PROPOSAL PACKAGE INFORMATION SHEET

SPECIFICATION NO. 1308P
FRENCH VALLEY RW PIPELINE PHASE 1

NOTICE TO BIDDERS: The attached Proposal Package, when completed by you and returned to this District, constitutes your Bid on this specification. Please do not submit the bound copy of the specifications or addenda with your Bid.

The envelope enclosing the proposal MUST be sealed and addressed as follows:

Regular or Express Mail
General Manager, EMWD
Attention: Field Engineering Department
P.O. Box 8300 / Perris, CA 92572-8300

FedEx or Hand-Deliver
General Manager, EMWD
Attention: Field Engineering Department
2270 Trumble Rd / Perris, CA 92570

The envelope MUST be plainly marked in the upper left hand corner with the name and address of the bidder, and bear the words:

Proposal For:
(Specification No.)
(Name of Project)
(Date and Hour)

SIGN, COMPLETE, AND SUBMIT THE FOLLOWING:

- Proposal Sheet (C3) Signature required!
- Bidding Sheets & Total Bid Price - Unit Price Written In Words, Equipment/Materials List (BS)
- Bidder’s Experience Record & Resumes of Key Personnel (BR)
- Subcontractors List (C5)
- Public Works Contractor Registration Extracts (C22) Attach extracts of Bidder & Subs listed on C-5 Designation of Subcontractors form. Go to: https://efiling.dir.ca.gov/PWCR/Search
- Contractor's Licensing Statement (C6)
- Non-Collusion Declaration (C7)
- Iran Contracting Act Certification (C13) (required if bid is over $1 million)
- Cal Osha Form 300A (C16)
- Contractor’s Cal Osha Compliance History and SIC Code (C17)
- Original Bid Bond (B8)
- Bid Bond to be signed By You And Your Surety Company—Surety Seal required. Notary Acknowledgement required for Surety and Contractor

PLEASE COMPLETE & SIGN ALL REQUIRED AREAS. SUBMIT AND ATTACH ANY ADDITIONAL DOCUMENTATION WHICH CONSTITUTES YOUR BID

FAILURE TO COMPLETE THIS PROPOSAL PACKAGE MAY RENDER YOUR BID "NON-RESPONSIVE"

*Please Remove This Information Sheet Prior to Submitting Your Bid*
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 B-6 of the Instructions to Bidders, in the event contract is awarded on basis of this proposal.

Company: Los Angeles Engineering, Inc.

Address: 633 N. Barranca Ave, Covina, CA 91723

Date: 10/19/2017

By: Aaron O'Brien, Secretary

(Print Name) [Name should appear below] (Signature of Owner or Officer required)

<p>| Name(s) and Title of Member of Firm or Office of Corporation authorized to enter into a binding Contract: |</p>
<table>
<thead>
<tr>
<th>Name</th>
<th>Title</th>
<th>Address (if different from above)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Angus O'Brien</td>
<td>President</td>
<td>Same as above</td>
</tr>
<tr>
<td>Aaron O'Brien</td>
<td>Secretary</td>
<td>Same as above</td>
</tr>
<tr>
<td>Beth Ballard</td>
<td>CFO</td>
<td>Same as above</td>
</tr>
</tbody>
</table>

For further details on this proposal, please contact:

Name: Aaron O'Brien

Email Address: aaron@laeng.net

Address: 633 N. Barranca Ave, Covina, CA 91723

Telephone: 626-454-5222 x211

C3-1 00024 Proposal (7 day)
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).

**BASIS OF AWARD: Additive Bid Item(s) Not Included in Total Bid Price.**
Public Contract Code 20103.8(a) provides for basis of award as follows:

(a) The lowest bid shall be the lowest bid price on the base contract without consideration of the prices on the additive or deductive items.

Public Contract Code 20103.8 does not preclude the District from adding to or deducting any of the additive or deductive items after the lowest responsible bidder has been determined.

Failure to provide a cost for the additive or deductive bid items may deem your bid non-responsive.
### BIDDING SHEETS

<table>
<thead>
<tr>
<th>Bid Item</th>
<th>Qty</th>
<th>Unit</th>
<th>Description</th>
<th>Unit Price (Figures)</th>
<th>Total Amount (Figures)</th>
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</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>
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<tr>
<td></td>
<td></td>
<td></td>
<td>Thirty Seven Thousand Dollars (words)</td>
<td>$ PRESET</td>
<td>$ 37,000</td>
</tr>
<tr>
<td>2</td>
<td>1</td>
<td>LS</td>
<td>Furnish and install 12&quot; PVC recycled waterlines, appurtenances, in Benton Road and Pourroy Road, Including but not limited to all pipe, excavation, PVC, valves, connections, trenching, shoring, backfill, control density fill, AC pavement and street overlay per agency requirements; preparation, approval and implementation of traffic control plans; preparation, approval and restoration work; protection of existing utilities, preparation and implementation of BMP's and implementation of the mitigation measures identified from the Mitigation Monitoring Reporting Program (MMRP) as found in appendix D, all related work as required; all in accordance with the Contract Drawings and Specifications complete and in place, for the lump sum of</td>
<td>$ Lump Sum $ 874,911.00</td>
<td></td>
</tr>
</tbody>
</table>

**BS-2**

00020 Bidding Sheets
### EASTERN MUNICIPAL WATER DISTRICT
### SPECIFICATION NO. 1308P
### FRENCH VALLEY RW PIPELINE PHASE 1

#### BIDDING SHEETS

<table>
<thead>
<tr>
<th>Bid Item</th>
<th>Qty</th>
<th>Unit</th>
<th>Description</th>
<th>Unit Price</th>
<th>Total Amount</th>
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<tbody>
<tr>
<td></td>
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<td><strong>ADDITION OR DEDUCTION</strong></td>
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<tr>
<td>3</td>
<td>1</td>
<td>LS</td>
<td><strong>Not Applicable</strong></td>
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<td></td>
<td>Addition (+)</td>
<td>$ N/A</td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td>Deduction (-)</td>
<td>$ N/A</td>
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**TOTAL BID (Basis of award)**

$ 911,911

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**Additive/Deductive Bid Items**

**A1** 1 LS Furnish and install all necessary material and equipment for the construction/installation and upsizing of pipe and valves maintaining Center Grade Elevation (CG) from Sta 10+00 to Sta 16+60 including but not limited to 18-in PVC, C-905, CL-235; 18-in Tee; 18-in BFV (W); 18" x 12" Reducer (N)(E); appurtenances; all related work as required; for the Lump Sum (LS) price of $75,900.
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) __________ (fill in) 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.

Addenda and/or Letter of Clarification
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.

Addenda received: __________

Letter of Clarification received: __________

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)

Jayson Lau - Project Estimator

(Date of Inspection)

10/13/2017
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.
EASTERN MUNICIPAL WATER DISTRICT
SPECIFICATION NO. 1308P
FRENCH VALLEY RW PIPELINE PHASE 1

BIDDER’S 8-YEAR EXPERIENCE RECORD & RESUMES OF KEY PERSONNEL

All bidders must provide a detailed 8-year experience record showing successful completion, as a General Contractor, (Class A or C-34) of at least three (3) similar projects within the last 8 years as follows:

A. Contract Type - Public Works
B. Installation of 12” PVC and larger pipelines

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*
<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>
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<tbody>
<tr>
<td></td>
<td>See Attached References</td>
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00027 Bidder's Experience/Resumes
**PROJECT INFORMATION:**

**PROJECT NAME:** Tier 2 Entry Imp. At Crown Valley Park  
**PROJECT ADDRESS:** 29751 Crown Valley Parkway, Laguna Niguel, CA 92677  
**PROJECT MGR/PHONE:** Julio Guerrero  
**SUPERINTENDENT/PHONE:** Michael Nossett

**OWNER INFORMATION:**

**OWNER NAME:** City of Laguna Niguel  
**OWNER ADDRESS:** 20111 Crown Valley Parkway, Laguna Niguel, CA 92677  
**OWNER PHONE:** 949-257-7407  
**OWNER FAX:** 949-362-4385  
**OWNER-CONTACT:** Ziad Mazboudi

**CM INFORMATION:**

**CM NAME:** City of Laguna Niguel  
**CM ADDRESS:** 20111 Crown Valley Parkway, Laguna Niguel, CA 92677  
**CM PHONE:** 949-257-7407  
**CM FAX:** 949-362-4385  
**CM CONTACT:** Ziad Mazboudi

**PROJECT NUMBER:** 1466

**CONTRACT INFORMATION:**

**CONTRACT AMOUNT:** $8,736,169.00  
**CONTRACT NUMBER:** CC 15004  
**CONTRACT TYPE:** Unit Price  
**DURATION:** 11 months  
**ORIGINAL COMP DATE:** Jun-17

**ARCHITECT INFORMATION:**

**ARCHITECT NAME:** Hunsaker & Associates  
**ARCHITECT ADDRESS:** Three Hugh's, Irvine, CA 92618  
**ARCHITECT PHONE:** (949) 583-1010  
**ARCHITECT FAX:** (949) 583-0759  
**ARCHITECT CONTACT:** David Frattone

**% to Date Complete:** 5%  
**% of Work By LAE:**  
**Actual Completion Date:** September-17  
**Actual Contract Amount:**  
**Original Start Date:** Jul-16

**SCOPE OF WORK:** Demolition, Grading, Storm Drain Water Lines, Steel Arch Culvert Bridge, Underground Water Storage Tanks, Site Concrete, Monument Signs, Site Lighting, Stone Veneer, Construction of Parking Lots, Traffic Signal Modification, Landscape & Irrigation.

Retaining Walls

"An Employee-Owned Company"
PROJECT NUMBER: 1452

PROJECT INFORMATION:
PROJECT NAME: General Aviation Infrastructure Improvements Project, Ph
PROJECT ADDRESS: 1601 E. 3rd Street, San Bernardino, CA 92408
PROJECT MGR/PHONE: John Risch
SUPERINTENDENT/PHONE: Todd Petersen

OWNER INFORMATION:
OWNER NAME: San Bernardino International Airport Authority
OWNER ADDRESS: 1601 E. 3rd Street, Suite 100, San Bernardino, CA
OWNER PHONE: 909-382-4100
OWNER FAX: 909-382-4106
OWNER CONTACT: Jim Harris jharris@sbairport.com

CM INFORMATION:
CM NAME: Parsons Brinckerhoff
CM ADDRESS: 451 E. Vanderbilt Way, Ste 200, San Bernardino 92408
CM PHONE: 909-888-1106
CM FAX: 909-889-1884
CM CONTACT:

CONTRACT INFORMATION:
CONTRACT AMOUNT: $1,942,946.50
CONTRACT NUMBER:
CONTRACT TYPE: Site Improvements
DURATION: 240 Calendar Days
COMPLETION DATE: Oct-15

ARCHITECT INFORMATION:
ARCHITECT NAME:
ARCHITECT ADDRESS:
ARCHITECT PHONE:
ARCHITECT FAX:
ARCHITECT CONTACT:

% to Date Complete: 90%
% of Work By LAE:
Actual Completion Date: June 2016 (Work Still In progress)
Actual Contract Amount: $1,942,946.50

SCOPE OF WORK: Construction of infrastructure for future commercial buildings including storm drains, sewer, water, street construction, construction of new taxiway, earthwork to support the above.

