment purposes. If the addition/deduction affects more than one bid item, the proportionate application of the addition/deduction shall be mutually agreed upon by the Contractor and the District at the prejob.

<table>
<thead>
<tr>
<th>Addenda and/or Letter of Clarification</th>
</tr>
</thead>
<tbody>
<tr>
<td>By submitting a bid, Bidder certifies that any addenda and letters of clarification issued to these specifications, whether acknowledged or not below, shall be made a part of the contract. Bidder further agrees to perform all labor and services and furnish all materials, tools and appliances necessary for completing the work called out in the addenda or letter of clarification.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Addenda received:</th>
<th>1</th>
<th>__________</th>
<th>__________</th>
</tr>
</thead>
<tbody>
<tr>
<td>Letter of Clarification received:</td>
<td>__________</td>
<td>__________</td>
<td>__________</td>
</tr>
</tbody>
</table>

Person who inspected site of the proposed work as an employee of your firm: *(Representative must have inspected the jobsite and be an employee on the company's payroll to be considered a responsive bidder)*

KEVIN ELLIS
(Name) 12/19/18
(Date of inspection)
EQUIPMENT AND MATERIAL

No substitution will be permitted without written justification and the approval of the District prior to the bid opening.

PRODUCTS OF MANUFACTURERS LISTED AS EQUALS TO THOSE SPECIFIED IN THE CONTRACT DOCUMENTS MUST BE SUBMITTED FOR REVIEW AND APPROVAL BY THE DISTRICT NO LATER THAN THE TENTH (10TH) DAY PRECEDING THE DATE SET FOR RECEIPT OF BIDS.

Polyvinyl Chloride (PVC) - VINYL-TECH
DUCTILE IRON FITTINGS - STAR PIPE PRODUCTS
Joint Restraints - STAR
Gate Valves - MUELLER CO.
METER BOXES - J & R CONCRETE
EASTERN MUNICIPAL WATER DISTRICT
SPECIFICATION NO. 1270P
INDIAN STREET RECYCLED WATER 12-INCH PIPELINE

BIDDER’S 5-YEAR EXPERIENCE RECORD & RESUMES OF KEY PERSONNEL

All bidders must provide a detailed 5-year experience record showing successful completion, as a Classification A - General Engineering Contractor and/or Classification C-34 – Pipeline Contractor of at least three (3) similar projects within the last five (5) years for each type listed as follows:

A. Public Works Project
B. Installation of Recycled Pipeline – Up to 12-inch

Additionally, bidders must include resumes of key personnel proposed to work on this project when submitting your bid. This information will be critical in meeting requirements as a responsible bidder.

Failure to submit any of the above-mentioned information with your bid “may” deem your bid non-responsive

BR-1 00027 Bidder’s Experience/Resumes
<p>| YEAR | TYPE/DESCRIPTION OF WORK | VALUE OF WORK PERFORMED | LOCATION OF WORK (CITY) | ENGINEER / CONTACT PERSON | OWNER / CONTACT PERSON | Address &amp; phone # | Address &amp; phone # | SEE ATTACHED COMPLETED PROJECTS LIST |</p>
<table>
<thead>
<tr>
<th>YEAR</th>
<th>TYPE/DESCRIPTION OF WORK</th>
<th>VALUE OF WORK PERFORMED</th>
<th>LOCATION OF WORK (CITY)</th>
<th>ENGINEER / CONTACT PERSON Address &amp; phone #</th>
<th>OWNER / CONTACT PERSON Address &amp; phone #</th>
</tr>
</thead>
<tbody>
<tr>
<td>2015</td>
<td>Monegian Road Drainage Improvements Ph 1</td>
<td>$215,905.40</td>
<td>Whitefish, MT</td>
<td>WGM Group, Inc., 1111 E. Broadway Missoula, MT 59802 406-728-4611</td>
<td>City of Whitefish 418 E. Second Street Whitefish, MT 59937 Jon Gass, 406-728-4611</td>
</tr>
<tr>
<td>2015</td>
<td>South Meadow Drainage Improvements Ph II</td>
<td>$245,575.00</td>
<td>Kalispell, MT</td>
<td>Same as Owner</td>
<td>City of Kalispell 201 1st Avenue East Kalispell, MT 59901 Keith Haskins 406-758-7727</td>
</tr>
<tr>
<td>2016</td>
<td>Tuscany Trunk Sewer Junction and Flow Control Structure</td>
<td>$286,763.00</td>
<td>Lake Elsinore, CA</td>
<td>Same as Owner</td>
<td>Elsinore Valley M.W.D. 31315 Chaney Street Lake Elsinore, CA 92531 Joanna Stewart, 951-674-3146</td>
</tr>
<tr>
<td>2016</td>
<td>Lift Station 55-10 and 80-04 Facility Repairs</td>
<td>$352,235.00</td>
<td>La Quinta &amp; Indian Wells, CA</td>
<td>Same as Owner</td>
<td>Coachella Valley Water District P.O. Box 1058 Coachella, CA 92236 Brian Korcor, 760-398-2651 x2510</td>
</tr>
<tr>
<td>2018</td>
<td>Sewer Diversion</td>
<td>$435,708.24</td>
<td>Riverside, CA</td>
<td>Albert A Webb Associates 3788 McCray Street Riverside, CA 92506</td>
<td>Western Municipal Water District 14205 Meridian Pkwy Riverside, CA 92518 Bradley Sackett, 951-688-1070</td>
</tr>
<tr>
<td>2015</td>
<td>Thomas E. Levy Groundwater Replenishment Facility Improvement</td>
<td>$436,499.57</td>
<td>La Quinta, CA</td>
<td>Same as Owner</td>
<td>Coachella Valley Water District P.O. Box 1058, Coachella, CA 92236 Luke Slowe, 760-398-2686</td>
</tr>
<tr>
<td>2014</td>
<td>Desert Willow Golf Resort</td>
<td>$479,045.62</td>
<td>Palm Desert, CA</td>
<td>Same as Owner</td>
<td>Coachella Valley Water District P.O. Box 1058 Coachella, CA 92236 David Wilson, 760-398-2682</td>
</tr>
<tr>
<td>2017</td>
<td>Pipeline Replacement Project Phases 5 &amp; 6 MCRS / Morongo Road</td>
<td>$483,450.00</td>
<td>Banning, CA</td>
<td>Cannon Corp. 11800 Olympic Blvd, Ste 530 Los Angeles, CA 90064 Gary Roper, 310-382-5129</td>
<td>Morongo Band of Mission Indians 12700 Pamarrab Rd Banning, CA 92220 John Covington, 951-755-5270</td>
</tr>
<tr>
<td>2017</td>
<td>Replace Boiler System</td>
<td>$497,807.30</td>
<td>Columbia Falls, MT</td>
<td>Morrison-Maier 125 Schoolhouse Loop Kalispell, MT 59901 406-752-2216</td>
<td>State of Montana Architecture &amp; Engineering Div 1520 E Sixth Ave/PO Box 200103 Helena, MT 59620-0103 Tom Heinecke, 406-752-2216</td>
</tr>
<tr>
<td>2014</td>
<td>Sewer Pipeline Rehabilitation Esmeralda Resort, Spec. 2013-4</td>
<td>$568,747.78</td>
<td>Indian Wells, CA</td>
<td>Same as Owner</td>
<td>Coachella Valley Water District P.O. Box 1058 Coachella, CA 92236 David Wilson, 760-398-2682</td>
</tr>
<tr>
<td>2014</td>
<td>Palm Desert Country Club</td>
<td>$573,385.07</td>
<td>Palm Desert, CA</td>
<td>Same as Owner</td>
<td>Coachella Valley Water District P.O. Box 1058 Coachella, CA 92236 David Wilson, 760-398-2682</td>
</tr>
<tr>
<td>2016</td>
<td>Cedar Avenue Storm Drain</td>
<td>$667,281.00</td>
<td>Rialto, CA</td>
<td>Same as Owner</td>
<td>City of Rialto 335 W. Rialto Avenue Rialto, CA 92370 Eddie Chan, 909-421-7210</td>
</tr>
<tr>
<td>YEAR</td>
<td>TYPE/DESCRIPTION OF WORK</td>
<td>VALUE OF WORK PERFORMED</td>
<td>LOCATION OF WORK (CITY)</td>
<td>ENGINEER / CONTACT PERSON Address &amp; phone #</td>
<td>OWNER / CONTACT PERSON Address &amp; phone #</td>
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<tr>
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<tr>
<td>2017</td>
<td>Auto Mall / Avenue 40 Sewer Improvements</td>
<td>$668,450.72</td>
<td>Indio, CA</td>
<td>RBF Consultants (Michael S. Sutton) 74-130 County Club Dr Ste 201 Palm Desert, CA 92260 760-346-7481</td>
<td>City of Indio 100 Civic Center Mall Indio, CA 92201 Daniel Arvizo, 760-391-4028</td>
</tr>
<tr>
<td>2018</td>
<td>Paseo Vivora Pipeline Replacement</td>
<td>$716,095.68</td>
<td>Menifee, CA</td>
<td>Infrastructure Engineering Corp 41593 Winchester Road Temecula, CA 92590 Anders K Egense, 651-399-4980</td>
<td>Eastern Municipal Water District 2270 Trumble Road Perris, CA 92570 Jason Callejas, 951-928-6111 Fax</td>
</tr>
<tr>
<td>2018</td>
<td>Rancho Los Cerrillos Drive Water Main Replacement</td>
<td>$771,174.00</td>
<td>Indio, CA</td>
<td>NAI Consulting, Inc. 68-955 Adalina Rd Cathedral City, CA 92234 Lorissa Gruehl 760-323-5344</td>
<td>Coachella Valley Water District P.O. Box 1058 Coachella, CA 92236 Glenn Lubbe, 760-398-2651 x2221</td>
</tr>
<tr>
<td>2018</td>
<td>G Street &amp; Case Road Sewer Improvements</td>
<td>$793,801.14</td>
<td>Perris, CA</td>
<td>Albert A. Webb Associates 3788 McCray Street Riverside, CA 92506 Siming Zhang, 951-866-1070</td>
<td>Eastern Municipal Water District 2270 Trumble Road Perris, CA 92570 Jill Lloyd, 951-928-3777</td>
</tr>
<tr>
<td>2014</td>
<td>Desert Horizon Country Club</td>
<td>$1,084,814.29</td>
<td>Indian Wells, CA</td>
<td>Same as Owner Coachella Valley Water District P.O. Box 1058 Coachella, CA 92236</td>
<td>Same as Owner David Wilson, 760-398-2682</td>
</tr>
<tr>
<td>2015</td>
<td>Agua Mansa Road Sewer Force Main Improvement</td>
<td>$1,140,592.79</td>
<td>Colton, CA</td>
<td>Same as Owner City of Colton Public Works Department 650 La Cadena Drive Colton, CA 92324</td>
<td>Jess Soto (909) 370-5551</td>
</tr>
<tr>
<td>2014</td>
<td>The Lakes Country Club</td>
<td>$1,179,922.52</td>
<td>Palm Desert, CA</td>
<td>Same as Owner Coachella Valley Water District P.O. Box 1058 Coachella, CA 92236</td>
<td>Same as Owner David Wilson, 760-398-2682</td>
</tr>
<tr>
<td>2014</td>
<td>Sewer Pipeline Rehabilitation PGA West, Spec. 2013-3</td>
<td>$1,190,883.41</td>
<td>La Quinta, CA</td>
<td>Same as Owner Coachella Valley Water District P.O. Box 1058 Coachella, CA 92236</td>
<td>Same as Owner David Wilson, 760-398-2682</td>
</tr>
<tr>
<td>2016</td>
<td>Sewer Pipeline Rehabilitation - Bombay Beach #2015-31</td>
<td>$1,231,721.00</td>
<td>Bombay Beach, CA</td>
<td>Same as Owner Coachella Valley Water District P.O. Box 1058 Coachella, CA 92236</td>
<td>Same as Owner Armando Rodriguez, 760-398-2651</td>
</tr>
<tr>
<td>2014</td>
<td>Waterline Replacement Ridgecrest Blvd.</td>
<td>$1,524,322.62</td>
<td>Ridgecrest, CA</td>
<td>Kreiger &amp; Stewart 3602 University Ave Riverside, CA 92501 651-684-6900</td>
<td>Indian Wells Valley District 500 West Ridgecrest Blvd. Ridgecrest, CA 93546 Renee Morquio, 760-375-5066</td>
</tr>
<tr>
<td>2017</td>
<td>Avenue 57 Trunk Sewer &amp; Abandonment of Lift Station 55-14</td>
<td>$1,579,300.16</td>
<td>Thermal, CA</td>
<td>Same as Owner Coachella Valley Water District P.O. Box 1058 Coachella, CA 92236</td>
<td>Same as Owner Armando Rodriguez, 760-398-2651</td>
</tr>
<tr>
<td>2016</td>
<td>Recycled Waterline Extension - East</td>
<td>$1,719,661.00</td>
<td>Fallbrook, CA</td>
<td>Same as Owner Fallbrook Public Utility District 990 East Mission Road Fallbrook, CA 92028</td>
<td>Same as Owner Jack Bebee, 760-729-1125</td>
</tr>
<tr>
<td>2014</td>
<td>Waite Street 1467 Zone Pipeline WO #7581</td>
<td>$1,914,959.00</td>
<td>Wildomar, CA</td>
<td>RBF Consultants 40810 County Center Dr # 100 Temecula, CA 92591 951-676-8042</td>
<td>Elsinore Valley Municipal Water Dist 31315 Cherry Street Lake Elsinore, CA 92531 Joanna Stewart, 951-674-3148</td>
</tr>
<tr>
<td>YEAR</td>
<td>TYPE/DESCRIPTION OF WORK</td>
<td>VALUE OF WORK PERFORMED</td>
<td>LOCATION OF WORK (CITY)</td>
<td>ENGINEER / CONTACT PERSON Address &amp; phone #</td>
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<tr>
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<td>--------------------------------------------</td>
<td>------------------------------------------</td>
</tr>
<tr>
<td>2015</td>
<td>Waite Street 1467 Zone Pipeline (Caltrans Portion)</td>
<td>$2,048,629.00</td>
<td>Wildomar, CA</td>
<td>RBF Consultants</td>
<td>Etiwanda Valley Municipal Water District 31315 Cheney Street Lake Elsinore, CA 92531</td>
</tr>
<tr>
<td>2017</td>
<td>Phase I Sewer System Rehabilitation</td>
<td>$2,206,629.03</td>
<td>Ridgecrest, CA</td>
<td>Wildan Engineering</td>
<td>City of Ridgecrest 100 W California Ave Ridgecrest, CA 93555</td>
</tr>
<tr>
<td>2014</td>
<td>870' Pressure Zone Pipeline</td>
<td>$3,444,676.60</td>
<td>Jurupa Valley, CA</td>
<td>Albert A Webb Associates</td>
<td>Jurupa Community Services District 11201 Harrell Street Jurupa Valley, CA 91752</td>
</tr>
<tr>
<td>2016</td>
<td>Pyrite Creek Trunk Sewer Ph 2B</td>
<td>$4,091,611.32</td>
<td>Jurupa Valley, CA</td>
<td>Same as Owner</td>
<td>Jurupa Community Services District 11201 Harrell Street Jurupa Valley, CA 91752</td>
</tr>
<tr>
<td>2017</td>
<td>Segment W4-B1 Shelby to Conrad</td>
<td>$4,105,722.10</td>
<td>Shelby to Conrad, MT</td>
<td>AE25</td>
<td>North Central Montana Regional Water Authority PO Box 2453 Havre, MT 59501</td>
</tr>
<tr>
<td>2017</td>
<td>Segment W3, Shelby to Cut Bank</td>
<td>$6,094,312.40</td>
<td>Shelby to Cut Bank, MT</td>
<td>AE25</td>
<td>North Central Montana Regional Water Authority PO Box 2453 Havre, MT 59501</td>
</tr>
<tr>
<td>2017</td>
<td>Rqua Interceptor</td>
<td>$10,436,670.13</td>
<td>Indio, CA</td>
<td>HDR Engineering</td>
<td>Valley Sanitary District 45500 Van Buren Street Indio, CA 92201</td>
</tr>
</tbody>
</table>