"An Employee-Owned Company"
**PROJECT INFORMATION:**

<table>
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<tr>
<th>Field</th>
<th>Information</th>
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<tbody>
<tr>
<td>PROJECT NAME</td>
<td>El Camino Real Widening</td>
</tr>
<tr>
<td>PROJECT ADDRESS</td>
<td>El Camino Road from Tamarack to Chestnut Ave.</td>
</tr>
<tr>
<td>PROJECT MGR/PHONE</td>
<td>John Risch</td>
</tr>
<tr>
<td>SUPERINTENDENT/PHONE</td>
<td>Todd Petersen</td>
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**OWNER INFORMATION:**

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<tbody>
<tr>
<td>OWNER NAME</td>
<td>City of Carlsbad</td>
</tr>
<tr>
<td>OWNER ADDRESS</td>
<td>1635 Faraday Ave, Carlsbad, CA 92008</td>
</tr>
<tr>
<td>OWNER PHONE</td>
<td>760-602-6477</td>
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<tr>
<td>OWNER FAX</td>
<td>760-602-8562</td>
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<tr>
<td>OWNER-CONTACT</td>
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**CM INFORMATION:**

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<tr>
<td>CM NAME</td>
<td>Kleinfelder</td>
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<td>CM ADDRESS</td>
<td></td>
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<tr>
<td>CM PHONE</td>
<td>858-705-0755</td>
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<td>CM FAX</td>
<td></td>
</tr>
<tr>
<td>CM CONTACT</td>
<td>Dave Carlin</td>
</tr>
</tbody>
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```
davec@lahe fir  
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**SCOPE OF WORK:**

Demolition, Earthwork, Storm Drains, Dry Utilities, Electrical, Soldier Pile Retaining Walls, Curb, Curb, Sidewalks, AC Paving, Landscape & Irrigation.

**PROJECT NUMBER:**

1450

**CONTRACT INFORMATION:**

<table>
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<th>Field</th>
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<td>CONTRACT AMOUNT</td>
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<td>CONTRACT NUMBER</td>
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<td>CONTRACT TYPE</td>
<td>Road Widening</td>
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<td>DURATION</td>
<td>300 Working Days</td>
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<td>COMPLETION DATE</td>
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**ARCHITECT INFORMATION:**

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<tbody>
<tr>
<td>% to Date Complete</td>
<td>100%</td>
</tr>
<tr>
<td>% of Work By LAE</td>
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<tr>
<td>Actual Completion Date</td>
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<td>Actual Contract Amount</td>
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</table>

"An Employee-Owned Company"
RESUMES OF KEY PERSONNEL
(ATTACH HERE)

See Attached Resumes for
John Risch
Jack Togneri
Todd Petersen
Todd Petersen has over 25 year’s hands-on experience in the construction industry.

Experience:

Mr. Petersen has been with Los Angeles Engineering, Inc. since 2007. As a Project Superintendent Mr. Petersen’s responsibilities include overseeing projects from beginning to end. Projects include road building and rebuilding concrete and asphalt roads. Building concrete structures: catch basins, box culvers, retaining walls, block walls, curb and gutter. Build gabion rock structures.

Other projects include: Excavation for and installation of underground utilities, storm drains, sewer lines, water lines, power and communication conduits, installation of street lighting conduits, foundations, synthetic soccer and football fields.

Prior to joining Los Angeles Engineering, Inc. Mr. Petersen worked as an Operating Engineer and Foreman including mass grading, fine grading, and GPS technology.

Special Training and Certifications include: CPR and First Aid, Supervisory Sexual Harassment training, OSHA 10hr training, and BNSF Safety Railroad Education.
Profile:

Mr. Jack Togneri has over 33 years' hands-on experience in the construction industry. Jack has been the General Superintendent for Los Angeles Engineering, Inc. for the last 13 years.

As General Superintendent Mr. Togneri’s responsibilities include overseeing all projects from beginning to end. Projects include road building and rebuilding concrete and asphalt roads. Building concrete structures: catch basins, box culverts, retaining walls, block walls, curb and gutter. Build gabion rock structures. Freeway work: Build barrier rail and set up complex traffic control.

Other projects include: Excavation for and installation of underground utilities, storm drains, sewer lines, water lines, power and communication conduits, installation of street lighting conduits, foundations, and luminaries.

Recent Project Experience:

$15.7 Million, Rosemead Blvd. Beautification & Safety Enhancements, City of Temple City – Consists of roadway improvements, construction of Sidewalks, Curb Ramps, Curb & Gutter, bike lanes, Medians with stamped colored concrete, Landscaping & irrigation. Scheduled to complete February 2014

$10.1 Million, Metrolink Facility Expansion for SANBAG/Metrolink, Colton – Consists of partial removal of Lytle Creek Flood Channel, reconstruction of an RCB, CIDH installation and girder placement for new track layout spanning the channel. Completed September 2013

$7 Million, Temescal Canyon Park Stormwater BMP, City of Los Angeles – Consists of Constructing underground CIP storage tank, related piping, storm filters and drainage structures, electrical and instrumentation. Construct new restroom building, playground equipment, landscape & irrigation. Rehabilitate existing force main and related appurtenances. Completed October 2013
$7.2 Million, Santa Ana River Interceptor – Yorba Linda Spur, Orange County Public Works – Consists of installing an 84" tunnel casing at 45' depth under Santa Ana River. 5,770 LF of PVC 20" pipe by open cut method of installation in La Palma Drive in Yorba Linda. 4 ea. Large diameter manholes at 50' depth to tie into existing 60" RCP. Completed June 2013

$8.2 Million, Orange County Great Park – Palm Court, City of Irvine – Consists of demolition, building abatement, rehabilitation of existing buildings, seismic upgrades, installing new mechanical, plumbing, electrical and fire protection systems, clearing and grubbing, trenching, grading, installing underground utilities and drainage improvements, installing steel shade structures, installing electrical equipment and lighting, laying asphalt and concrete, striping, installing fencing, installing hardscape, planting and establishing landscaping, installing irrigation, installing site furnishings and erosion control. Completed September 2011

$6.9 Million, Antelope Valley Track & Station Improvements, SCRRRA – Consists of Moving 100,000 cubic yards of earth material to construct a two mile stretch of rail road track siding. Out of the 100,000 cubic yards of earth, 35,000 cubic yards was stabilized fill utilizing soil cement. The project also included constructing mechanically stabilized earth retaining walls (MSE), culvert extension, including structural head walls and track signal installation. Completed June 2012

$4.9 Million, Orange County Great Park – North Lawn, City of Irvine – Consists of the Construction of a 19.5 acre park inside the former El Toro Marine Base. Improvements include a 220 space parking lot, perimeter walkway, drainage system, site lighting, 300,000SF open turf area, complete landscape and irrigation system. Completed September 2011

$900,000, Seville Avenue, County of Los Angeles – Consists of Street rehabilitation including Demolition of existing street and removal or railroad ties and tracks, reconstruction of street, modification of traffic signal, and construction of handicap ramps. Completed January 2011

$1.8 Million, East Downtown Truck Access, City of Los Angeles – Consists of Widening Alameda Blvd from two lanes to three. Curb, gutter, and sidewalk removed and replaced on both Washington Blvd. and Alameda Blvd. Construct new storm drain tie ins to existing storm drain system. Installed new street lighting, traffic signals, and directional signal. Completed September 2010
Mr. John Risch currently has over 20 years of experience in the construction industry.

Profile:

John has been a project manager for Los Angeles Engineering for over fourteen years and has produced close to $90 million in revenue for the company. His primary involvement is management of site development to include underground utilities and infrastructure, hardscapes, landscape, irrigation, structure erection, and management of specialty subcontractors. Management skills include scheduling, budgeting, value engineering, submittal coordination etc.

Past projects include: Parks, streetscapes, open space development, etc. to include works for Agencies such as Thousand Oaks, Malibu, San Bernardino, San Dimas, San Clemente, Laguna Beach, and vicinities within.

Employment History:

Los Angeles Engineering, Inc., Project Manager
July 2001 – Present

Valley Crest, Inc., Superintendent/Estimator

Geoscene, Inc., Foreman/Estimator
Relevant Project Experience:

Greenleaf Corridor Improvement  
Landscape & Irrigation, Hardscape, Synthetic Surfacing

Burbank HS Athletic Track & Field Renovation  
Synthetic Track & Turf, Landscape & Irrigation & Hardscape

Crystal Cove State Park  
Landscape & Irrigation, Hardscape, Restroom Buildings & Lifeguard Towers

Gilbert Lindsay Recreation Center  
Restroom/Concession Building, Landscape & Irrigation, Hardscape, Paving

Malibu Lagoon State Beach  
Landscape & irrigation, Hardscape, Paving

Education:

Mr. Risch also received his AA with emphasis in architecture, and completed two years with Cal-Poly Pomona's Landscape Architecture program prior to leaving school and joining the work force.
LIST OF DESIGNATED SUBCONTRACTORS

SPEC #: 1308P

PROJECT TITLE: FRENCH VALLEY RW PIPELINE PHASE 1 2017

NAME OF CONTRACTOR: Los Angeles Engineering, 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*

<table>
<thead>
<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>
</tr>
</thead>
<tbody>
<tr>
<td>Company Name: Hardy Harper</td>
<td>License #: 219932</td>
<td>Cold Mill and Assembly (partial)</td>
<td>4%</td>
</tr>
<tr>
<td>Address: 1312 E. Warner Ave Santa Ana 92705</td>
<td>DIR Registration #: 100000076</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Email Address: <a href="mailto:rhambright@hardylharper.com">rhambright@hardylharper.com</a></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

C-5(d) 00028 Designation of Subcontractors
<table>
<thead>
<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>
</tr>
</thead>
<tbody>
<tr>
<td>Company Name:</td>
<td>License #:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Address:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Email Address:</td>
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<td></td>
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<tr>
<td>Company Name:</td>
<td>License #:</td>
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<td>Address:</td>
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<td>Email Address:</td>
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<td>License #:</td>
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<td>Company Name:</td>
<td>License #:</td>
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<td>Address:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Email Address:</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

(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
******************************************************************************

Example:

<table>
<thead>
<tr>
<th>Legal Name</th>
<th>Registration Number</th>
<th>County</th>
<th>City</th>
<th>Registration Date</th>
<th>Expiration Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contractors Name</td>
<td>0000000000</td>
<td>RIVERSIDE</td>
<td>Temecula</td>
<td>06/01/2015</td>
<td>06/30/2016</td>
</tr>
</tbody>
</table>

Rev:11/23/15
C22-1
00057 Contractor Registration
Public Works Contractor (PWC) Registration Search

This is a listing of current and active PWC registrations pursuant to Division 2, Part 7, Chapter 1 (commencing with section 1720 of the California Labor Code.)

Enter at least one search criteria to display active registered public works contractor(s) matching your selections.

Registration Year: [Current Fiscal Year: 2017/18]

PWC Registration Number: 1000002848

Contractor Legal Name: example: ABC COMPANY

License Number: example: 123456

County: [Select County] Contractor License Lookup

Search Reset
### Search Results

One registered contractor found. 1

<table>
<thead>
<tr>
<th>Details</th>
<th>Legal Name</th>
<th>Registration Number</th>
<th>County</th>
<th>City</th>
<th>Registration Date</th>
<th>Expiration Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>View</td>
<td>LOS ANGELES ENGINEERING, INC.</td>
<td>1000002848</td>
<td>LOS ANGELES</td>
<td>COVINA</td>
<td>05/05/2017</td>
<td>06/30/2018</td>
</tr>
</tbody>
</table>

v2.20160101
Public Works Contractor (PWC) Registration Search

This is a listing of current and active PWC registrations pursuant to Division 2, Part 7, Chapter 1 (commencing with section 1720 of the California Labor Code.)

*Enter at least one search criteria to display active registered public works contractor(s) matching your selections.*

Registration Year: 
| Current Fiscal Year: 2017/18 |

PWC Registration Number: 
| 1000000076 |

Contractor Legal Name: 
| hardy |

License Number: 
| example: 123456 | Contractor License Lookup |

County: 
| Select County |

[Search] [Reset]
### Search Results

One registered contractor found. 1

<table>
<thead>
<tr>
<th>Details</th>
<th>Legal Name</th>
<th>Registration Number</th>
<th>County</th>
<th>City</th>
<th>Registration Date</th>
<th>Expiration Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>View</td>
<td>HARDY &amp; HARPER, INC.</td>
<td>1000000076</td>
<td>ORANGE</td>
<td>SANTA ANA</td>
<td>05/09/2017</td>
<td>06/30/2018</td>
</tr>
</tbody>
</table>

v2.20160101
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,B,C10,C27,HAZ

LICENSE NUMBER 591176 TYPE A,B,C10 Expiration Date 03/31/2018

A. INDIVIDUAL CONTRACTOR

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

B. FIRM OR PARTNERSHIP

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

SIGNATURE: ___________________________ TITLE: _______________________

SIGNATURE: ___________________________ TITLE: _______________________

SIGNATURE: ___________________________ TITLE: _______________________

C. CORPORATION

NAME OF CORPORATION: Los Angeles Engineering, Inc.
BUSINESS ADDRESS: 633 N. Barranca Ave, Covina, CA 91723
PHONE NUMBER: 626-454-5222
SIGNATURE OF AUTHORIZED OFFICER OF CORPORATION:

SIGNATURE: ___________________________ TITLE: Secretary

C6-1 00030 Contractors Licensing Statement
NON-COLLUSION DECLARATION

TO BE EXECUTED BY BIDDER AND SUBMITTED WITH BID

The undersigned declares:

I am the Secretary of Los Angeles Engineering, 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 10/19/2017 [date], at Covina [city], CA [state]

Signed: 

Name: Aaron O'Brien, Secretary

(Print Name Here)

C7-1 00032 Non-Collusion Declaration
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 Los Angeles

On 10/19/2017 before me, Joseph Haygood, Notary Public (insert name and title of the officer)

personally appeared Aaron O'Brien

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 (Seal)
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>Los Angeles Engineering, Inc.</td>
<td>95-4143853</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>By (Authorized Signature)</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Printed Name and Title of Person Signing</th>
<th>Date Executed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aaron O'Brien, Secretary</td>
<td>10/19/2017</td>
</tr>
</tbody>
</table>
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>By (Authorized Signature)</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Printed Name and Title of Person Signing</th>
<th>Date Executed</th>
</tr>
</thead>
</table>
All establishments covered by CCR Title 8 Section 14300 must complete this Annual Summary, even if no work-related injuries or illnesses occurred during the year. Remember to review the Log to verify that the entries are complete and accurate before completing this summary.

Using the Log, count the individual entries you made for each category. Then write the totals below, making sure you’ve added the entries from every page of the Log. If you had no cases, write “0.”

Employees, former employees, and their representatives have the right to review the Cal/OSHA Form 300 in its entirety. They also have limited access to the Cal/OSHA Form 301 or its equivalent. See CCR Title 8 Section 14300.35, in Cal/OSHA’s recordkeeping rule, for further details on the access provisions for these forms.

### Facility Information

- **Establishment name:** Los Angeles Engineering, Inc.
- **Street:** 633 N. Barranca Ave.
- **City:** Covina
- **State:** CA
- **Zip:** 91723
- **Industry description:** General Engineering Contractor

### Employment Information

(If you don’t have these figures, use the optional Worksheet to estimate)

- **Annual average number of employees:** 77
- **Total hours worked by all employees last year:** 139,257.75

### Sign here

Knowingly falsifying this document may result in a fine.

I certify that I have examined this document and that to the best of my knowledge the entries are true, accurate, and complete.

[Signature]

Aaron O’Brien, Secretary

**Company executive**

**Title**

**Phone:** 626-454-5222

**Date:** 10/19/2017

Post this Annual Summary from February 1 to April 30 of the year following the year covered by the form.
### Cal/OSHA Form 300A

**Summary of Work-Related Injuries and Illnesses**

All establishments covered by CCR Title 8 Section 14300 must complete this Annual Summary, even if no work-related injuries or illnesses occurred during the year. Remember to review the Log to verify that the entries are complete and accurate before completing this summary.

Using the Log, count the individual entries you made for each category. Then write the totals below, making sure you've added the entries from every page of the Log. If you had no cases, write "0." Employees, former employees, and their representatives have the right to review the Cal/OSHA Form 300 in its entirety. They also have limited access to the Cal/OSHA Form 301 or its equivalent. See CCR Title 8 Section 14300.35, in Cal/OSHA's recordkeeping rule, for further details on the access provisions for these forms.

### Facility Information:
- **Establishment name:** Los Angeles Engineering, Inc.
  - Street: 633 N. Barranca Avenue
  - City: Covina
  - State: CA
  - ZIP: 91723
  - Industry description: General Engineering Contractor

### Standard Industrial Classification (SIC)
- Known

### Employment Information
- **Annual average number of employees:** 60
- **Total hours worked by all employees last year:** 108,073.75

### Sign here
- Knowingly falsifying this document may result in a fine.
- I certify that I have examined this document and that to the best of my knowledge the entries are true, accurate, and complete.

### Injury and Illness Types

<table>
<thead>
<tr>
<th>Type</th>
<th>Number</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) Injuries</td>
<td>3</td>
<td>(4) Poisonings</td>
</tr>
<tr>
<td>2) Illnesses</td>
<td>0</td>
<td>(5) All other illnesses</td>
</tr>
<tr>
<td>3) Respiratory conditions</td>
<td>0</td>
<td></td>
</tr>
</tbody>
</table>

---

*Post this Annual Summary from February 1 to April 30 of the year following the year covered by the form.*
Cal/OSHA Form 300A
Summary of Work-Related Injuries and Illnesses

All establishments covered by CCR Title 8 Section 14300 must complete this Annual Summary, even if no work-related injuries or illnesses occurred during the year. Remember to review the Log to verify that the entries are complete and accurate before completing this summary.

Using the Log, count the individual entries you made for each category. Then write the totals below, making sure you’ve added the entries from every page of the Log. If you had no cases, write "0."

Employees, former employees, and their representatives have the right to review the Cal/OSHA Form 300 in its entirety. They also have limited access to the Cal/OSHA Form 301 or its equivalent. See CCR Title 8 Section 14300.35, in Cal/OSHA’s recordkeeping rule, for further details on the access provisions for these forms.

### Number of Cases

<table>
<thead>
<tr>
<th>Total number of cases with days away from work</th>
<th>Total number of cases with job transfer or restriction</th>
<th>Total number of other recordable cases</th>
</tr>
</thead>
<tbody>
<tr>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

### Number of Days

<table>
<thead>
<tr>
<th>Total number of days of job transfer or restriction</th>
<th>Total number of days away from work</th>
</tr>
</thead>
<tbody>
<tr>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

### Injury and Illness Types

<table>
<thead>
<tr>
<th>Total number of...</th>
</tr>
</thead>
<tbody>
<tr>
<td>(M)</td>
</tr>
<tr>
<td>1. es</td>
</tr>
<tr>
<td>2. Skin Disorders</td>
</tr>
<tr>
<td>3. Respiratory conditions</td>
</tr>
<tr>
<td>4. Poisonings</td>
</tr>
<tr>
<td>5. All other illnesses</td>
</tr>
</tbody>
</table>

### Facility Information:

- Establishment name: Los Angeles Engineering, Inc.
- Street: 633 N. Barranca Avenue
- City: Covina
- State: CA
- ZIP: 91723
- Industry description: General Engineering Contractor
- Standard Industrial Classification (SIC) if known

### Employment Information

- (If you don’t have these figures, see the Worksheet on the back of OSHA Form 300A to estimate)
- Annual average number of employees: 58
- Total hours worked by all employees last year: 102,510.00

### Sign here

Knowingly falsifying this document may result in a fine. I certify that I have examined this document and that to the best of my knowledge the entries are true, accurate, and complete.

[Signature]
Contract Administrator
Title
(626) 454-5222
January 7, 2015
Phone
Date

Post this Annual Summary from February 1 to April 30 of the year following the year covered by the form.
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

Bid Date: 10/19/2017

Contractor’s Standard Industry Code: 

Specification No.: 1308P
Project Name: FRENCH VALLEY RW PIPELINE PHASE 1 2017

Contractor name: Los Angeles Engineering, Inc.
Contractor Address: 533 N. Barranca Ave, Covina, CA 91723
Contractor License No.: 591176
Phone No.: 626-454-5222
Contact Person: Aaron O’Brien, Secretary

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]
Aarón O’Brien, Secretary
Date: 10/19/2017

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

Reviewed: 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
On March 15, 2013, there was an incident at a jobsite located in Los Angeles, CA. Related to the incident, there was a fatality that occurred with a company employee. Attached are the citations from that incident. The citations were appealed to Cal OSHA and a negotiated settlement was reached. Los Angeles Engineering, Inc. has reviewed the incident with all superintendents and implemented new guidelines to make sure that similar accidents do not occur on future jobsites.

X
Aaron O'Brien, Secretary
NOTICE OF ACCIDENT-RELATED VIOLATION AFTER INVESTIGATION

Los Angeles Engineering Inc
633 N. Barranca Ave.
Covina, CA 91723

An investigation of an industrial accident or occupational illness was conducted by Fred Porter at a place of employment located at 200 Temescal Canyon Rd., Los Angeles on 03/14/2013.

DESCRIBE THE CONDITION INSPECTED:

The accident at the above date and place when an employee sustained fatal injuries when an unprotected trench caved-in.

It has been determined by the Division that the fatal or serious injury, illness or exposure described above was related to the following serious, willful or repeat violation:

Willful Serious Accident Related

CLASSIFICATION OF VIOLATION

1541.1(a) TITLE 8 CCR SECTION

Signature

Safety Engineer Industrial Hygienist

Signature

District Manager

Date of issuance 09/13/13 Date investigation completed 09/10/2013

Upon request, the Division will provide the employer with a copy of its inspection report pertaining to this investigation.