Ray Wellington, 909-963-0592
RESUMES OF KEY PERSONNEL
(ATTACH HERE)
KEVIN ELLIS
Phone: (951) 377-7896  Email: kevin@downingconstructioninc.com

Senior Estimator & Project Management Professional
Extensive General Engineering Construction Knowledge  Team Leadership & Development  Business Oversight

TWENTY-SEVEN PLUS YEARS AREAS OF EXPERTISE
  • Budget Oversight  Primavera P6 / Suretrak / MS Project  Quality Assurance
    HCSS Heavy Bid & Hard Dollar Bid Build Estimating Software

PROFESSIONAL EXPERIENCE

DOWNING CONSTRUCTION INC., Redlands, CA  Feb. 2016 to Present
Partner / Senior Estimator / Project Manager
  • Effectively manages comprehensive financial and administrative responsibilities, which include estimating and project management of projects ranging from $100k to $20M.
  • Primavera P6 Scheduler for EMWD – Quail Valley Subarea 9 Phase 1 Sewer Contract $7.4m.
  • Primavera P6 Scheduler for Valley Sanitary District – Requa Sewer Interceptor Contract $10.4m.

NAC CONSTRUCTION, INC., Marana, AZ  July 2014 to April 2016
Senior Civil Estimator / Project Manager
  • Successfully oversees the full lifecycle of military and public works projects, while managing all estimating and project management responsibilities for the construction company.
  • Primavera P3 Scheduler for all Public Works and Government Contracts.

PACIFIC STATES ENGINEERING, Menifee, CA  Feb. 2005 to June 2013
President / CEO / RMO - Construction
  • Effectively managed comprehensive financial and administrative ownership responsibilities, which included estimating and project management of projects ranging from $100k to $10M.
  • Primavera P3 Scheduler for all EMWD / LACSD Public Works and Government Contracts.

UTAH PACIFIC CONSTRUCTION, Murrieta, CA  Mar. 2001 to Feb. 2005
Chief Estimator / Operations Manager / Officer - Underground Construction Division
  • Diligently estimated and managed public works projects, which resulted to a more than 20% increase in work volume and significant increase in bonding capacity.
  • Primavera P3 Scheduler for all EMWD / LACSD Public Works Contracts.

EARLIER CAREER

Estimator / Project Manager – Underground Construction Division

KENKO, INC., Calimesa, CA  Mar. 1996 to Apr. 2000
Estimator / Project Manager – Underground Construction Division
  • Primavera P3 Scheduler for MWD Mentone 144” Diameter Inland Feeder Pipeline Contract.

EDUCATION & PROFESSIONAL CERTIFICATIONS
  • Bachelor of Business Administration Major, National University, San Diego, CA
RUSTIN MARION

Experience on all phases of Sewer, Water and Storm Drain Pipelines. Responsible for project safety, materials, subcontractors, installation and personnel. Work directly with Districts, Engineers and Inspectors for successful project completion. Training includes competent person, hazardous communication, heat illness, CPR/first aid and confined space.

Experience:
Downing Construction Inc.
Superintendent

2010
Coachella Valley Water District, Coachella, CA (8600LF 30" PVC, 1552LF 24" PVC Water 2680LF 18" PVC water (2917LF 12" PVC Water with Jack & Bore & Air vats) $1,716,000.00 Awarded August 24 of 2010. Contact Michael Schaefer project engineer, 760-398-2651 ext. 2273 Completed 3/2011

City of Rialto, (4830LF 12" VCP Sewer w/ 19EA 48" MHs) in progress. Contact Project Manager Kevin Sin / Public Works Dept. 969-421-4999 $395,297.00 Completed 3/2011

2011
Jurupa Community Services District, Mira Loma CA (2100LF 6" PVC Forcemain, 2000LF 12" VCP & Replacement of the Florine Street Lift Station) $1,529,798.00
Contact Keith Backus 951-685-7434 Completed 4/2011

Central Basin Municipal Water District, (4300 LF 15" DIP recycled waterline Replacement) Awarded 1/24/2011, $919,050.00 Contact Jacque Bell 323-201-5528
In Progress, Completed 6/2011

City of Arcadia, (2200 LF 8" & 12" DIP) $223,287.30 Awarded 5/17/2011 Completed 9/2011 Contact Mark Rynkiewicz, P.E. 626-256-6552

City of Arcadia, (2000 LF 8") $335,390.00 Awarded 5/17/2011
Completed 8/2011 Contact Mark Rynkiewicz, P.E. 626-256-6552

Coachella Valley Water District, (880 LF 12" PVC Slipline & 160 LF 18" C-905 PVC open cut) $127,720.00 Awarded 5/25/2011 In Progress, Completed 7/2011
Contact, Ty Mull, 760-398-2651

Elsinore Valley Municipal Water District, (340 LF 2" C-900 Waterline & 353 LF 8" SDR 35 Sewer) $254,461.00 awarded 8/2011, Completion Sch. 11/2011
Contact Kelly Urso, Eng. Dept. 951-674-3146

Victor Valley Wastewater Reclamation Authority, Spring Valley Manhole Cover Replacement Raise 60 ea Manholes and Replace coating, $144,513.00 awarded 9/30/2011 (no completion date)
Contact Tony Pena 760-954-6201

Desert Water Agency, (6000 LF 8" & 12" DIP Water Line) $731,480.50 completion Nov. 2011
Contact Steve Johnson 760-323-4971

2012
Coachella Valley Water District (11,000 LF 18" & 12" VCP Sewer W/ MHs) $1,769,312.00 Awarded March 13 2012 Contact Jorge Mesa 760-398-2651

City of Tustin (2,500 LF 24" Storm Drain) Pacific Hydrotec is Prime W/ DCI as Subcontractor for off-site Storm Drain Installation, Contract Amount for Installation Only $ 538,048.00 Awarded March 7th 2012