<table>
<thead>
<tr>
<th>4</th>
<th>1</th>
<th>A0401</th>
<th>28-13</th>
<th>31486661</th>
</tr>
</thead>
</table>
State of California  
Division of Occupational Safety and Health  
320 West 4th St., Suite 670  
Los Angeles, CA 90013  
Phone: (213) 576-7451  Fax: (213) 576-7461

### Citation and Notification of Penalty

**To:**  
Los Angeles Engineering Inc  
and its successors  
633 N. Barranca Ave.  
Covina, CA 91723  

**Inspection Number:** 314864661  
**Inspection Date(s):** 03/14/2013 09/10/2013  
**Issuance Date:** 09/12/2013  
**CSHO ID:** A0462  
**Optional Report #:** 28-13  
**Reporting ID:** 0950641

**Inspection Site:**  
200 Temescal Canyon Rd.  
Los Angeles, CA 90272

---

The violation(s) described in this Citation and Notification of Penalty is (are) alleged to have occurred on or about the day(s) the inspection was made unless otherwise indicated within the description given below.

---

This Citation and Notification of Penalty (hereinafter Citation) is being issued in accordance with California Labor Code Section 6317 for violations that were found during the inspection/investigation. This Citation or a copy must be prominently posted upon receipt by the employer at or near the location of each violation until the violative condition is corrected or for three working days, whichever is longer. Violations of Title 8 of the California Code of Regulations or of the California Labor Code may result in some instances in prosecution for a misdemeanor.

YOU HAVE A RIGHT to contest this Citation and Notification of Penalty by filing an appeal with the Occupational Safety and Health Appeals Board. To initiate your appeal, you must contact the Appeals Board, in writing or by telephone, within 15 working days from the date of receipt of this Citation. If you miss the 15 working day deadline to appeal, the Citation and Notification of Penalty becomes a final order of the Appeals Board, not subject to review by any court or agency.
Informal Conference - You may request an informal conference with the Manager of the District Office which issued the Citation within 10 working days after receipt of the Citation. However, if the citation is appealed, you may request an informal conference at any time prior to the day of the hearing. Employers are encouraged to schedule a conference at the earliest possible time to assure an expeditious resolution of any issues. At the informal conference, you may discuss the existence of the alleged violation, classification of the violation, abatement date or proposed penalty.

Be sure to bring to the conference any and all supporting documentation of existing conditions as well as any abatement steps taken thus far. If conditions warrant, we can enter into an agreement which resolves this matter without litigation or contest.

APPEAL RIGHTS

The Occupational Safety and Health Appeals Board (Appeals Board) consists of three members appointed by the Governor. The Appeals Board is a separate entity from the Division of Occupational Safety and Health (Division) and employs experienced attorneys as administrative law judges to hear appeals fairly and impartially. To initiate an appeal from a Citation and Notification of Penalty, you must contact the Appeals Board, in writing or by telephone, within 15 working days from the date of receipt of a Citation. After you have initiated your appeal, you must then file a completed appeal form with the Appeals Board, at the address listed below, for each contested citation. Failure to file a completed appeal form with the Appeals Board may result in dismissal of the appeal. Appeal forms are available from district offices of the Division, or from the Appeals Board:

Occupational Safety and Health Appeals Board
2520 Vennure Oaks Way, Suite 300
Sacramento, CA 95833
Telephone: (916) 274-5751 or (877) 252-1987
Fax: (916) 274-5785

If the Citation you are appealing alleges more than one item, you must specify on the appeal form which items you are appealing. You must also attach to the appeal form a legible copy of the Citation you are appealing.

Among the specific grounds for an appeal are the following: the safety order was not violated, the classification of the alleged violation (e.g., serious, repeat, willful) is incorrect, the abatement requirements are unreasonable or the proposed penalty is unreasonable.

Important: You must notify the Appeals Board, not the Division, of your intent to appeal within 15 working days from the date of receipt of the Citation. Otherwise, the Citation and Notification of Penalty becomes a final order of the Appeals Board not subject to review by any court or agency. An informal conference with the Division does not constitute an appeal and does not stay the 15 working day appeal period. If you have any questions concerning your appeal rights, call the Appeals Board, (916) 274-5751 or (877) 252-1987.
PENALTY PAYMENT OPTIONS

Penalties are due within 15 working days of receipt of this Citation and Notification of Penalty unless contested. If you are appealing any item of the citation, remittance is still due on all items that are not appealed. Enclosed for your use is a Penalty Remittance Form for payment.

If you are paying electronically, please have the Penalty Remittance Form on-hand when you are ready to make your payment. The company name, index code, reporting ID, and Citation number(s) will be required in order to ensure that the payment is accurately posted to your account. Please go to www.dir.ca.gov/dosh to access the secure payment processing site.

If you are paying by check, return one copy of the Citation, along with the Notice of Proposed Penalties Sheet and the Penalty Remittance Form and mail to:

Department of Industrial Relations
Cashier, Accounting Office
P. O. Box 420603
San Francisco, CA 94142-0603

CAL/OSHA does not agree to any restrictions, conditions or endorsements put on any check or money order for less than the full amount due, and will cash the check or money order as if these restrictions, conditions, or endorsements do not exist.

NOTIFICATION OF CORRECTIVE ACTION

For violations which you do not contest, you should notify the Division of Occupational Safety and Health promptly by letter that you have taken appropriate corrective action within the time frame set forth on this Citation and Notification of Penalty. Please inform the District Office listed on the Citation by submitting the CAL/OSHA Form 160 and/or 161 with the abatement steps you have taken and the date the violation was abated, together with adequate supporting documentation, e.g., drawings or photographs of corrected conditions, purchase/work orders related to abatement actions, air sampling results, etc. The adjusted penalty for serious and general violations has already been reduced by 50% on the presumption that the employer will correct the violations by the abatement date." If the CAL/OSHA Form 161 is not received in the District Office within 10 days following the abatement date, the abatement credit is revoked, causing the penalty to double.

Note: Return the CAL/OSHA Form 160/161 to the District Office listed on the Citation and as shown below:

Division of Occupational Safety and Health
320 West 4th Street, Suite 850
Los Angeles, CA 90013
Telephone: (213) 576-7451
EMPLOYEE RIGHTS

Employer Discrimination Unlawful - The law prohibits discrimination by an employer against an employee for filing a complaint or for exercising any rights under Labor Code Section 6310 or 6311. An employee who believes that he/she has been discriminated against may file a complaint no later than six (6) months after the discrimination occurred with the Division of Labor Standards Enforcement.

Employee Appeals - An employee or authorized employee's representative may, within 15 working days of the issuance of a citation, special order, or order to take special action, appeal to the Occupational Safety and Health Appeals Board the reasonableness of the period of time fixed by the Division of Occupational Safety and Health (Division) for abatement. An employee appeal may be filed with the Appeals Board or with the Division. No particular format is necessary to initiate the appeal, but the notice of appeal must be in writing.

If an Employee Appeal is filed with the Division, the Division shall note on the face of the document the date of receipt, include any envelope or other proof of the date of mailing, and promptly transmit the document to the Appeals Board. The Division shall, no later than 10 working days from receipt of the Employee Appeal, file with the Appeals Board and serve on each party a clear and concise statement of the reasons why the abatement period prescribed by it is reasonable.

Employee Appeal Forms are available from the Appeals Board, or from a District Office of the Division.

Employees Participation in Informal Conference. Affected employees or their representatives may notify the District Manager that they wish to attend the informal conference. If the employer objects, a separate informal conference will be held.

DISABILITY ACCOMMODATION

Disability accommodation is available upon request. Any person with a disability requiring an accommodation, auxiliary aid or service, or a modification of policies or procedures to ensure effective communication and access to the programs of the Division of Occupational Safety and Health, should contact the Disability Accommodation Coordinator at the local district office or the Statewide Disability Accommodation Coordinator at 1-866-526-1616 (toll free). The Statewide Coordinator can also be reached through the California Relay Service, by dialing 711 or 1-800-735-2929 (TTY) or 1-800-855-3000 (TTY-Spanish).

Accommodations can include modifications of policies or procedures or provision of auxiliary aids or services. Accommodations include, but are not limited to, an Assistive Listening System (ALS), a Computer-Aided Transcription System or Communication Access Realtime Translation (CART), a sign-language interpreter, documents in Braille, large print or on computer disk, and audio cassette recording. Accommodation requests should be made as soon as possible. Requests for an ALS or CART should be made no later than five (5) days before the hearing or conference.
State of California  
Inspection Number: 314864661  
Division of Occupational Safety and Health  
Inspection Dates: 03/14/2013 - 09/10/2013  
Los Angeles District Office (0950641; 4041)  
Issuance Date: 09/13/2013  
320 West 4th Street, Suite 670  
CSHO ID: A0462  
Los Angeles, CA 90013  
Optional Inspection Nbr: 28-13  

Citation and Notification of Penalty  

Company Name: Los Angeles Engineering Inc  
Inspection Site: 200 Temescal Canyon Rd., Los Angeles, CA 90272  

Citation Item 1  
Type of Violation: General  

T8 CCR 3395(f). Heat Illness Prevention  

(f) Training.  

(1) Employee training. Effective training in the following topics shall be provided to each supervisory and non-supervisory employee before the employee begins work that should reasonably be anticipated to result in exposure to the risk of heat illness:  

A) The environmental and personal risk factors for heat illness, as well as the added burden of heat load on the body caused by exertion, clothing, and personal protective equipment.  

B) The employer’s procedures for complying with the requirements of this standard.  

C) The importance of frequent consumption of small quantities of water, up to 4 cups per hour, when the work environment is hot and employees are likely to be sweating more than usual in the performance of their duties.  

D) The importance of acclimatization.  

E) The different types of heat illness and the common signs and symptoms of heat illness.  

F) The importance to employees of immediately reporting to the employer, directly or through the employee’s supervisor, symptoms or signs of heat illness in themselves, or in co-workers.  

G) The employer’s procedures for responding to symptoms of possible heat illness, including how emergency medical services will be provided should they become necessary.  

H) The employer’s procedures for contacting emergency medical services, and if necessary, for transporting employees to a point where they can be reached by an emergency medical service provider.
Citation and Notification of Penalty

Company Name: Los Angeles Engineering Inc
Inspection Site: 200 Temescal Canyon Rd., Los Angeles, CA 90272

(i) The employer’s procedures for ensuring that, in the event of an emergency, clear and precise directions to the work site can and will be provided as needed to emergency responders. These procedures shall include designating a person to be available to ensure that emergency procedures are invoked when appropriate.

VIOLATION:
On or about March 14, 2013, at 200 Temescal Canyon Rd. the employer did not train new employees on the required elements of the Heat Illness Prevention Program before they began work for the employer.

Date By Which Violation Must be Abated: 10/16/2013
Proposed Penalty: $485.00
Citation and Notification of Penalty

Company Name: Los Angeles Engineering Inc
Inspection Site: 200 Temescal Canyon Rd., Los Angeles, CA 90272

Citation 3 Item 1 Type of Violation: Serious

T8 CCR 1541 (k). General Requirements.

(k) Inspection.

(1) Daily inspections of excavations, the adjacent areas, and protective systems shall be made by a competent person for evidence of a situation that could result in possible cave-ins, indications of failure of protective systems, hazardous atmospheres, or other hazardous conditions. An inspection shall be conducted by the competent person prior to the start of work and as needed throughout the shift. Inspections shall also be made after every rain storm or other hazard increasing occurrence. These inspections are only required when employee exposure can be reasonably anticipated.

VIOLATION:
On or about March 14, 2013, at 200 Temescal Canyon Rd. the employer did not adequately inspect, and remove employees from a 14 feet deep un-shored trench for evidence of a situation that could result in additional cave-ins, after the south wall had caved-in, just two hours before the north wall caved-in, completely burying an employee resulting in a fatality.

Date By Which Violation Must be Abated: Abated
Proposed Penalty: $24300.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.
State of California  
Division of Occupational Safety and Health  
Los Angeles District Office (0950641; 4041)  
320 West 4th Street, Suite 670  
Los Angeles, CA 90013

Inspection Number: 314864661  
Inspection Dates: 03/14/2013 - 09/10/2013  
Issuance Date: 09/13/2013  
CSHO ID: A0462  
Optional Inspection Nbr: 28-13

Citation and Notification of Penalty

Company Name: Los Angeles Engineering Inc  
Inspection Site: 200 Temescal Canyon Rd., Los Angeles, CA 900272

On or about March 14, 2013, at 200 Temescal Canyon Rd, the employer did not protect employees from cave-ins in a 14-foot deep trench by sloping, benching, support or shield systems installed in accordance with the Manufacturer's Tabulated Data, or by any other protective system. On March 14, 2013 an employee sustained fatal injuries while working inside the 14 deep trench which caved-in and completely buried him. This same trench had caved-in two hours before this fatal cave-in and the supervisor did not remove employees from the trench and ensure that adequate protective systems were utilized to prevent the fatal cave-in.

Date By Which Violation Must be Abated:  
Proposed Penalty:  
Abated $70000.00

Compliance Officer/District Manager

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.
NOTICE OF PROPOSED PENALTIES

Company Name: Los Angeles Engineering Inc

Inspection Site: 200 Temescal Canyon Rd., Los Angeles, CA 90272
Mailing Address: 633 N. Barranca Ave., Covina, CA 91723

Issuance Date: 09/13/2013

Reporting ID: 0950641

Index Code: 4041

Summary of Penalties for Inspection Number 314864661

Citation 1, General = $ 485.00
Citation 2, Serious = $ 5850.00
Citation 3, Serious = $ 24300.00
Citation 4, Willful Serious Accident Related = $ 70000.00
TOTAL PROPOSED PENALTIES = $ 100635.00

Penalties are due within 15 working days of receipt of this notification unless contested. If you are appealing any item of this citation, remittance is still due on all items that are not appealed. Enclosed for your use is a Penalty Remittance Form.

If you are paying electronically: Please have this form on-hand when you are ready to make your payment. The company name, index code, reporting ID, and Citation number(s) will be required to ensure that the payment is accurately posted to your account. Please go to www.dir.ca.gov/dosh to access the secure payment processing site.

If you are paying by check: Mail this Notice of Proposed Penalties, the Penalty Remittance Form, along with a copy of the Citation and Notification of Penalty to:

DEPARTMENT OF INDUSTRIAL RELATIONS
CASHIER, ACCOUNTING OFFICE
P. O. BOX 420603
SAN FRANCISCO, CA 94142-0603
CAL/OSHA does not agree to any restrictions, conditions or endorsements put on any check or money order for less than the full amount due, and will cash the check or money order as if these restrictions, conditions or endorsements do not exist.
DEPARTMENT OF INDUSTRIAL RELATIONS
DIVISION OF OCCUPATIONAL SAFETY AND HEALTH - CAL/OSHA
Cashier, Accounting Office
P.O. Box 420605
San Francisco, CA 94142-0603
Phone (415) 703-4291  FAX (415) 703-3037

CIVIL PENALTY INFORMATION

ESTABLISHMENT NAME Los Angeles Engineering Inc.

CONTACT PERSON

PHONE NO. __________________ FAX NO. __________________

SITE ADDRESS 200 Topanga Canyon Rd., Los Angeles

MAILING ADDRESS 633 N. Barranca Ave., Covina, CA 91723

REPORTING ID 0950641 INDEX CODE 4041

CITATION INFORMATION (Penalties are due within 15 working days of receipt of this notification unless contested. If you are appealing any item of this citation, remittance is still due on all items that are not appealed.)

Payment is for the following Citation Items: (e.g. Citation 1, Items 1-5; Citation 3)

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TYPE OF PAYMENT ENCLOSED

CHECK OR MONEY ORDER INFORMATION

CHECK ENCLOSED IN THE AMOUNT OF $________

MONEY ORDER ENCLOSED IN THE AMOUNT OF $________

(Please make check or money order payable to CAL/OSHA and mail to the Cashier, Accounting Office, at the above address. Reference the Inspection Number on the “memo” portion of your check or money order.)

CREDIT CARD INFORMATION: CONVENIENCE FEE APPLIES

CREDIT CARD NO. ___________________________ EXPIRATION DATE ____________

CREDIT TYPE Discover, MC and Amex) __________________ SECURITY CODE (last 3 digits on back of Discover and MC cards) ____________ (4 digits on front of Amex card)

NAME OF CARDHOLDER ________________________ SIGNATURE ______________________

EMAIL ADDRESS ______________________________

CARDHOLDER PHONE NO. ______________________ FAX NO. ______________________

AMOUNT OF PAYMENT $________

_________________________ FOR OFFICE USE ONLY

AUTHORIZATION NO. __________________ DATE PROCESSED __________________

PROCESSED BY __________________________

Please call 415-703-4291 or complete the information above and fax to 415-703-3037

Electronic Funds Transfer EFT Option - No convenience fee applies: Go to www.dir.ca.gov/dosh

Page 3 of 3
EMPLYER'S SIGNED STATEMENT OF ABATEMENT OF REGULATORY AND/OR GENERAL VIOLATIONS

EMPLOYER: Los Angeles Engineering Inc
ADDRESS: 633 N. Barranca Ave.
          Covina, CA 91723

The law requires that violations observed during the inspection/investigation completed on 09/10/2013 of the place of employment located at 200 Ternesian Canyon Rd., Los Angeles, 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 completing, signing and mailing this form to the issuing office on or before the compliance date may avoid a follow-up inspection of your facilities. Failure to timely complete and return this form may result in issuance of a citation and civil penalty for violation of 8CCR 340.4(c).

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.

PLEASE COMPLETE AND MAIL BY 10/19/13

************

LIST THE SPECIFIC MEASURES & EQUIPMENT TAKEN TO CORRECT EACH CITATION & ITEM NUMBER OF THE UNSAFE CONDITIONS AND DATE OF ABATEMENT.

[ ] Continued on additional page

All affected employees and their representatives have been informed about abatement activities referenced in this document in conformance with 8CCR Section 340.4(g). [ ] Yes [ ] No

This certifies that all unsafe conditions listed in the Division's citation dated 09/13/13 have now been corrected and all submitted abatement information is accurate.

Signature: ___________________________ Date: ___________________________

Name: _______________________________ Title: ___________________________

OFFICE USE ONLY

Division Engineer/Industrial Hygienist: ________________________________ Date: ___________________________
District Manager: ________________________________ Date: ___________________________

[ ] Close/Comments

Region 4  District  1  Inspection No. 314864661 Identification No. A0462 Cal/OSHA Rpt. No. & Fiscal Year 2013

Date mailed or delivered: 09/13/13

Cal/OSHA 160 (09/01/2000)
EMPLOYER'S SIGNED STATEMENT OF ABATEMENT OF SERIOUS VIOLATIONS

EMPLOYER: Los Angeles Engineering Inc
ADDRESS: 633 N. Barranca Ave.
Covina, CA 91723

The law requires that violations observed during the inspection/investigation completed on 09/10/2013 of the place of employment located at 200 Temescal Canyon Rd., Los Angeles, CA be corrected within the time limit specified. Labor Code 6320(b), requires that you submit this signed statement under penalty of perjury which describes the measures for abating each citation which alleges a serious violation. If the signed statement is not received within 10 working days after the end of the period fixed for abatement, the Division will be required to revoke any adjustments to the civil penalty based upon the assumption that you will abate the violation. This action will result in a doubling of the civil penalty for serious violations. If you have filed a timely appeal with reference to a particular citation, the abatement date is stayed during the appeal process and the Signed Statement need not be submitted at this time. In addition, if there are problems beyond your control that prevent meeting a specified abatement date, contact the Division early so that a request for extension can be considered.

THIS FORM MUST BE RECEIVED AT THE ABOVE ADDRESS ON OR BEFORE 09/23/13

******************************************************************************

DESCRIBE AND LIST THE SPECIFIC MEASURES & EQUIPMENT TAKEN TO ABATE EACH SERIOUS VIOLATION

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<th>Citation Number</th>
<th>Number of Instances</th>
<th>Measures Taken to Abate Serious Violations</th>
<th>Abatement Date</th>
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All affected employees and their representatives have been informed about abatement activities referenced in this document in conformance with 8CCR Section 340.4(g). [ ] Yes [ ] No

I have reviewed the foregoing statement and declare under penalty of perjury that it is true and correct to the best of my knowledge and all submitted abatement information is accurate.

Executed at ________________________, California by

Signature: ________________________ Date: ________________________

Name: __________________________ Title: __________________________

OFFICIAL USE ONLY

Division Engineer/Industrial Hygienist: ________________________ Date: ________________________

District Manager: ________________________ Date: ________________________

[ ] Close/Comments:

Region IV CAL/OSHA - Los Angeles
120 W 4th St., Suite 670
Los Angeles, CA 90013

Date mailed or delivered: 09/13/13

Cal/OSHA 161 (09/01/2000)
Employer's Signed Statement of Abatement of Serious Violations

Employer: Los Angeles Engineering Inc
Address: 633 N. Barranca Ave.
Covina, CA 91723

The law requires that violations observed during the inspection/investigation completed on 09/10/2013 of the place of employment located at 200 Temescal Canyon Rd., Los Angeles, CA be corrected within the time limit specified. Labor Code 6320(b) requires that you submit this signed statement under penalty of perjury which describes the measures for abating each citation which alleges a serious violation. If the signed statement is not received within 10 working days after the end of the period fixed for abatement, the Division will be required to revoke any adjustments to the civil penalty based upon the assumption that you will abate the violation. This action will result in a doubling of the civil penalty for serious violations. If you have filed a timely appeal with reference to a particular citation, the abatement date is stayed during the appeal process and the Signed Statement need not be submitted at this time. In addition, if there are problems beyond your control that prevent meeting a specified abatement date, contact the Division early so that a request for extension can be considered.

This form must be received at the above address on or before 09/23/13

Describe and List the Specific Measures & Equipment Taken to Abate Each Serious Violation

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<tr>
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</table>

All affected employees and their representatives have been informed about abatement activities referenced in this document in conformance with 8CCR Section 340.4(g). [ ] Yes [ ] No

I have reviewed the foregoing statement and declare under penalty of perjury that it is true and correct to the best of my knowledge and all submitted abatement information is accurate.

Executed at ______________________, California by

Signature: ________________________ Date: ________________________

Name: ___________________________ Title: ________________________

Official Use Only

Division Engineer/Industrial Hygienist: __________________ Date: __________

District Manager: __________________ Date: __________

[ ] Close/Corrections:

Region IV CAL/OSHA - Los Angeles
350 West 4th St., Suite 670
Los Angeles, CA 90013

Date mailed or delivered: 09/13/13
FIRST READ IMPORTANT INFORMATION ON THE REVERSE SIDE
THEN COMPLETE ONE APPEAL FORM FOR EACH CITATION

1. This is an Appeal from:

[X] CITATION NO(s): 1 Item No(s): 1(all items)

[X] NOTIFICATION OF FAILURE TO ABATE ALLEGED VIOLATION
CITATION NO(s): 1 Item No(s): 1(all items)

[] SPECIAL ORDER/SPECIAL ACTION NO:
Item No(s): 

2. Specific ground(s) for this appeal are: (Check all that apply)

[X] The safety order was not violated.