Los Angeles Sanitation District (2,700 LF 15" VCP Sewer) $651,241.00 Awarded May 17th Contact Abdul Edouni/ @ 626-952-8895

Coachella Valley Water District (UPRR Sewer and Water Crossings) $350,151.00 Awarded Oct 2012 scheduled completion 1/2013 Contact Brian Fogg 760-398-2651

2013
Chino Basin Desalter Authority (8500 LF C-900 & C-905 8", 12" & 16") $1,219,466.00 Awarded 1/11/2013 Contact Mike Metis 760-479-4111

City of Colton (12,000 LF 8" PVC sewer Force Main) $686,360.00 Contact Jess Sotto
RUSTIN MARION

909-370-5551 Award Scheduled for March 5th

Golden Hills Community Services District (3800 LF 18" PVC Water Pipeline) $396,655.00
Contact Jeff Eklund 661-616-5900 Awarded 1/10/2013

Sepulveda Building Centers (500 LF 30" C-90S Fusible PVC Sliplining) $148,059.00
Contact David Hardison 626-609-9702

CWD Service Contract for Road Grading (98 +/- Canal Road Grading and Wash out Repairs)
$145,855.00 Contact Rod Nason 760-398-2651

Coachella Valley Water District (12" Sewer Rehabilitation Project at Esmeralda Resort)
Replace 450 LF 12" VCP and Install 1640 LF CIPP $494,243.00 Awarded 3/12/2013
Contact Jorge Meza 760-398-2651

Coachella Valley Water District (12" Sewer Rehabilitation Project at PGA West)
Replace 2650 LF 10" VCP and MHs and 63 ea Reconnect Services Awarded 3/12/2013
$879,787.00 Contact Jorge Meza 760-398-2651

Jurupa Community Services District (Yvette Creek Trunk Sewer Phase 1) Install 15,000 LF PVC
Gravity Sewer & Force Main 8" Thru 36", DCI is Subcontractor for WEKA INC. Approximate value
$4,850,000.00 Contact Keith Backus 951-685-7434

Elsinore Valley Municipal Water District (Waite Street 1467 Zone Pipeline WO #75816) 3,350 LF of
24" DIP, 8,572 LF OF 20" DIP $1,914,542.00 Completed 07/09/14 Contact Joanna Stewart
951-674-3146

Jurupa Community Services District (870' Pressure Zone Pipeline) 3,891 LF 30" CMLC/C WSP 9
5,323 LF 24" CMLC C WSP 3,443 LF 16" CMLC WSP 10 24" DIA RCP D-1500 $3,354,655.00
Completed 09/05/14 Contact Keith Backus 951-685-7434

Jurupa Community Services District (Area B Sewer and Non-Potable Water) 24,000 LF 18" & 21"
PVC SEWER, 11,200 LF 16" STEEL WATER $300,000.00 Subcontractor for WEKA, Inc.
Completed 10/15/15, Contact Jared Himle 909-425-8700

Jurupa Community Services District (Waterline Replacement Campbelt & Fleming Area Pipelines) 7,500 LF 8"
CML/CNC (10G GA) WSP & Appurtenances Approximate Value $435,090.00 Subcontractor for WEKA, Inc.
Completed 06/15/16 Contact Jared Himle 909-425-

2014

Meeks & Daley (Colton AG Pipeline WO #80018) 300 LF 24" HDPE $58,700.00 Completed
08/01/14 Contact Joanna Stewart 951-674-3146

Coachella Valley Water District (Palm Desert Country Club) 3,500' 12" C900 C905 DR25
$573,385.07 Completed 11/21/14 Contact David Wilson 760-398-2662

Jurupa Community Services District (Waterline Replacement Campbelt & Fleming Area Pipelines) 7,500 LF 8"
CML/CNC (10G GA) WSP & Appurtenances Approximate Value $435,090.00 Subcontractor for WEKA, Inc. Completed 06/15/16 Contact Jared Himle 909-425-

2015

Jurupa Community Services District (Pyrite Creek Trunk Sewer Phase 2B) 1,191 LF 8", 453 LF
10", 3,892 LF 12", 214 LF 12" DIA PVC SDR 26, 220 LF 24", 1,791 LF 24", 476 LF 30" DIA
PVC PS 115 Sewer Main, 3 72", 17 60", 48" DIA MH 225 LF J&B 36" ID Steel Casing, 3,376
LF DR 26 12" D' Fusible PVC (Sliplining) $4,103,361.04 Contact Keith Backus 951-685-7434

Santa Ana River Water Co. (Waterline Relocation) 900 LF 8" & 200 LF 12" CMLC, 3 Gate
Valves, 50 LF 1.5" & 800 1" Water Service, Meter Boxes. $427,883.24 Completed 07/03/15
Contact Arnold Rodriguez 951-685-6503

City of Rialto (Cedar Avenue Storm Drain) RCP AND RCB STORM DRAIN, CATCH BASINS,
BORE & JACK UNDER EXISTING SCRRA RIGHT-OF-WAY $657,328.00 Completed 01/31/16
Contact Eddie Chan 909-421-7210

Jurupa Community Services District (River Road Lift Station Modifications) LIFT STATION
MODIFICATIONS, PIPELINE MODIFICATIONS, ASPHALT REPAIR, CURB & GUTTER
INSTALLATION, CONCRETE PADS $16,418.14 Contact Keith Backus 951-685-7434

2016

Coachella Valley Water District (Sewer Pipeline Rehabilitation - Bombay Beach #2015-31) 2,630
LF 12" CIPP, 105 LF 8" & 180 LF 12" & SDR-26 PVC Sewer Pipe, 4,280 LF C900 PVC Sanitary
Sewer Force main Pipe & Manholes $1,231,421.00 Contact Jorge Meza 760-398-2651 Ext. 2369
RUSTIN MARION
Coachella Valley Water District (Avenue 57 Trunk Sewer & Abandonment of Lift Station 55-14) 5,002 LF 12" SDR-26 PVC Sewer Main Pipeline, 500 LF Dewater Trench, 9 48" & 7 60" Manholes, Lift Sta 55-14 Demo $1,337,465.00 Contact Jorge Meza 760-399-2051, Ext. 2369

Valley Sanitary District (Requa Sewer Interceptor) 30", 24", 18", & 10" Sewer Mains, tie-ins to existing sewer system, laterals, manholes & existing manhole rehab. $10,277,861.51 Contact: Ronald Buchwald, 760-238-5400

City of Indio (Auto Mall / Avenue 40 Sewer Improvements) Mobilization; sawcutting; trench excavation backfill and compaction; placement of PVC sewer pipe, manholes, pavement replacement; trench repair $668,450.72 Contact: Daniel Arvizu, 760-591-4028

Jurupa Community Services District (Point Repairs to #175003) Point Repairs 6" VCP Pipeline 53rd St w/ modifications to internal drop manhole, $28,726.00 Contact: Keith Backus, 951-685-7434

Valley Sanitary District (Avenue 43 Sewer Repair) Sewer trench repair, compact & repave. 157,635.30 Contact: Ronald Buchwald, 760-238-5400

Eastern Municipal Water District (Paseo Vivora Pipeline Replacement) Approx 2,200 LF fusible PVC & appurtenances, surface restoration, paving, abandon existing pipeline $716,095.68 Contact: Jason Callens 951-928-6111 (Fax)

Eastern Municipal Water District (G Street & Case Road Sewer Improvements) Approx 1,300 LF 8", 15" & 18" Sewer GravityMains (170 LF 36" Steel Casing Under RR $793,301.14 Contact: Jill Lloyd, 951-928-3777

2009 to 2010 Utah Pacific Foreman/Lead Man
Vallecitos Water District, San Marcos, CA (Discovery Street Sewer Project) 51,000 LF of 8" to 15" Sewer $1,420,269 Completed 11/01/2019 Contact Carol Lewis 760-744-0460

Eastern Municipal Water District (11355 Del Rio Sewer) 42,000 LF replacement of an existing 15" Sewer with a 21" Sewer $2.5 Million Completed 4/1/2010 Contact: Laurie Dixit 951-928-3777

2004 to 2009 Choctaw Contractors Inc. Foreman/Laborer
CHINO BASIN DESALTER AUTHORITY, Mira Loma, CA (284 LF 12" PVC; 3,670 LF 16" PVC; 2,681 LF 24" PVC; 1,198 LF 30" PVC) 1.1 Million - Completed July 2005 - Contact: Randy Lovan (949) 472-3505

KEYSTONE RIVERSIDE 39 LLC, Wildomar, CA (10 LF 8" PVC; 10 LF 10" PVC; 10 LF 12" PVC; 2,847 LF 16" PVC; 1,337 LF 18" PVC; 1,327 LF 21" Vylon) 1.1 Million - Completed June 2005 - Contact: Loren Sorber (951) 674-3146

COACHELLA VALLEY WATER DISTRICT, Rancho Mirage, CA (2,250 LF 24" and 435 LF of 18" Ductile Iron Pipe Transmission Main & Appurtenances-Excavation & Fill-Water Distribution) 823 Thousand - Completed January 2005 - Contact: Joe Cook (760) 398-2651

DESERT WATER AGENCY, Palm Springs, CA (8,045 LF 24" CML&C; 1,316 LF 8" DIP; 1,956 LF 12" DIP; 3,435 LF 20" DIP) 1.6 Million - Completed October 2005 - Contact: Mark Messer smith (951) 684-6900

PALMDALE WATER DISTRICT, Palmdale, CA (2,850 LF 24" Ductile Iron Pipe ) 1.3 Million - Completed September 2005 - Contact: Matthew Knudson (661) 947-4111

VALLEY SANITATION DISTRICT, Indio, CA (5,000 LF 18" PVC Sewer, 1,600 LF 27" PVC Sewer & 5,000 LF 18" Ductile Iron Pipe) 3.6 Million - Completed June 2006 - Contact: Mike Buitvidas (760) 347-2396

CITY OF INDIO, Indio, CA (12,370 LF 24" Ductile Iron Pipe ) 3.4 Million - Completed January 2006 - Contact: Gary Bradshaw (909) 933-5225

D.R. HORTON, Wildomar, CA (1,680 LF 8" SDR Sewer, 60" Manholes and Jack & Bore) 271 Thousand - Completed October 2005 - Contact: Mary Helton (951) 272-9000

3
RUSTIN MARION

COACHELLA VALLEY WATER DISTRICT, Rancho Mirage, CA (5,172 LF 18" DIP Water) 776,000 - Completed August 2006 - Contact: Joe Cook (760) 398-2651

INDIO LAND VENTURES, LLC, Indio, CA (1,490 LF of 10" PVC Sewer) 103 Thousand - Project Completed December 2006 - Contact: Tony Occhino (760) 601-6400

INDIO LAND VENTURES, LLC, Indio, CA (6,668 LF of 8" PVC Sewer) 444 Thousand - Project Completed December 2006 - Contact: Tony Occhino (760) 601-6400

INDIO LAND VENTURES, LLC, Indio, CA (12" PVC Sewer; 1,819 LF of 10" PVC Sewer; Jack & Bore) 373 Thousand - Project Completed December 2006 - Contact: Tony Occhino (760) 601-6400

INDIO LAND VENTURES, LLC, Indio, CA (5,612 LF of 10" PVC Sewer; 299 LF of 8" PVC Sewer; Jack & Bore) 544 Thousand - Project Completed December 2006 - Contact: Tony Occhino (760) 601-6400

COACHELLA VALLEY WATER DISTRICT, Indio, CA (4,531 LF of 72" RCP; 8 LF of 54" RCP; 352 LF of 36" RCP; 207 LF of 24" RCP; 5 LF of 18" RCP) 3.1 Million - Project Completed March 2007 - Contact: Joe Cook (760) 398-2651

CITY OF INDIO, Indio, CA (384 LF of RCP; 2,382 LF of 36" RCP; 104 LF of 30" RCP; 16 LF of 24" RCP; 243 LF of 18" RCP Storm Drain) 600 Thousand - Project Completed December 2006 - Contact: Robert Righetti (760) 485-0041 and Jaime Engler (760) 331-4017

SUNCAL PSV, LLC, Palm Springs, CA (1,400 LF of 12" Drain Line) - Project Completed June 2007 - Contact: Tony Occhino (760) 601-6400

DESSERT WATER AGENCY, Cathedral City, CA (23,000 LF of 8" DIP Water; 23,000 LF of 8" VCP Sewer; 705,000 Sq. Ft. Street Construction) 8.7 Million - Project Completed February 2008 - Contact: Mark Messersmith (951) 684-6900.