[X] The classification (i.e. serious, willful, repeat) is incorrect.

[X] The abatement requirements are unreasonable.

[X] Required changes  [X] Time allowed to complete changes

[X] The proposed penalty is unreasonable.

3. Explain any other reasons for appeal or issues to be raised on appeal. Affirmative defenses must be specifically stated.
Some important affirmative defenses are listed in the Appeal Information Booklet or at the OSHAB website at:
http://www.dir.ca.gov/OSHAB/oslab.html

SEE ATTACHED AFFIRMATIVE DEFENSES INCLUDED HERELIN BY REFERENCE
BEFORE THE
OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD
DEPARTMENT OF INDUSTRIAL RELATIONS
STATE OF CALIFORNIA

In the Matter of the Appeal of:

LOS ANGELES ENGINEERING, INC.

Employer.

Inspection No. 314864661
ADDITIONAL AFFIRMATIVE DEFENSES
CITATION 1, ITEM 1(ALL ITEMS)

TO: CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD:

AFFIRMATIVE DEFENSES

Appellant, LOS ANGELES ENGINEERING, INC., hereby submits the following additional affirmative defenses as an attachment to item 3 of the amended appeal form related to the above captioned matter:

1) Independent Employee Act Defense;
2) Logical Time Defense;
3) Absence of Employer Knowledge of Serious Violation;
4) The Division of Occupational Safety and Health does not have jurisdiction over the subject place of employment and/or the entity cited herein;
5) The inspection(s) was invalid;

ADDITIONAL AFFIRMATIVE DEFENSES
6) The citation does not give notice of the violation or was otherwise defective;
7) The safety order cited is vague and/or ambiguous;
8) The citation was not issued timely;
9) An exception to the safety order exempts compliance;
10) The citation does not allege a violation of that safety order which most appropriately pertains to the alleged violation;
11) Employer exercised reasonable diligence in preventing the alleged condition and even through its reasonable diligence, it could not have been aware of the alleged violative condition;
12) Employee(s) alleged to have been injured and/or observed by the Division were not employed by the Appellant;
13) The Appellant was not the “creating employer” as defined under the California Labor Code and/or Title 8 Safety Orders;
14) The Appellant was not the “controlling contractor” as defined under the California Labor Code and/or Title 8 Safety Orders;
15) The Appellant was not the “exposing employer” as defined under the California Labor Code and/or Title 8 Safety Orders;
16) The Appellant was not the “correcting employer” as defined under the California Labor Code and/or Title 8 Safety Orders;
17) Exigent circumstances existed which prevented Appellant from reporting a serious injury within 8 hours;
18) Appellant reported the serious injury within 8 hours of the time that the appellant knew or should have known that the employee sustained a serious injury;
19) The alleged violation occurred at a time and under circumstances which deprived this Appellant of a reasonable opportunity to detect and prevent the alleged violation;
20) The work being performed was of limited time and duration;
21) The work being performed is covered by an exception to the requirement alleged under the citation and therefore is inapplicable;

22) The Division of Occupational Safety and Health failed to perform its duties in accordance with its policies and procedures, including, but not limited to, the policies and procedures set forth relating to dual employer and multi-employer investigations;

23) Appellant was a participant in a recognized Cal/OSHA consultation program on the subject project and is exempt from the subject inspection and, therefore, exempt from the alleged citation(s);

24) Appellant timely filed its Appeal of this matter;

25) The Division failed to satisfy its requirement to make a reasonable attempt to determine and consider facts related to the classification of the alleged citation(s) in this matter as required under California Labor Code Section 6432 (commonly referred to as AB 2774);

26) Appellant took reasonable steps before the alleged violation occurred that a responsible employer under like circumstances would be expected to take under California Labor Code Section 6432 (commonly referred to as AB 2774);

27) The alleged serious citation(s) should be classified as general citation(s) under California Labor Code Section 6432 (commonly referred to as AB 2774);

28) The employee alleged to have violated the standard exceeded his scope of work to constitute an extreme departure of his work duties to the extent his/her actions constitutes employee malfeasance;

29) The Division failed to comply with the statutory requirements of California Labor Code Section 6309 in that it failed to timely investigate and, therefore, its basis its investigation was unlawful resulting in unlawfully alleged citations;

30) The Division failed to apply the standard of "substantial probability of serious physical harm or death" under California Labor Code Section 6309 in determining to open its investigation and, therefore, the investigation leading to the alleged violation was in fact unlawful; and
31) The entity cited does not exist as an entity;

32) The Division failed to cite the proper entity and/or employer.

33) This Appellant is presently unaware whether it may have additional, as yet unstated, affirmative defenses. Appellant reserves its right to assert such further defenses, if any, to the Appeals Board at a later time.

Dated: September 13, 2013

Ogletree, Deakins, Nash, Smoak & Stewart, P.C.

By: Kevin D. Bland, Attorney for Appellant,
LOS ANGELES ENGINEERING, INC.
4. (Signature of Employer or Employer's Representative)
   (If there is any change in representation after you file your appeal, you must notify the Appeals Board in writing)

Kevin D. Bland, Esq. of Oglethorpe, Deakins, Nash, Smoak & Stewart, P.C.
(Type or print name)
Attorney

(Title)
695 Town Center Drive, Suite 1500

(Address) [Address where all communications from the Appeals Board will be sent)
Costa Mesa CA 92626

(City) (State) (Zip Code)
(714) 800-7935 kevin.bland@oglethordeakins.com September 13, 2013
(Telephone) (E-Mail Address) (Date)

{ All correspondence from the Appeals Board will be sent to the representative above at the address above. If there is any change in address, telephone number, or e-mail address after you file your appeal, you must notify the Appeals Board of the change(s). All such notifications must be in writing.)

IMPORTANT INFORMATION

A. Use this form to appeal a Citation, Notification of Failure to Abate Alleged Violation, or Special Order/Special Action.

B. You must complete a separate appeal form for each citation or notification you wish to appeal and attach a copy of the complete citation or notification that you are appealing.

C. If the citation or notification being appealed includes more than one item do not use separate appeals forms for each item. Instead, specify the items you are appealing in the space provided in No. 1 on the front of this form. (For example, "Citation No. 1, Item Nos. 2, 5, and 8")

D. Be sure to sign your appeal form and provide all the information requested in No. 4 above.

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G. Mail each completed Appeal form and citation or notification to the Occupational Safety and Health Appeals Board, 2520 Venture Oaks Way, Suite 300, Sacramento, CA 95833.

H. Late appeals will not be accepted unless good cause is shown.

OSHAB 5:06
State of California
Division of Occupational Safety and Health
Los Angeles District Office (0950641; 4041)
320 West 4th Street, Suite 670
Los Angeles, CA 90013

Inspection Number: 314864661
Inspection Dates: 03/14/2013-09/10/2013
Issuance Date: 09/13/2013
CSHO ID: A0462
Optional Inspection Nbr: 28-13

Citation and Notification of Penalty

Company Name: Los Angeles Engineering Inc
Inspection Site: 200 Temescal Canyon Rd., Los Angeles, CA 90072

RECEIVED
SEP 16 2013

OSH Appeals Board

Citation Item 1 Type of Violation: General

T8 CCR 3395(f). Heat Illness Prevention

(f) Training.

(1) Employee training. Effective training in the following topics shall be provided to each supervisory and non-supervisory employee before the employee begins work that should reasonably be anticipated to result in exposure to the risk of heat illness:

A) The environmental and personal risk factors for heat illness, as well as the added burden of heat load on the body caused by exertion, clothing, and personal protective equipment.

B) The employer’s procedures for complying with the requirements of this standard.

C) The importance of frequent consumption of small quantities of water, up to 4 cups per hour, when the work environment is hot and employees are likely to be sweating more than usual in the performance of their duties.

D) The importance of acclimatization.

E) The different types of heat illness and the common signs and symptoms of heat illness.

F) The importance to employees of immediately reporting to the employer, directly or through the employee’s supervisor, symptoms or signs of heat illness in themselves, or in co-workers.

G) The employer’s procedures for responding to symptoms of possible heat illness, including how emergency medical services will be provided should they become necessary.

H) The employer’s procedures for contacting emergency medical services, and if necessary, for transporting employees to a point where they can be reached by an emergency medical service provider.

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

Citation and Notification of Penalty Page 5 of 11 Cal/OSHA-2 Rev 7/11
State of California
Division of Occupational Safety and Health
Los Angeles District Office (0950641; 4041)
320 West 4th Street, Suite 670
Los Angeles, CA 90013

Inspection Number: 314864661
Inspection Dates: 03/14/2013 - 09/10/2013
Issuance Date: 09/13/2013
CSHO ID: A0462
Optional Inspection Nbr: 28-13

Citation and Notification of Penalty

Company Name: Los Angeles Engineering Inc
Inspection Site: 200 Temescal Canyon Rd., Los Angeles, CA 90272

(1) The employer's procedures for ensuring that, in the event of an emergency, clear and precise directions to the work site can and will be provided as needed to emergency responders. These procedures shall include designating a person to be available to ensure that emergency procedures are invoked when appropriate.

VIOLATION:
On or about March 14, 2013, at 200 Temescal Canyon Rd. the employer did not train new employees on the required elements of the Heat Illness Prevention Program before they began work for the employer.

Date By Which Violation Must be Abated: 10/16/2013
Proposed Penalty: $ 485.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.
OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD
2520 Venture Oaks Way, Suite 300
Sacramento, CA 95833
(916) 274-5751
FAX (916) 274-5785

APEAL FORM

Inspectee Number on Citation

Los Angeles Engineering, Inc.
Employer Name on Citation

Employer Legal Name or DBA

200 Temescal Canyon Road
Los Angeles, CA 90272
Address

2013-R4D1 -3050

1. You only have 15 working days from receipt of a citation to appeal.

2. A copy of this form must be attached to each citation or notification appealed. Failure to file a completed form may result in dismissal of the appeal.

FIRST READ IMPORTANT INFORMATION ON THE REVERSE SIDE
THEN COMPLETE ONE APPEAL FORM FOR EACH CITATION

1. This is an Appeal from:

[ X ] CITATION No(s): 2 Item No(s): __ (all items)

[ X ] NOTIFICATION OF FAILURE TO ABATE ALLEGED VIOLATION
CITATION No(s): 2 Item No(s): __ (all items)

[ ] SPECIAL ORDER/SPECIAL ACTION No:
Item No(s): __

2. Specific ground(s) for this appeal are: (Check all that apply)

[ X ] The safety order was not violated.

[ X ] The classification (i.e. serious, willful, repeat) is incorrect.

[ X ] The abatement requirements are unreasonable.

[ X ] Required changes [ X ] Time allowed to complete changes

[ X ] The proposed penalty is unreasonable.

3. Explain any other reasons for appeal or issues to be raised on appeal. Affirmative defenses must be specifically stated. Some important affirmative defenses are listed in the Appeal Information Booklet or at the OSHAB website at http://www.dir.ca.gov/OSHAB/oshab.html

SEE ATTACHED AFFIRMATIVE DEFENSES INCLUDED HEREIN BY REFERENCE
BEFORE THE
OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD
DEPARTMENT OF INDUSTRIAL RELATIONS
STATE OF CALIFORNIA

In the Matter of the Appeal of:

LOSAngelEs EnGIEnINg, Inc.
Employer.

Inspection No. 314864661
ADDITIONAL AFFIRMATIVE DEFENSES
CITATION 2, ITEM 1(ALL ITEMS)

TO: CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD:

AFFIRMATIVE DEFENSES

Appellant, LOS ANGELES ENGINEERING, INC., hereby submits the following additional affirmative defenses as an attachment to item 3 of the amended appeal form related to the above captioned matter:

1) Independent Employee Act Defense;
2) Logical Time Defense;
3) Absence of Employer Knowledge of Serious Violation;
4) The Division of Occupational Safety and Health does not have jurisdiction over the subject place of employment and/or the entity cited herein;
5) The inspection(s) was invalid;
6) The citation does not give notice of the violation or was otherwise defective;
7) The safety order cited is vague and/or ambiguous;
8) The citation was not issued timely;
9) An exception to the safety order exempts compliance;
10) The citation does not allege a violation of that safety order which most appropriately pertains to the alleged violation;
11) Employer exercised reasonable diligence in preventing the alleged condition and even through its reasonable diligence, it could not have been aware of the alleged violative condition;
12) Employee(s) alleged to have been injured and/or observed by the Division were not employed by the Appellant;
13) The Appellant was not the “creating employer” as defined under the California Labor Code and/or Title 8 Safety Orders;
14) The Appellant was not the “controlling contractor” as defined under the California Labor Code and/or Title 8 Safety Orders;
15) The Appellant was not the “exposing employer” as defined under the California Labor Code and/or Title 8 Safety Orders;
16) The Appellant was not the “correcting employer” as defined under the California Labor Code and/or Title 8 Safety Orders;
17) Exigent circumstances existed which prevented Appellant from reporting a serious injury within 8 hours;
18) Appellant reported the serious injury within 8 hours of the time that the appellant knew or should have known that the employee sustained a serious injury;
19) The alleged violation occurred at a time and under circumstances which deprived this Appellant of a reasonable opportunity to detect and prevent the alleged violation;
20) The work being performed was of limited time and duration;
21) The work being performed is covered by an exception to the requirement alleged under the citation and therefore is inapplicable;

22) The Division of Occupational Safety and Health failed to perform its duties in accordance with its policies and procedures, including, but not limited to, the policies and procedures set forth relating to dual employer and multi-employer investigations;

23) Appellant was a participant in a recognized Cal/OSHA consultation program on the subject project and is exempt from the subject inspection and, therefore, exempt from the alleged citation(s);

24) Appellant timely filed its Appeal of this matter;

25) The Division failed to satisfy its requirement to make a reasonable attempt to determine and consider facts related to the classification of the alleged citation(s) in this matter as required under California Labor Code Section 6432 (commonly referred to as AB 2774);

26) Appellant took reasonable steps before the alleged violation occurred that a responsible employer under like circumstances would be expected to take under California Labor Code Section 6432 (commonly referred to as AB 2774);

27) The alleged serious citation(s) should be classified as general citation(s) under California Labor Code Section 6432 (commonly referred to as AB 2774);

28) The employee alleged to have violated the standard exceeded his scope of work to constitute an extreme departure of his work duties to the extent his/her actions constitutes employee malfeasance;

29) The Division failed to comply with the statutory requirements of California Labor Code Section 6309 in that it failed to timely investigate and, therefore, its basis its investigation was unlawful resulting in unlawfully alleged citations;

30) The Division failed to apply the standard of "substantial probability of serious physical harm or death" under California Labor Code Section 6309 in determining to open its investigation and, therefore, the investigation leading to the alleged violation was in fact unlawful; and
31) The entity cited does not exist as an entity;
32) The Division failed to cite the proper entity and/or employer.
33) This Appellant is presently unaware whether it may have additional, as yet unstated, affirmative defenses. Appellant reserves its right to assert such further defenses, if any, to the Appeals Board at a later time.

Dated: September 13, 2013

By: [Signature]
Kevin D. Bland, Attorney for Appellant,
LOS ANGELES ENGINEERING, INC.
(Signature of Employer or Employer’s Representative)
{If there is any change in representation after you file your appeal, you must notify the Appeals Board in writing}

(Type or print name)
Attorney

(Title)

695 Town Center Drive, Suite 1500

(Address) {Address where all communications from the Appeals Board will be sent}
Costa Mesa
CA
92626

(City) (State) (Zip Code)

(714) 800-7935 kevin.bland@ogletreeandeakins.com September 13, 2013
(Telephone) (E-Mail Address) (Date)

{All correspondence from the Appeals Board will be sent to the representative above at the address above. If there is any change in address, telephone number, and/or e-mail address after you file your appeal, you must notify the Appeals Board of the change(s). All such notifications must be in writing}

IMPORTANT INFORMATION

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G. Mail each completed Appeal form and citation or notification to the Occupational Safety and Health Appeals Board, 2520 Venture Oaks Way, Suite 300, Sacramento, CA 95833.

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OSHAB 5/06

15960489:1
State of California
Division of Occupational Safety and Health
Los Angeles District Office (0950641; 4041)
320 West 4th Street, Suite 670
Los Angeles, CA 90013

Inspection Number: 314864661
Inspection Dates: 03/14/2013-09/10/2013
Issuance Date: 09/13/2013
CSHO ID: A0462
Optional Inspection Nbr: 28-13

Citation and Notification of Penalty

Company Name: Los Angeles Engineering Inc
Inspection Site: 200 Temescal Canyon Rd., Los Angeles, CA 90272

Citation 2 Item 1 Type of Violation: Serious

T8 CCR 1509(a). Injury and Illness Prevention Program
(a) Every employer shall establish, implement and maintain an effective Injury and Illness Prevention Program
in accordance with section 3203 of the General Industry Safety Orders.

T8 CCR 3203(a)
(a) Effective July 1, 1991, every employer shall establish, implement and maintain an effective Injury and
Illness Prevention Program (Program). The Program shall be in writing and, shall, at a minimum:
(6) Include methods and/or procedures for correcting unsafe or unhealthy conditions, work practices and work
procedures in a timely manner based on the severity of the hazard;
(7) Provide training and instruction:

VIOLATION:

On or about March 14, 2013, at 200 Temescal Canyon Rd., the employer's written Injury and Illness
Prevention Program was ineffective as the following elements were not implemented.

Reference 3203(a)(6)
The employer did not correct unsafe conditions or work practices in a timely manner, and ensure employees
were protected from the hazard of a trench cave-in.

Instance 1: On March 14, 2013 two employees were inside a 14 feet deep trench without adequate shoring, or
other protective systems, while checking the depth and a backhoe was excavating soil from the trench that had
caved-in from the south wall two hours earlier, and the supervisor was operating a front loader on the top of
the north trench wall. The trench was not shored, or protected, and caved-in. The supervisor did not remove
the accident victim and his co-worker from the trench.

Reference 3203(a)(7)
The employer did not provide training for employees who were involved in trench operations and exposed to
trench and excavation hazards.

Instance 2: Employees were not trained on the Manufacturers Tabulated Data for proper shoring procedures.

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.
State of California
Division of Occupational Safety and Health
Los Angeles District Office (9950641; 4041)
320 West 4th Street, Suite 670
Los Angeles, CA 90013

Inspection Number: 314864661
Inspection Dates: 03/14/2013 - 09/10/2013
Issuance Date: 09/13/2013
CSHO ID: A9462
Optional Inspection Nbr: 28-13

Citation and Notification of Penalty

Company Name: Los Angeles Engineering Inc
Inspection Site: 200 Temescal Canyon Rd., Los Angeles, CA 90272

Instance 3: Employees were not trained on how to select and construct protective systems in accordance with Division standards.

Instance 4: Employees were not trained on the site specific Injury and Illness Prevention Program.

Date By Which Violation Must be Abated: 09/23/2013
Proposed Penalty: $5850.00

Received
SEP 16 2013

OSHA Appeals Board

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.
OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD
2520 Venture Oaks Way, Suite 300
Sacramento, CA 95833
(916) 274-5751
FAX (916) 274-5785

APEAL FORM

3148664661
Inspection Number on Citation

Los Angeles Engineering, Inc.
Employer Name on Citation

Employer Legal Name or DBA

200 Temescal Canyon Road
Los Angeles, CA 90272
Address

2013-R4D1 -3051

1. You only have 15 working days from receipt of a citation to appeal.

2. A copy of this form must be attached to each citation or notification appealed. Failure to file a completed form may result in dismissal of the appeal.

FIRST READ IMPORTANT INFORMATION ON THE REVERSE SIDE THEN COMPLETE ONE APPEAL FORM FOR EACH CITATION

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   [ X ] CITATION NO(s): 3 Item No(s): 1 (all items)
   [ X ] NOTIFICATION OF FAILURE TO ABATE ALLEGED VIOLATION
   CITATION NO(s): 3 Item No(s): 1 (all items)
   [ ] SPECIAL ORDER/SPECIAL ACTION NO:
   Item No(s):

2. Specific ground(s) for this appeal are: (Check all that apply)
   [ X ] The safety order was not violated.
   [ X ] The classification (i.e. serious, willful, repeat) is incorrect.
   [ X ] The abatement requirements are unreasonable.
   [ X ] Required changes [ X ] Time allowed to complete changes
   [ X ] The proposed penalty is unreasonable.

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SEE ATTACHED AFFIRMATIVE DEFENSES INCLUDED HEREFIN BY REFERENCE
BEFORE THE
OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD
DEPARTMENT OF INDUSTRIAL RELATIONS
STATE OF CALIFORNIA

In the Matter of the Appeal of:

LOS ANGELES ENGINEERING, INC.

Employer.