RANCHO CALIFORNIA WATER DISTRICT, Temecula, CA (1,890 LF of 8" Poly Chloride Pipe, 4,018 LF of 12" Poly Chloride Pipe, 2,580 LF of 18" Poly Chloride Pipe; 9,994 LF of 24" AWWA Cement Mortar Line & Cement Mortar Coated Welded Steel Pipe) 2.8 Million - Project Completed March 2008 - Contact: Ken Cope (951) 296-6900.

ELSIMORE VALLEY MUNICIPAL WATER DISTRICT, Lake Elsinore, CA (1,510 LF of 16" DIP; 2,945 LF of 12" DIP; 1,108 LF of 8" PVC) 1.1 Million - Project Completed March 2008 - Contact George Cambero (951) 674-3146.

CITY OF INDIO, Indio, CA (704 LF of 10" SDR 35 Sewer & 767 LF of 8" SDR 35 Sewer) $136,568 - Project Completed October 2007 - Contact David Merrell (760) 391-4155

RANCHO CALIFORNIA WATER DISTRICT, Temecula, CA (6,000 LF of 48" CML&C) 1.2 Million - Projected Completion Date April 2008 - Contact: Ken Cope (951) 296-6900.

RIVERSIDE COUNTY REDEVELOPMENT AGENCY, Wildomar, CA (200 LF of 18" RCP; 2,780 LF of 30" RCP; 65 LF of SDR-35 PVC; 125 LF of 6" DIP; 60 LF of 16" DIP; 50 LF of 20" DIP 45 LF of 30" DIP) $934,695 - Projected Completion Date April 2008 - Contact Gloria Perez (951) 955-8916

SANTA ANA WATERSHED PROJECT AUTHORITY, Lake Elsinora, CA (Relocation and abandonment of approx. 2000 LF of 24" HDPE) $307,750 - Projected Completion Date June 2008 - Contact David Ruh (951) 354-4223.

INDIO WATER AUTHORITY, Indio, CA (5,374 LF of 18" CL250 DIP; 13 LF of 14" CL250 DIP; 185 LF of 12" CL350 DIP; 35 LF of 10" CL350 DIP; 105 LF of 8" CL350 DIP) $665,690 - Projected Completion Date June 2008 - Contact David Merrell (760) 391-4155

CITY OF ONTARIO, Ontario, CA (Installation of Well Discharge and Well Drain Piping for Wells) $656,642 - Projected Completion Date December 2008 - Contact Ozzie Garibaldo (Pacific Hydrotech, Inc.) (951) 943-8803.

CITY OF LOMA LINDA, Loma Linda, CA (5,563 LF of 15" Sewer and Manholes) $637,521 - Projected Completion Date June 2008 - Contact Jarb Thalpejr (909) 799-4400.
LIST OF DESIGNATED SUBCONTRACTORS

SPEC #: 1270P
PROJECT TITLE: INDIAN STREET RECYCLED WATER 12-INCH PIPELINE PROJECT
NAME OF CONTRACTOR: DOWNING CONSTRUCTION, INC.

In compliance with the provisions of Sec. 4100-4111, inclusive, of the Public Contract Code of the State of California, and any amendments thereof, each bidder shall set forth: the name, location of the place of business, license number, portion of the work which will be done by each subcontractor who will perform work or labor or render service to the Contractor in or about the construction of the work or improvement in an amount in excess of one-half of one percent (1/2 of 1%) of the Contractor's total bid. Each portion of Subcontracted work noted in the below table must be specific and contain all major activities associated with completion of the project, outside of the services provided by the bidding Contractor. Ambiguous and/or incomplete Subcontracted work information may deem the bid nonresponsive. Each subcontractor shall possess, both at the time the bid is submitted and at all times when work is performed, a valid contractor's license for the appropriate classification necessary to perform the work for which that subcontractor is listed.

**BIDDER SHALL PROVIDE THE FOLLOWING INFORMATION:**
Company Name, Business Address, Email Address, License No., Contractor Registration No., Subcontract Work, and % Of Total Bid

* PLEASE WRITE LEGIBLY *

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<tr>
<th>LICENSED SUBCONTRACTOR'S NAME, BUSINESS ADDRESS, &amp; EMAIL ADDRESS</th>
<th>LICENSE #</th>
<th>SUBCONTRACT WORK (Be Specific)</th>
<th>% OF TOTAL BID</th>
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<td><strong>Grind &amp; Cap</strong></td>
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<td><strong>Email Address:</strong> <a href="mailto:blsth@callamericanasphalt.com">blsth@callamericanasphalt.com</a></td>
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C-5(d) 00028 Designation of Subcontractors
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(Do not list alternative subcontractors for the same work) (Use additional pages if needed)
PUBLIC WORKS CONTRACTOR REGISTRATION
(Pursuant to SB 854)

This project is subject to compliance monitoring and enforcement by the Department of Industrial Relations.

Pursuant to Section 1771.1 of the Labor Code, no contractor or subcontractor shall be qualified to bid on, be listed in a bid proposal pursuant to Section 4104 of the Public Contract Code, or engage in the performance of any contract for public work unless currently registered to perform public work pursuant to Section 1725.5 of the Labor Code. It shall not be 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 Sections 10164 or 20103.5 of the Public Contract Code, provided the contractor is registered to perform public work pursuant to Section 1725.5 at the time the contract is awarded.

BIDDERS AND THEIR SUBCONTRACTORS (listed on the Designation of Subcontractors List C-05) are to provide an extract (pdf) at time of bid showing active registration from the Public Works Contractor Registration online registration at https://efiling.dir.ca.gov/PWCR/Search

******************************************************************************
SUBMIT BIDDER & SUBCONTRACTORS CONTRACTOR REGISTRATION
EXTRACTS WITH BID PROPOSAL
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Example:

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Rev:11/23/15 C22-1 00057 Contractor Registration
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CONTRACTOR'S LICENSING STATEMENT

The undersigned is licensed in accordance with the laws of the State of **CALIFORNIA** providing for the registration of contractors. The representations made herein and in the proposal documents are made under penalty of perjury. The undersigned is hereby representing that he is properly licensed both at the time that he submits a bid as well as at the time the contract is awarded, if the contract is awarded to the undersigned.

**CONTRACTOR'S CLASSIFICATION**  A - GENERAL ENGINEERING

**LICENSE NUMBER**  842048  **TYPE**  A  **EXPIRATION DATE**  04/30/20

A. **INDIVIDUAL CONTRACTOR**

| NAME OF INDIVIDUAL CONTRACTOR: | N/A |
| BUSINESS ADDRESS: | N/A |
| PHONE NUMBER: | N/A |
| SIGNATURE OF OWNER: | N/A |

B. **FIRM OR PARTNERSHIP**

| NAME OF FIRM OR PARTNERSHIP: | N/A |
| BUSINESS ADDRESS: | N/A |
| PHONE NUMBER: | N/A |
| SIGNATURE(S) & TITLE OF MEMBERS SIGNING ON BEHALF OF THE PARTNERSHIP: |
| SIGNATURE: | N/A | TITLE: | N/A |
| SIGNATURE: | N/A | TITLE: | N/A |
| SIGNATURE: | N/A | TITLE: | N/A |

C. **CORPORATION**

| NAME OF CORPORATION: | DOWNING CONSTRUCTION, INC. |
| BUSINESS ADDRESS: | 32194 OUTER HIGHWAY 10 SOUTH, REDLANDS, CA 92373 |
| PHONE NUMBER: | 909-797-7444 |
| SIGNATURE OF AUTHORIZED OFFICER OF CORPORATION: |
| SIGNATURE: |  | TITLE: | MICHELLE LAVANWAY, AUTHORIZED SIGNER |
NON-COLLUSION DECLARATION

TO BE EXECUTED BY BIDDER AND SUBMITTED WITH BID

The undersigned declares:

I am the ______ AUTHORIZED SIGNER ______ of ______ DOWNING CONSTRUCTION, INC. ______, the party making the foregoing bid.

The bid is not made in the interest of, or on behalf of, any undisclosed person, partnership, company, association, organization, or corporation. 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. The bidder has not directly or indirectly colluded, conspired, connived, or agreed with any bidder or anyone else to put in a sham bid, or to refrain from bidding. 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 of any other bidder, or to fix any overhead, profit, or cost element of the bid price, or of that of any other bidder. All statements contained in the bid are true. 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, to any corporation, partnership, company, association, organization, bid depository, or to any member or agent thereof, to effectuate a collusive or sham bid, and has not paid, and will not pay, any person or entity for such purpose.

Any person executing this declaration on behalf of a bidder that is a corporation, partnership, joint venture, limited liability company, limited liability partnership, or any other entity, hereby represents that he or she has full power to execute, and does execute, this declaration on behalf of the bidder.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration is executed on ______ 8-1-19 ______[date], at ______ REDLANDS ______[city], ______ CALIFORNIA ______[state]

Signed: ____________________________

Name: MICHELLE LAVANWAY, AUTHORIZED SIGNER

(Print Name Here)

C7-1 00032 Non-Collusion Declaration
IRAN CONTRACTING ACT CERTIFICATION

Pursuant to the Iran Contract Act of 2010 (Public Contract Code 2200-2208), Vendors/Bidders are ineligible to bid on or submit a proposal for any contract with a public entity for goods or services of one million dollars ($1,000,000) or more if the Vendor/Bidder engages in investment activities in Iran.

MUST BE SUBMITTED WITH BID PROPOSAL IF BID AMOUNT IS $1,000,000 OR MORE

Prior to bidding on, submitting a proposal, or executing a contract or renewal for a public entity contract for goods or services of $1,000,000 or more, a vendor must either: a) certify it is not on the current list of persons engaged in investment activities in Iran created by the California Department of General Services (“DGS”) pursuant to Public Contract Code section 2203(b) and is not a financial institution extending $20,000,000 or more in credit to another person, for 45 days or more, if that other person will use the credit to provide goods or services in the energy sector in Iran and is identified on the current list of persons engaged in investment activities in Iran created by DGS; or b) demonstrate it has been exempted from the certification requirement for that solicitation or contract pursuant to Public Contract Code section 2203(c) or (d).

To comply with this requirement, please insert your vendor or financial institution name and Federal ID Number (if available) and complete one of the options below. Please note: California law establishes penalties for providing false certifications, including civil penalties equal to the greater of $250,000 or twice the amount of the contract for which the false certification was made, contract termination, and three-year ineligibility to bid on contracts. (Pub. Cont. Code § 2205.)

OPTION #1 - CERTIFICATION

I, the official named below, certify I am duly authorized to execute this certification on behalf of the vendor/financial institution identified below, and the vendor/financial institution identified below is not on the current list of persons engaged in investment activities in Iran created by DGS and is not a financial institution extending twenty million dollars ($20,000,000) or more in credit to another person/vendor, for 45 days or more, if that other person/vendor will use the credit to provide goods or services in the energy sector in Iran and is identified on the current list of persons engaged in investment activities in Iran created by DGS.

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

<table>
<thead>
<tr>
<th>Vendor Name/Financial Institution (Printed)</th>
<th>Federal ID Number (or n/a)</th>
</tr>
</thead>
<tbody>
<tr>
<td>DOWNING CONSTRUCTION, INC.</td>
<td>32-0302148</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Signature (Authorized Signature)</th>
</tr>
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<tbody>
<tr>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Printed Name and Title of Person Signing</th>
</tr>
</thead>
<tbody>
<tr>
<td>MICHELLE LAVANWAY, AUTHORIZED SIGNER</td>
</tr>
</tbody>
</table>

| Date Executed | 1-8-19 |

C13-3  000046 Iran Contracting Act Certification
OPTION #2 – EXEMPTION

Pursuant to Public Contract Code sections 2203(c) and (d), a public entity may permit a vendor/financial institution engaged in investment activities in Iran, on a case-by-case basis, to be eligible for, or to bid on, submit a proposal for, or enters into or renews, a contract for goods and services.

If you have obtained an exemption from the certification requirement under the Iran Contracting Act, please fill out the information below, and attach documentation demonstrating the exemption approval.

<table>
<thead>
<tr>
<th>Vendor Name/Financial Institution (Printed)</th>
<th>Federal ID Number (or n/a)</th>
</tr>
</thead>
<tbody>
<tr>
<td>N/A</td>
<td>N/A</td>
</tr>
</tbody>
</table>

<table>
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<tr>
<th>By (Authorized Signature)</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>N/A</td>
<td>N/A</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Printed Name and Title of Person Signing</th>
<th>Date Executed</th>
</tr>
</thead>
<tbody>
<tr>
<td>N/A</td>
<td>N/A</td>
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</tbody>
</table>
CAL/OSHA FORM 300A (REV. 7/2007)

Annual Summary of Work Related Injuries and Illnesses

Appendix B

Year 20XX

Department of Industrial Relations

Department of Industrial Relations

Date of Occurrence

(01/02/18)

City of Occurrence

(REDLANDS)

State

(909) 923-2732

Number of Cases

(2) Fatality

(1) Restricted

(2) Serious

(3) Lost

(4) Days

(5) Cases

(6) Days

(7) Cases

(8) Days

(9) Cases

(10) Days

(11) Cases

(12) Days

(13) Cases

(14) Days

(15) Cases

(16) Days

(17) Cases

(18) Days

(19) Cases

(20) Days

(21) Cases

(22) Days

(23) Cases

(24) Days

(25) Cases

(26) Days

(27) Cases

(28) Days

(29) Cases

(30) Days
# C-17 Contractor's Cal/OSHA Compliance History and SIC Code

This document is to be submitted with the proposal package at time of bid.

<table>
<thead>
<tr>
<th>Bid Date:</th>
<th>01/08/19</th>
<th>Contractor's Standard Industry Code:</th>
<th>1623</th>
</tr>
</thead>
<tbody>
<tr>
<td>Specification No.</td>
<td>1270P</td>
<td>Project Name:</td>
<td>INDIAN STREET RECYCLED WATER 12-INCH PIPELINE</td>
</tr>
<tr>
<td>Contractor name:</td>
<td>DOWNING CONSTRUCTION, INC.</td>
<td>Contractor Address:</td>
<td>32194 OUTER HIGHWAY 10 SOUTH, HELLSANDS, CA 92373</td>
</tr>
<tr>
<td>Contractor License No.</td>
<td>842048</td>
<td>Phone No:</td>
<td>909-797-7444</td>
</tr>
<tr>
<td>Contact Person:</td>
<td>KEVIN ELLIS</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Please answer the following questions:

1. Has the Contractor been cited by Cal/OSHA or any regulatory agency for a violation related to safety or environmental issues within the past seven (7) years?  
   - No [ ]  
   - Yes [x]  
   
   If yes, please attach all documentation specific to each violation and what actions have been taken to ensure that there is not a repeat violation.

2. Has the Contractor had a fatality or serious incident per Cal/OSHA on a jobsite within the past ten (10) years?  
   - No [ ]  
   - Yes [x]  
   
   If yes, please attach all documentation specific to each violation and what actions have been taken to ensure that there is not a repeat violation.

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

Contractor's Representative signature: [Signature]

Date: 1-8-19

Failure to fully divulge, complete and submit this form "may" deem your bid non-responsive.

For EMWD use only:  
Field Engineering to forward to Risk Management for review

Approved:  
- No [ ]  
- Yes [ ]

Reviewed by Risk Management (signature required)  
Date:

Return to (Field Eng.CAR)  
By:

cc: Construction Administrator  
File: C-17 Contractor's Compliance History

C17-2  
00052 CalOsha Compliance History & SIC Code
January 8, 2019

Eastern Municipal Water District
2270 Trumble Road
Perris, CA 92572-8300


Attn: General Manager

Downing Construction, Inc. experienced a recent fatality on one of our projects located in Fontana, CA that involved a City employed soils technician and Downing's loader. The technician attempted to take a soils compaction test immediately behind a working loader without notifying any of Downing's personnel nor the City inspector, who was also onsite at the time of the incident.

As of today, Downing received a Notice of Intent from Cal/OSHA and our attorney has filed an Appeal. Please let me know if you have questions.

Thank you.
January 8, 2019

Eastern Municipal Water District
2270 Trumble Road
Perris, CA 92572-8300

Re: Bid Proposal for Indian Street Recycled Water 12-Inch Pipeline, Spec. No. 1270P
Response to Bid Document C17-2 Contractor's Cal/OSHA Compliance History
and SIC Code

Attn: General Manager

Downing Construction, Inc. offers the following explanations for answering "Yes" to Question #1 and #2 on the bid document referenced above.

Question #1 Response: Downing Construction, Inc. received two citations from Cal/OSHA after reviewing our Injury & Illness Prevention Program's Heat Illness Prevention section that was inadvertently not updated in a binder at our office located in Redlands. The jobsite IIPP was updated and all procedures were being followed in the field (See the Inspector's Investigation Report, page 4 of 6, referencing that the High Heat Procedures were performed and in place). Please see the enclosed Cal/OSHA documents listed below.

1. Document Request Sheet from DIR, Division of Occupational Safety and Health.
4. Notice of Intent to classify citation as serious.
5. Contractor's response to Notice of Intent.
7. Settlement terms.

The citations were reclassified per the settlement terms and the fines were reduced. In addition, the binder in question was updated immediately to avoid any discrepancy in the future. Please note that the citations were regulatory, and/or general as stated by Cal/OSHA, and not directly related to a safety violation.
Eastern Municipal Water District
Page 2 - Response to Bid Continue

**Question #2 Response:** Downing Construction Inc.'s employee suffered a heart attack at the end of a work shift, which was investigated and found to be of no fault of our safety procedures and no Cal/OSHA citation was issued.

Please contact our office if you have any questions.

Thank you.
DOCUMENT REQUEST SHEET

EMPLOYER: Downing Construction

EMPLOYER CONTACT: Randy Downing

DATE: 8/13/14 Postmark by DATE: 8/18/14 RECEIVED BY: Randy Downing

As discussed during the inspection on 8/13/14, it has been determined that copies of the following documents are required for review.

Please provide the Cal/OSHA inspector with the required copies by the "postmarked date" noted above. If the copies are not provided by that date, it will be interpreted as an admission that the documents do not exist and possible Citations and Monetary Penalties could result.

☐ Licenses & Permits: □ Business License □ State ER Tax ID No. □ CSLB □ Garment Reg. □ Farm Labor Contractor

☐ Facility Layout (i.e., floorplan, equipment map, etc.)

☐ Log of Work-Related Injuries and Illnesses (Cal/OSHA 300) for current and the previous ___ years.

☐ Injury and Illness Incident Report (Cal/OSHA 301)

☐ Employer's First Report of Injury (Form 5020)

☐ Doctor's First Report of Injury (Form 5021)

☐ Injury and Illness Prevention Program

☐ Code of Safe Practices

☐ Disciplinary Action Records (Safety & Health)

☐ Safety Inspection Records

☐ Employer's Accident Investigation Report (including photos, witness statement, etc.)

☐ Employee Training Records

☐ Heat Illness Prevention Program

☐ Operator Certification Records

☐ Safety Meeting/Tailgate Meeting Records

☐ First Aid Kit Approval (Medical)

☐ Emergency Action Plan

☐ Fire Prevention Plan

☐ Hazard Communication Plan

☐ Material Safety Data Sheets (MSDS)

☐ Respiratory Protection Program

☐ Hearing Conservation Program (Noise)

☐ Exposure Control Plan (Bloodborne Pathogens)

☐ Workplace Exposure Records/Monitoring Results

☐ Permits/Variances

☐ Maintenance Records of Equipment

☐ Equipment Manuals (operation, user, maintenance, etc.)

☐ Hazardous Energy Control Procedure (Lock-Out/Tag-Out)

☐ Hazardous Energy Control Procedure Inspection Records

☐ Contract Agreement

☐ Contact Information (name, title, address, phone #, etc.)

If you require an extension of time in order to satisfy this request, please contact the Cal/OSHA inspector identified with your inspection at the phone number above before the deadline.

INSPECTION NO. ___________________ SE/IH ID. _______________ OPTIONAL REPORT NO. ___________________
August 22, 1024

Mr. Rubin Carr Jr.
State of California
Department of Industrial Relations
Division of Occupational Safety and Health
464 W. Fourth Street, Suite 332
San Bernardino, CA 92401-1429

Re: Document Request Sheet

Dear Rubin:

Downing Construction, Inc. is submitting the documents requested during the inspection on 8/13/14. Enclosed you will find the following:

- Copy of City of Palm Desert Business License
- Injury and Illness Prevention Program
- Safety Inspection Records: See Daily Foreman Reports from Mike Ray & Vince Davidson and note that job just started on 8/11/14.
- Employer's Accident Investigation Report: See the American Claims Mgmt Work Comp Claim Forms
- Employee Training Records for Heat Illness Prevention
- Safety Meeting Records
- Heat Illness Prevention Plan
- Contract Agreement

Contact info for Palm Desert Country Club site employee is Michael Ray, Foreman, cell phone is (909) 534-6427 and the address is 77-200 California Drive Palm Desert, CA 92211. On the day of the incident, Vince Davidson, Foreman was the onsite contact and his cell is (909) 677-6645. Please contact our office if you have any questions or need further information.

Thank you,

Michelle LaVanway
Office Manager
APPENDIX G

Illness Prevention Evaluation Questionnaire (HIPEQ) for Outdoor Illness Related Inspections
(Complete for all suspect outdoor heat incidents)

Inspection number: 317730372
Incident Date: 8/12/14
Opening date

CSHO: Q7179
Region: 3

Name of establishment: Downing Construction Inc.

SIC/NAICS Code: 16231237.110

Type of establishment: Sewer and Pipeline Contractor

Total number of employees working at this site: 5

Regular hours worked by these employees: 6:00 AM to 4:30 PM

Are work hours different during heat season or hot months? How?

Work start and finish time on the day of the incident: 8:30 AM - 6:45 PM
Number of hours worked: 8

Time of the event: 4:30 PM

Are employees paid piece rate? Y ☐ N ☐

Management / non-management employees: How many interviewed? 1/5

Was heat victim interviewed? Y ☐ N ☐

Victim's age: 67
Gender: Male ☐ or female ☐

Victim's Race: White

Victim's primary language: English: ☐ Spanish: ☐ Other (list):

English Competency: (0-10): 10

Location:
Worksite address: Palm Desert Country Club 18th Hole

Was this located in a remote or rural site? Y ☐ N ☐

If yes, number of miles the worksite is from a major city (i.e. from closest hospital): ______

Did foreman provide clear directions to worksite when interviewed? Y ☐ N ☐

Did employees provide clear directions to worksite when interviewed? Y ☐ N ☐

Weather/Environmental Conditions:

What were the environmental conditions (temperature, wind speed, % RH, clear skies) on the day of the accident/programmed inspection? 90 °F - 100 °F

What were these environmental conditions on the days prior to this accident/programmed inspection (daily average for 7 days prior)? ______
Did incident occur during a heat wave? Y ☐ N ☒ If yes, date heat wave began: ____________

Is the supervisor or other designated person tracking the weather? Y ☒ N ☐

Was supervisor trained on how to conduct weather monitoring and respond to hot weather advisories? Y ☒ N ☐

What source did the CSHO use (e.g., thermometer, www.nova.gov or other internet sites) to check the weather? Internet site ____________

Type of Work and Working Conditions:
Describe the nature of the work and working conditions related to heat relevant to the employees' job task: used a shovel to even the rock at a deep excavation
Was job task: light ☐ moderate ☒ strenuous ☐

Additional comments: ____________________________

Water Provisions:
Was there a potable drinking water available? Y ☒ N ☐
Was a random water sample collected for laboratory analysis of potability? Y ☐ N ☒
How much water available (plumbed or size and number of containers) 4 - 5 gallons ________
Did employees bring their own water to the worksite? Y ☒ N ☐
Was sufficient quantity of water provided at the start of the shift? Y ☒ N ☐
Did employer have effective replenishment procedures in place? Y ☒ N ☐

Please describe replenishment procedures used: (List person responsible of these procedures and how often was water level checked): Foreman checked water hourly

How much water did the victim drink on the day of the incident (i.e., none observed; small sips, 1 or 2 bottles of water, or 3 or 4 paper cones)? Don't know, employee is deceased, his co-workers said they were all drinking plenty of water including the deceased

How close was the water to the workers (state distance or <2.5 min vs > 2.5 min)? < 2 minutes

Please describe any barriers present at the worksite that impede frequent access to drinking water (i.e., unsanitary conditions, location problems (not near their station), routine procedural issues (can't abandon their station, being rushed, protective suits, fear of need to urinate), foul smelling/tasting or other applicable circumstances): None
APPENDIX G
(Page 3 of 6)

Was the water provided cool and fresh and was container kept clean? Y ☑ N ☐ (Specifically ask about water on day of incident.)

Were employees encouraged to drink water often? Y ☑ N ☐

How much water were they told they need to drink? (per day or per hour):

How were they encouraged? Foreman encouraged employee to drink.

Additional comments: ____________________________________________________________________________

Shade Provisions:

Are job tasks conducted under the direct sunlight with no shade? Y ☑ N ☐

If no, what percentage of work time occurred under shade?

Was access to shade provided (opened and placed near them) at all times? Y ☑ N ☐

Did the workers have access to shade during their breaks? Y ☑ N ☐ During lunch? Y ☑ N ☐

Did employer provide sufficient shade (i.e. enough for at least 25% of the crew)? Y ☑ N ☐

Describe type of shade provided: Trees working underneath trees.

How close was shade structure to workers (<2 1/2 mins or >2 1/2 mins)? working in the shade

Did employees take any breaks before or after lunch? Y ☑ N ☐

Describe length and frequency of breaks, if taken: 10 min morning and after lunch

Did employees feel they could take a five minute non-scheduled cool-down rest in the shade to protect them from overheating? Y ☑ N ☐

Did employer encourage workers to take a cool-down rest in the shade (at least 5 min)? Y ☑ N ☐

Did employees take a cool-down rest in the shade? Y ☑ N ☐

Did victim take a cool-down rest in the shade? Y ☑ N ☐

If providing access to shade was infeasible or unsafe, did employer document the reason along with alternative procedures provided? Y ☑ N ☐

Additional comments: ____________________________________________________________________________

Acclimatization:

Did the employer have a written acclimatization policy or procedures? Y ☑ N ☐

Describe in detail the employer’s policy or procedures for addressing acclimatization of heat exposed workers: First of employer’s written procedures
APPENDIX G
(Page 4 of 6)

Did acclimatization procedures specifically limit the total work hours, or modify the work/break schedule? \( \checkmark \) Y \( \square \) N \( \square \)

Did the employer provide training on the importance of acclimatization? \( \checkmark \) Y \( \square \) N \( \square \)

How long had the victim worked for this employer? \( 10 + 10 \text{ days} \)

If new employee, was he/she closely supervised for the first 14 days? \( \checkmark \) Y \( \square \) N \( \square \) (specify how supervised \( \square \))

How long had victim worked under similar conditions (start, end or mid a heat wave, environmental, job task, work intensity, etc) prior to the accident/complaint inspection? \( 10 + 10 \text{ days} \)

If employed with current employer less than 2 weeks, had employee been working under similar environmental conditions (weather, environmental conditions, etc) with a different employer? \( \checkmark \) Y \( \square \) N \( \square \) If yes, please state length of prior job: \( \square \)

If no, please describe last job held by this employee (specifically list any period of unemployment): \( \square \)

---

High Heat Procedures:

If the temperature equaled or exceeded 95 degrees, did employer implement effective High Heat Procedures? \( \checkmark \) Y \( \square \) N \( \square \)

Did employer ensure that effective communication was maintained (via observation, voice or electronic means)? \( \checkmark \) Y \( \square \) N \( \square \)

Did the supervisor or a designee observe employees for alertness and signs and symptoms of heat illness? \( \checkmark \) Y \( \square \) N \( \square \)

Were employees reminded throughout the shift to drink plenty of water? \( \checkmark \) Y \( \square \) N \( \square \)

Were new employees closely supervised by supervisor or designee, the first 14 days of employment? \( \checkmark \) Y \( \square \) N \( \square \)

If no, did new employee indicate that he/she had been doing similar work for at least 10 days of the past 30 days? \( \checkmark \) Y \( \square \) N \( \square \)

Emergency Response Provisions:

Did the employer have in writing, adequate emergency response procedures? \( \checkmark \) Y \( \square \) N \( \square \)

[Stating "Call 911" is not considered adequate emergency procedures]
APPENDIX G

(Page 5 of 6)

If yes, describe, in detail, the employer's procedures (in place) for addressing emergency medical response? If no, were any verbal instructions given for response during emergency situations?

Were the employees aware of these written procedures? Y X N  □  Verbal procedures? Y X N  □  Did employer designate a person to be available to ensure that emergency procedures are invoked when appropriate? Y X N  □  Identify that person:__________

Day of Incident:

Did victim report potential heat related symptoms to employer? Y □ N  X  To coworkers? Y □ N  X  What action did employer take?______________________________

Did victim continue to work?______________________________

If no, what was disposition of employee? Home_____ Clinic_____ Emergency Room X  Morgue_____ Time from reporting symptoms to definitive action by employer?______________________________

Time to medical care?______________________________

How was victim transported from worksite? ER_____ Coworker_____ Ambulance X  PV_____ In the event of an accident, was an ambulance or other first responders called to the worksite? Y X N  □  List responder(s):______________________________ If ambulance called, what was the response time?______________________________

Did employees carry cellular phone or have other means of communication to contact emergency services? Y X N  □  Did foreman know the location of the closest hospital or emergency room? Y X N  □  Was foreman knowledgeable on the company procedures of how to contact emergency services and what to do in the event an employee develops heat related symptoms? Y X N  □  Additional comments:______________________________

Injury and Illness Prevention Program and Heat Illness Prevention Training Provisions:

Did employer have an effective Injury and Illness Prevention Program? Y X N  □  Did employer have a written Heat Illness Prevention Program or Procedures in place to address any potential heat related illness? Y X N  □  Did employees receive training on heat illness prevention? Y X N  □
APPENDIX G

Did supervisors/foremen receive training on heat illness prevention? Y X N ☐
If yes, were all nine 3395(e) elements included in the training? Y ☐ N ☑
List all elements NOT included: __________  (Heat Procedural)
Checkbox? ☐

Please describe the type of training provided (video, tailgate meetings, classroom, pamphlet) and how often: __________

Was training provided in the employees' primary language? Y ☑ N ☐

Was it provided prior to or on the first day of outdoor work when it was reasonably anticipated to result in exposure to the risk of heat illness? Y ☐ N ☑

Was training documented (sign-in sheet, etc)? Y ☑ N ☐

Additional comments: __________

________________________________________

Did any employee (other than the victim) reported feeling ill? Y ☐ N ☑

Medical Conditions and Other Factors:

To be filled out by Medical Unit. Please complete 90M and contact DOSH Medical Unit within one week of initiating the investigation. Within one month forward all medical records, including emergency room and other hospital records and any available diagnostic or laboratory data. Additionally, please forward any emergency response records, including reports from ambulance/firefighters and records from the coroner's office when applicable. Also, please remember to forward all relevant investigation reports to MU so that a context is available for a medical opinion.
FACSIMILE COVER SHEET

TO: Michelle
OFFICE: Downing Construction Inc
FROM: Rubin CARR Cal/OSHA
DATE: 1/14/2015
SUBJECT: Form 185

URGENT - Please deliver immediately
Please review and respond to the attached ASAP!
Please review and respond to the attached.
For your information.

Message: my cell 760-598-4197

If any questions.

We are transmitting 24 pages, including this cover sheet. If transmission is incomplete, please contact Rubin as soon as possible at the San Bernardino District Office, telephone number is listed above.
NOTICE OF INTENT TO CLASSIFY CITATION AS SERIOUS

January 14, 2015

Downing Construction Inc
32194 Outer Highway 10 S.,
Redlands, CA 92373

Dear Employer:

An inspection was opened by Rubin Carr at a place of employment located at 77200 California Dr, Palm Desert, CA 92261 on 8-13-2014. The purpose of this form is to inform you that the Division intends to cite as “serious” the following alleged violation:

Prior to during the course of the investigation, the Employer’s written Heat Illness Prevention Program did not contain the high-heat procedures.

This alleged violation may be cited as a violation of one or more of the following regulations of Title 8 of the California Code of Regulations, or any other applicable regulation:

TBCCR 3395(e)

The Division may also classify the violation as “willful serious” or “repeat serious”.

You are encouraged to provide, in writing, any statements and supporting evidence showing that the Division should not classify the citation as “serious”. Factors the Division may consider include the following:

1. Training for employees and supervisors relevant to preventing employee exposure to the hazard or to similar hazards
2. Procedures for discovering, controlling access to and correcting the hazard or similar hazards
3. Supervision of employees exposed or potentially exposed to the hazard
4. Procedures for communicating to employees about your health and safety rules and programs
5. Any additional information that you wish to provide such as:
   a. An explanation of the circumstances surrounding the alleged violative events
   b. Why you believe a serious violation does not exist
   c. Why you believe your actions related to the alleged violative events were reasonable and responsible

Use “Employer’s Signed Response to Notice of Intent to Classify Citation As Serious” form (attached). Additional statements and supporting evidence can be attached to the form. Use a separate form to respond to each “Notice of Intent to Classify Citation As Serious” received from the Division.

Please return the form, along with your additional statements and supporting evidence. Also, attach a copy of this notice. Information received by 1-29-2015 will be considered before the Division issues the citation. Information received after this date may not be considered before the Division issues the citation. If no information is received at all, the citation may still be issued.

If you have any questions, please contact me at the phone number or address in the letterhead.

Cal/OSHA 18Y (1/14/14)
DOCUMENT REQUEST SHEET

EMPLOYER: Downing Construction  
EMPLOYER CONTACT: Randy Downing

DATE: 8/13/14  
Postmark by DATE: 8/18/14  
RECEIVED BY: Randy Downing

As discussed during the inspection on 8/13/14, it has been determined that copies of the following documents are required for review. Please provide the Cal/OSHA inspector with the required copies by the “postmarked date” noted above. If the copies are not provided by that date, it will be interpreted as an admission that the documents do not exist and possible Citations and Monetary Penalties could result.

☐ Licenses & Permits:  
☐ Business License  
☐ State ER Tax ID No.  
☐ CSLB  
☐ Garment Reg.  
☐ Farm Labor Contractor

☐ Facility Layout (i.e., floorplan, equipment map, etc.)

☐ Log of Work-Related Injuries and Illnesses (Cal/OSHA 300) for current and the previous ___ years.

☐ Injury and Illness Incident Report (Cal/OSHA 301)

☐ Employer’s First Report of Injury (Form 5020)

☐ Doctor’s First Report of Injury (Form 5021)

☐ Injury and Illness Prevention Program

☐ Code of Safe Practices

☐ Disciplinary Action Records (Safety & Health)

☐ Safety Inspection Records

☐ Employer’s Accident Investigation Report (including photos, witness statement, etc.)

☐ Employee Training Records

☐ Heat Illness Prevention (Palm Desert Country Club)

☐ Operator Certification Records

☐ Safety Meeting/Tailgate Meeting Records

☐ Heat Illness Prevention Plan

☐ First-Aid Kit Approval (Medical)

☐ Emergency Action Plan

☐ Fire Prevention Plan

☐ Hazard Communication Plan

☐ Material Safety Data Sheets (MSDS)

☐ Respiratory Protection Program

☐ Hearing Conservation Program (Noise)

☐ Exposure Control Plan (Bloodborne Pathogens)

☐ Workplace Exposure Records/Monitoring Results

☐ Permits/Variances

☐ Maintenance Records of Equipment

☐ Equipment Manuals (operation, user, maintenance, etc.)

☐ Hazardous Energy Control Procedure (Lock-Out/Tag-Out)

☐ Hazardous Energy Control Procedure Inspection Records

☐ Contract Agreement

☐ Contact Information (name, title, address, phone #, etc.)

Palm Desert Country Club

If you require an extension of time in order to satisfy this request, please contact the Cal/OSHA inspector identified with your inspection at the phone number above before the deadline.

INSPECTION NO.  
SE/IH ID.  
OPTIONAL REPORT NO.  

Palm Desert Country Club
APPENDIX G

Illness Prevention Evaluation Questionnaire (HIPEQ) for Outdoor Illness Related Inspections
(Complete for all suspect outdoor heat incidents)

Inspection number 317730372  Incident Date: 8/12/14  Opening date
CSHO 1079  Region 3 District 3
Name of establishment Downing Construction Inc.
SIC/NAICS Code: 142323710
Type of establishment Sewer and Pipeline Contractor
Total number of employees working at this site? 5
Regular hours worked by theseees? 6:00 AM to 4:30 PM
Are work hours different during heat season or hot months? How?
Work start and finish time on the day of the incident? 8am - 6:40 pm
Number of hours worked? 8
Time of the event? 4:30 PM
Are employees paid piece rate? Y □  N □
Management / non-management employees: How many interviewed? 1 □  5 □
Was heat victim interviewed? Y □  N □
Victim’s age? 47  Gender? Male □  or female □
Victim’s Race? White □
Victim’s primary language: English: □  Spanish: □  Other (list): □
English Competency: (0-10): 10 □

Location:
Worksite address: Palm Desert Country Club 18th Hole
Was this located in a remote or rural site? Y □  N □
If yes, number of miles the worksite is from a major city (i.e. from closest hospital)?
Did foreman provide clear directions to worksite when interviewed? Y □  N □
Did employees provide clear directions to worksite when interviewed? Y □  N □

Weather/Environmental Conditions:
What were the environmental conditions (temperature, wind speed, % RH, clear skies) on the day of the accident/programmed inspection? 90° F - 100° F
What were these environmental conditions on the days prior to this accident/programmed inspection (daily average for 7 days prior)?
APPENDIX G

Was the water provided cool and fresh and was container kept clean? Y [ ] N [X] (Specifically ask about water on day of incident.)
 Were employees encouraged to drink water often? Y [X] N [ ]
 How much water were they told they need to drink? (per day or per hour); ____________
 How were they encouraged? ____________

Additional comments: __________________________

Shade Provisions:
 Are job tasks conducted under the direct sunlight with no shade? Y [ ] N [X]
 If no, what percentage of work time occurred under shade? __________________________
 Was access to shade provided (opened and placed near them) at all times? Y [X] N [ ]
 Did the workers have access to shade during their breaks? Y [X] N [ ] During lunch? Y [X] N [ ]
 Did employer provide sufficient shade (i.e. enough for at least 25% of the crew)? Y [X] N [ ]
 Describe type of shade provided: ____________
 How close was shade structure to workers (<2 1/2 mins or >2 1/2 mins)? ____________

Did employees take any breaks before or after lunch? Y [X] N [ ]
 Describe length and frequency of breaks, if taken: 10 min before work, 10 min after work.
 Did employees feel they could take a five minute non-scheduled cool-down rest in the shade to protect them from overheating? Y [X] N [ ]
 Did employer encourage workers to take a cool-down rest in the shade (at least 5 min)? Y [X] N [ ]
 Did employees take a cool-down rest in the shade? Y [X] N [ ]
 Did victim take a cool-down rest in the shade? Y [X] N [ ]
 If providing access to shade was infeasible or unsafe, did employer document the reason along with alternative procedures provided? Y [ ] N [ ]

Additional comments: __________________________

Acclimatization:
 Did the employer have a written acclimatization policy or procedures? Y [X] N [ ]
 Describe in detail the employer's policy or procedures for addressing acclimatization of heat exposed workers: __________________________

______________
APPENDIX G

(Page 5 of 6)

If yes, describe, in detail, the employer's procedures (in place) for addressing emergency medical response? If no, were any verbal instructions given for response during emergency situations?

Were the employees aware of these written procedures? Y □ N □ Verbal procedures? Y □ N □ Did employer designate a person to be available to ensure that emergency procedures are invoked when appropriate? Y □ N □ Identify that person: Foreman

Day of Incident:
Did victim report potential heat related symptoms to employer? Y □ N □ To coworkers? Y □ N □ What action did employer take? 

Did victim continue to work? 

If no, what was disposition of employee? Home___ Clinic____ Emergency Room___ Morgue___

Time from reporting symptoms to definitive action by employer? 

Time to medical care? 

How was victim transported from worksite? ER___ Coworker____ Ambulance___ PV___

In the event of an accident, was an ambulance or other first responders called to the worksite? Y □ N □ List responder(s): 

If ambulance called, what was the response time? 

Did employees carry cellular phone or have other means of communication to contact emergency services? Y □ N □

Did foreman know the location of the closest hospital or emergency room? Y □ N □

Was foreman knowledgeable on the company procedures of how to contact emergency services and what to do in the event an employee develops heat related symptoms? Y □ N □

Additional comments:

Injury and Illness Prevention Program and Heat Illness Prevention Training Provisions:

Did employer have an effective Injury and Illness Prevention Program? Y □ N □

Did employer have a written Heat Illness Prevention Program or Procedures in place to address any potential heat related illness? Y □ N □

Did employees receive training on heat illness prevention? Y □ N □
FACSIMILE COVER SHEET

TO: Michelle

OFFICE: Downing Construction Inc

FROM: Rubin CARR Cal/OSHA

DATE: 1/14/2015

SUBJECT: Form A8Y

URGENT - Please deliver immediately!
Please review and respond to the attached ASAP!
☑ Please review and respond to the attached.
For your information.

Message:

My cell 760-898-4197

If any questions.

We are transmitting 24 pages, including this cover sheet. If transmission is incomplete, please contact Rubin as soon as possible at the San Bernardino District Office, telephone number is listed above.

7/1/2019
Sincerely,

District Manager

<table>
<thead>
<tr>
<th>33</th>
<th>CT1279</th>
<th>007-15</th>
<th>317780372</th>
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<tr>
<td>RID</td>
<td>CSHO ID</td>
<td>Optional Report Nr.</td>
<td>Inspection Nr.</td>
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</table>
EMPLOYER’S SIGNED STATEMENT OF ABATEMENT OF
REGULATORY AND/OR GENERAL VIOLATIONS

EMPLOYER:     DOWNING CONSTRUCTION INC
ADDRESS:        32194 OUTER HWY 10 S
                REDLANDS, CA 92373

The law requires that violations observed during the inspection/investigation completed on 02/03/2015 at 77200 CALIFORNIA DRIVE, PALM DESERT, CA be corrected within the time limit specified. Please notify the Division as soon as these conditions have been corrected by returning this completed form. Your response by signing and mailing this form to the issuing office on or before the compliance date may avoid a follow-up inspection of your facilities.

PLEASE COMPLETE AND MAIL BY 02-16-2015

***********
LIST THE SPECIFIC MEASURES TAKEN TO CORRECT EACH OF THE UNSAFE CONDITIONS

All violations have been inspected for
All required comments updated if needed

This certifies that all unsafe conditions listed in the Division’s citation dated 02-03-2015 have now been corrected.

Signature:        [Signature]  Date:  2/11/15
Name:            Randy Downing  Title: President

NOTE: This form does not serve as a request for a time extension. If there are serious problems beyond your control that prevent meeting a specified abatement date, contact the Division early, well within the 15-day limit allowed for an appeal.

OFFICE USE ONLY

Safety Engineer/Industrial Hygienist: ___________________________ Date ____________
District Manager: ___________________________ Date ____________

[ ] Close / Comments

Region: 3  District: 3  Inspection No: 31773532  Identification No: 071728 Cal/OSHA Rpl. No: A & Fiscal Year: 007-15

Date mailed or delivered: 02-03-2015
Mr. Randy Downing,
You will find attached the terms of settlement. If you find them acceptable, please REPLY TO ALL and let Judge Jacqueline Jones and I know that you accept. Thanks.

Ayman Shilbak, District Manager
464 W. 4th Street, Suite 332
San Bernardino, CA 92401
(909) 303-4321

☐ Stipulate to Basic Facts in Downing Construction Inc.; Docket No. 15-R3D3-0832 through 0833.

☐ On February 03, 2015, the employer was issued the following general and serious violations of Title 8, California Code of Regulations (T8CCR):

   Citation No. 1, Item No. 1, alleged a general violation of T8CCR 1509(a) with an associated civil penalty of $275.

   Citation No. 2, Item No. 1, alleged a serious violation of T8CCR 3395 (e) with an associated civil penalty of $2,475.

☐ The employer filed a timely appeal for all citations and Items.

☐ Settlement for Citation No. 1, Item No. 1:
   No Change.

☐ Settlement for Citation No. 2, Item No. 1:
   The Division moves to reclassify to general due to lack of realistic possibility of serious injury. The Division moves to reduce the civil penalty to $275 from $2,475 by applying low extent and high likelihood, 15 % good faith credit, and 50 % abatement credit.

☐ The employer requests the inclusion of a non-admissions clause.
EASTERN MUNICIPAL WATER DISTRICT
BID BOND

Bid Bond No. N/A

KNOW ALL MEN BY THESE PRESENTS, that we Downing Construction, Inc. (Here insert full name and address or legal title of Contractor)

32194 Outer Hwy10 S., Redlands, CA 92373 as Principal, hereinafter called the Principal, and

U.S. Specialty Insurance Company - 13403 Northwest Freeway, Houston, TX 77040 (Here insert full name and address or legal title of Surety)

a corporation duly organized under the laws of the State of Texas as Surety, hereinafter called the Surety, are held and firmly bound unto Eastern Municipal Water District.

Obligee, hereinafter called the Obligee, in the sum of Ten Percent of Bid Amount Dollars (10% of Bid Amount ______), for the payment of which sum well and truly to be made, the said Principal and the said Surety, bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally firmly by these presents.

WHEREAS, the Principal has submitted a bid, dated January 8, 20 19, for Indian Street Recycled Water 12-Inch Pipeline (Here insert full name, address and description of Project)

NOW, THEREFORE, if the Obligee shall accept the bid of the Principal and the Principal shall enter into a Contract with the Obligee in accordance with the terms of such bid, and give such bond or bonds as may be specified in the bidding of Contract Documents with good and sufficient surety for the faithful performance of such Contract and for the prompt payment of labor and material furnished in the prosecution thereof, or in the event of the failure of the Principal to enter such Contract and give such bond or bonds, if the Principal shall pay to the Obligee the difference not to exceed the penalty hereof between the amount specified in said bid and such larger amount for which the Obligee may in good faith contract with another party to perform the Work covered by said bid, then this obligation shall be null and void, otherwise to remain in full force and effect.

In the event suit is brought upon this Bond by Obligee and judgement is recovered, the Surety shall pay all costs incurred by Obligee in such suits to be fixed by the court.

Signed and sealed this 12th day of December, 2018

CONTRACTOR AS PRINCIPAL
Company: Downing Construction, Inc.

Signature: [Signature]
Name: Michelle Lawaia
Title: Authorized Signer

SURETY
Company: U.S. Specialty Insurance Company

(Corporate Seal)
Signature: [Signature]
Name: Vanessa Copeland
Title: Attorney-in-Fact

This Bid Bond (BB-1) form shall be submitted to be considered a responsive bid

Notary Public Acknowledgment required for Surety and Contractor

Rev:04/06/16

BB-1

00040 Bid Bond
CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT  CIVIL CODE § 1189

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California  
County of San Bernardino  

On 01/09/19 before me, Elva Nelson, Notary Public, personally appeared Michelle Lavanway, Authorized Signer, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature  
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document
Title or Type of Document:  
Document Date:  
Number of Pages:
Signer(s) Other Than Named Above:

Capacity(ies) Claimed by Signer(s)
Signer's Name:  
☐ Corporate Officer — Title(s):  
☐ Partner — ☐ Limited  ☐ General  
☐ Individual  ☐ Attorney in Fact  
☐ Trustee  ☐ Guardian or Conservator  
☐ Other:  
Signer Is Representing:  

Signer's Name:  
☐ Corporate Officer — Title(s):  
☐ Partner — ☐ Limited  ☐ General  
☐ Individual  ☐ Attorney in Fact  
☐ Trustee  ☐ Guardian or Conservator  
☐ Other:  
Signer Is Representing:

©2016 National Notary Association  •  www.NationalNotary.org  •  1-800-US NOTARY (1-800-876-6827)  •  Item #5907
CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached and not the truthfulness, accuracy, or validity of that document.

State of California  )
County of Orange  )

On 12-12-18 before me, Natassia Kirk-Smith, Notary Public,
personally appeared Vanessa Copeland

Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: [Signature]

Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent and reattachment of this form to another document.

Description of Attached Document

Type or Title of Document: 

Document Date:  Number of Pages: 

Signer(s) Other Than Named Above: 

Capacity(ies) Claimed by Signer(s)

Signer’s Name: Vanessa Copeland

☐ Individual
☐ Corporate Officer — Title(s): 
☐ Partner: ☐ Limited ☐ General
☒ Attorney in Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other: 

Signer Is Representing: 

Capacity(ies) Claimed by Signer(s)

Signer’s Name: 

☐ Individual
☐ Corporate Officer — Title(s): 
☐ Partner: ☐ Limited ☐ General
☐ Attorney in Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other: 

Signer Is Representing: 

Rev. 1-15
POWER OF ATTORNEY
AMERICAN CONTRACTORS INDEMNITY COMPANY  TEXAS BONDING COMPANY
UNITED STATES SURETY COMPANY  U.S. SPECIALTY INSURANCE COMPANY

KNOW ALL MEN BY THESE PRESENTS: That American Contractors Indemnity Company, a California corporation, Texas Bonding Company, an assumed name of American Contractors Indemnity Company, United States Surety Company, a Maryland corporation and U.S. Specialty Insurance Company, a Texas corporation (collectively, the "Companies"), do by these presents make, constitute and appoint:

Eric Lowey, Mark Richardson, Vanessa Copeland, Shawn Blume or Kevin Cathcart of Costa Mesa, California

its true and lawful Attorney(s)-in-fact, each in their separate capacity if more than one is named above, with full power and authority hereby conferred in its name, place and stead, to execute, acknowledge and deliver any and all bonds, recognizances, undertakings or other instruments or contracts of suretyship to include riders, amendments, and consents of surety, providing the bond penalty does not exceed $20,000,000.00. This Power of Attorney shall expire without further action on April 23rd, 2022. This Power of Attorney is granted under and by authority of the following resolutions adopted by the Boards of Directors of the Companies:

Be it Resolved, that the President, any Vice-President, any Assistant Vice-President, any Secretary or any Assistant Secretary shall be and is hereby vested with full power and authority to appoint any one or more suitable persons as Attorney(s)-in-Fact to represent and act for and on behalf of the Company subject to the following provisions:

Attorney-in-Fact may be given full power and authority for and in the name of and on behalf of the Company, to execute, acknowledge and deliver, any and all bonds, recognizances, contracts, agreements or indemnity and other conditional or obligatory undertakings, including any and all consents for the release of retained percentages and/or final estimates on engineering and construction contracts, and any and all notices and documents canceling or terminating the Company’s liability thereunder, and any such instruments so executed by any such Attorney-in-Fact shall be binding upon the Company as if signed by the President and sealed and authenticated by the Corporate Secretary.

Be it Resolved, that the signature of any authorized officer and seal of the Company hereunto heretofore or hereafter affixed to any power of attorney or any certificate relating thereto by facsimile, and any power of attorney or certificate bearing facsimile signature or facsimile seal shall be valid and binding upon the Company with respect to any bond or undertaking to which it is attached.

IN WITNESS WHEREOF, The Companies have caused this instrument to be signed and their corporate seals to be hereto affixed, this 1st day of June, 2018.

AMERICAN CONTRACTORS INDEMNITY COMPANY  TEXAS BONDING COMPANY
UNITED STATES SURETY COMPANY  U.S. SPECIALTY INSURANCE COMPANY

State of California
County of Los Angeles

By: [Signature]
Daniel P. Aguilar, Vice President

A Notary Public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

On this 1st day of June, 2018, before me, Sonia O. Carrejo, a notary public personally appeared Daniel P. Aguilar, Vice President of American Contractors Indemnity Company, Texas Bonding Company, United States Surety Company and U.S. Specialty Insurance Company who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

[Signature] (seal)

I, Kio Lo, Assistant Secretary of American Contractors Indemnity Company, Texas Bonding Company, United States Surety Company and U.S. Specialty Insurance Company, do hereby certify that the above and foregoing is a true and correct copy of a Power of Attorney, executed by said Companies, which is still in full force and effect; furthermore, the resolutions of the Boards of Directors, set out in the Power of Attorney are in full force and effect.

In Witness Whereof, I have hereunto set my hand and affixed the seals of said Companies at Los Angeles, California this 12th day of December, 2018.

Corporate Seals
Bond No.
Agency No. 18200

Kio Lo, Assistant Secretary

visit tmhcc.com/surety for more information