TO: CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD:

AFFIRMATIVE DEFENSES

Appellant, LOS ANGELES ENGINEERING, INC., hereby submits the following additional affirmative defenses as an attachment to item 3 of the amended appeal form related to the above captioned matter:

1) Independent Employee Act Defense;

2) Logical Time Defense;

3) Absence of Employer Knowledge of Serious Violation;

4) The Division of Occupational Safety and Health does not have jurisdiction over the subject place of employment and/or the entity cited herein;

5) The inspection(s) was invalid;
6) The citation does not give notice of the violation or was otherwise
defective;

7) The safety order cited is vague and/or ambiguous;

8) The citation was not issued timely;

9) An exception to the safety order exempts compliance;

10) The citation does not allege a violation of that safety order which most
appropriately pertains to the alleged violation;

11) Employer exercised reasonable diligence in preventing the alleged condition and
even through its reasonable diligence, it could not have been aware of the alleged violative
condition;

12) Employee(s) alleged to have been injured and/or observed by the Division were not
employed by the Appellant;

13) The Appellant was not the “creating employer” as defined under the California
Labor Code and/or Title 8 Safety Orders;

14) The Appellant was not the “controlling contractor” as defined under the California
Labor Code and/or Title 8 Safety Orders;

15) The Appellant was not the “exposing employer” as defined under the California
Labor Code and/or Title 8 Safety Orders;

16) The Appellant was not the “correcting employer” as defined under the California
Labor Code and/or Title 8 Safety Orders;

17) Exigent circumstances existed which prevented Appellant from reporting a serious
injury within 8 hours;

18) Appellant reported the serious injury within 8 hours of the time that the appellant
knew or should have known that the employee sustained a serious injury;

19) The alleged violation occurred at a time and under circumstances which deprived
this Appellant of a reasonable opportunity to detect and prevent the alleged violation;

20) The work being performed was of limited time and duration;

ADDITIONAL AFFIRMATIVE DEFENSES
21) The work being performed is covered by an exception to the requirement alleged under the citation and therefore is inapplicable;

22) The Division of Occupational Safety and Health failed to perform its duties in accordance with its policies and procedures, including, but not limited to, the policies and procedures set forth relating to dual employer and multi-employer investigations;

23) Appellant was a participant in a recognized Cal/OSHA consultation program on the subject project and is exempt from the subject inspection and, therefore, exempt from the alleged citation(s);

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29) The Division failed to comply with the statutory requirements of California Labor Code Section 6309 in that it failed to timely investigate and, therefore, its basis its investigation was unlawful resulting in unlawfully alleged citations;

30) The Division failed to apply the standard of "substantial probability of serious physical harm or death" under California Labor Code Section 6309 in determining to open its investigation and, therefore, the investigation leading to the alleged violation was in fact unlawful; and

ADDITIONAL AFFIRMATIVE DEFENSES
31) The entity cited does not exist as an entity;
32) The Division failed to cite the proper entity and/or employer.
33) This Appellant is presently unaware whether it may have additional, as yet unstated, affirmative defenses. Appellant reserves its right to assert such further defenses, if any, to the Appeals Board at a later time.

Dated: September 13, 2013

Ogletree, Deakins, Nash, Smoak & Stewart, P.C.

By: ________________________________

Kevin D. Bland, Attorney for Appellant,
LOS ANGELES ENGINEERING, INC.
(Signature of Employer or Employer's Representative)

4.

{If there is any change in representation after you file your appeal, you must notify the Appeals Board in writing.}

Kevin D. Bland, Esq. of Cgletree, Deakins, Nash, Smoak & Stewart, P.C.
(Type or print name)
Attorney

(Title)
695 Town Center Drive, Suite 1500
(Address) {Address where all communications from the Appeals Board will be sent}
Costa Mesa CA 92626
(City) (State) (Zip Code)
(714) 800-7915 kevin.bland@cgletreedeaekins.com September 13, 2013
(Telephone) (E-Mail Address) (Date)

{All correspondence from the Appeals Board will be sent to the representative above at the address above. If there is any change in address, telephone number, and/or e-mail address after you file your appeal, you must notify the Appeals Board of the change(s). All such notifications must be in writing.}

IMPORTANT INFORMATION

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H. Late appeals will not be accepted unless good cause is shown.

OSHAB 5/06

15560497.1
State of California  
Division of Occupational Safety and Health  
Los Angeles District Office (0950641: 4041)  
320 West 4th Street, Suite 670  
Los Angeles, CA 90013  

Inspection Number: 314864661  
Inspection Dates: 03/14/2013 - 09/10/2013  
Issuance Date: 09/13/2013  
CSHO ID: A0462  
Optional Inspection Nbr: 28-13  

Citation and Notification of Penalty  

Company Name: Los Angeles Engineering Inc  
Inspection Site: 200 Temescal Canyon Rd., Los Angeles, CA 90272  

Citation 3 Item 1 Type of Violation: Serious  

T8 CCR 1541 (k), General Requirements.  

(k) Inspection.  

(1) Daily inspections of excavations, the adjacent areas, and protective systems shall be made by a competent person for evidence of a situation that could result in possible cave-ins, indications of failure of protective systems, hazardous atmospheres, or other hazardous conditions. An inspection shall be conducted by the competent person prior to the start of work and as needed throughout the shift. Inspections shall also be made after every rain storm or other hazard increasing occurrence. These inspections are only required when employee exposure can be reasonably anticipated.  

VIOLATION:  
On or about March 14, 2013, at 200 Temescal Canyon Rd. the employer did not adequately inspect, and remove employees from a 14 feet deep un-shored trench for evidence of a situation that could result in additional cave-ins, after the south wall had caved-in, just two hours before the north wall caved-in, completely burying an employee resulting in a fatality.  

Date By Which Violation Must be Abated: Abated  
Proposed Penalty: $24300.00  

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.
OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD
2520 Venture Oaks Way, Suite 300
Sacramento, CA 95833
(916) 274-5751
FAX (916) 274-5785

APEAL FORM

314864661
Inspection Number on Citation

Los Angeles Engineering, Inc.
Employer Name on Citation

Employer Legal Name or DBA
200 Temescal Canyon Road
Los Angeles, CA 90272
Address

2013-R4D1 -3052

1. You only have 15 working days from receipt of a citation to appeal.

2. A copy of this form must be attached to each citation or notification appealed. Failure to file a completed form may result in dismissal of the appeal.

FIRST READ IMPORTANT INFORMATION ON THE REVERSE SIDE
THEN COMPLETE ONE APPEAL FORM FOR EACH CITATION

1. This is an Appeal from:

[ X ] CITATION NO(s): 4 Item No(s): 1 (all items)

[ X ] NOTIFICATION OF FAILURE TO ABATE ALLEGED VIOLATION CITATION NO(s): 4 Item No(s): 1 (all items)

[ ] SPECIAL ORDER/SPECIAL ACTION No: ________________________________ Item No(s): ________________________________

2. Specific ground(s) for this appeal are: (Check all that apply)

[ X ] The safety order was not violated.

[ X ] The classification (i.e. serious, willful, repeat) is incorrect.

[ X ] The abatement requirements are unreasonable.

[ X ] Required changes [ X ] Time allowed to complete changes

[ X ] The proposed penalty is unreasonable.

3. Explain any other reasons for appeal or issues to be raised on appeal. Affirmative defenses must be specifically stated. Some important affirmative defenses are listed in the Appeal Information Booklet or at the OSHAB website at: http://www.dir.ca.gov/OSHAB/oshab.html

SEE ATTACHED AFFIRMATIVE DEFENSES INCLUDED HEREIN BY REFERENCE
BEFORE THE
OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD
DEPARTMENT OF INDUSTRIAL RELATIONS
STATE OF CALIFORNIA

In the Matter of the Appeal of: LOS ANGELES ENGINEERING, INC.

Employer.

Inspection No. 314864661

ADDITIONAL AFFIRMATIVE DEFENSES

CITATION 4, ITEM 1 (ALL ITEMS)

TO: CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD:

AFFIRMATIVE DEFENSES

Appellant, LOS ANGELES ENGINEERING, INC., hereby submits the following additional affirmative defenses as an attachment to item 3 of the amended appeal form related to the above captioned matter:

1) Independent Employee Act Defense;
2) Logical Time Defense;
3) Absence of Employer Knowledge of Serious Violation;
4) The Division of Occupational Safety and Health does not have jurisdiction over the subject place of employment and/or the entity cited herein;
5) The inspection(s) was invalid;

ADDITIONAL AFFIRMATIVE DEFENSES
6) The citation does not give notice of the violation or was otherwise defective;
7) The safety order cited is vague and/or ambiguous;
8) The citation was not issued timely;
9) An exception to the safety order exempts compliance;
10) The citation does not allege a violation of that safety order which most appropriately pertains to the alleged violation;
11) Employer exercised reasonable diligence in preventing the alleged condition and even through its reasonable diligence, it could not have been aware of the alleged violative condition;
12) Employee(s) alleged to have been injured and/or observed by the Division were not employed by the Appellant;
13) The Appellant was not the "creating employer" as defined under the California Labor Code and/or Title 8 Safety Orders;
14) The Appellant was not the "controlling contractor" as defined under the California Labor Code and/or Title 8 Safety Orders;
15) The Appellant was not the "exposing employer" as defined under the California Labor Code and/or Title 8 Safety Orders;
16) The Appellant was not the "correcting employer" as defined under the California Labor Code and/or Title 8 Safety Orders;
17) Exigent circumstances existed which prevented Appellant from reporting a serious injury within 8 hours;
18) Appellant reported the serious injury within 8 hours of the time that the appellant knew or should have known that the employee sustained a serious injury;
19) The alleged violation occurred at a time and under circumstances which deprived this Appellant of a reasonable opportunity to detect and prevent the alleged violation;
20) The work being performed was of limited time and duration;

ADDITIONAL AFFIRMATIVE DEFENSES
21) The work being performed is covered by an exception to the requirement alleged under the citation and therefore is inapplicable;

22) The Division of Occupational Safety and Health failed to perform its duties in accordance with its policies and procedures, including, but not limited to, the policies and procedures set forth relating to dual employer and multi-employer investigations;

23) Appellant was a participant in a recognized Cal/OSHA consultation program on the subject project and is exempt from the subject inspection and, therefore, exempt from the alleged citation(s);

24) Appellant timely filed its Appeal of this matter;

25) The Division failed to satisfy its requirement to make a reasonable attempt to determine and consider facts related to the classification of the alleged citation(s) in this matter as required under California Labor Code Section 6432 (commonly referred to as AB 2774);

26) Appellant took reasonable steps before the alleged violation occurred that a responsible employer under like circumstances would be expected to take under California Labor Code Section 6432 (commonly referred to as AB 2774);

27) The alleged serious citation(s) should be classified as general citation(s) under California Labor Code Section 6432 (commonly referred to as AB 2774);

28) The employee alleged to have violated the standard exceeded his scope of work to constitute an extreme departure of his work duties to the extent his/her actions constitutes employee malfeasance;

29) The Division failed to comply with the statutory requirements of California Labor Code Section 6309 in that it failed to timely investigate and, therefore, its basis its investigation was unlawful resulting in unlawfully alleged citations;

30) The Division failed to apply the standard of “substantial probability of serious physical harm or death” under California Labor Code Section 6309 in determining to open its investigation and, therefore, the investigation leading to the alleged violation was in fact unlawful; and
31) The entity cited does not exist as an entity;

32) The Division failed to cite the proper entity and/or employer.

33) This Appellant is presently unaware whether it may have additional, as yet unstated, affirmative defenses. Appellant reserves its right to assert such further defenses, if any, to the Appeals Board at a later time.

Dated: September 13, 2013

Ogletree, Deakins, Nash, Smoak & Stewart, P.C.

By:

Kevin D. Bland, Attorney for Appellant,
LOS ANGELES ENGINEERING, INC.
4. [Signature of Employer or Employer's Representative]
(If there is any change in representation after you file your appeal, you must notify the Appeals Board in writing)

(Type or print name)
Attorney

(Title)
695 Town Center Drive, Suite 1500

(Address) {Address where all communications from the Appeals Board will be sent}
Costa Mesa CA 92626

(City) (State) (Zip Code)
(714) 800-7935 kevin.bland@ogletreedeakins.com September 13, 2013
(Telephone) (E-Mail Address) (Date)

[All correspondence from the Appeals Board will be sent to the representative above at the address above. If there is any change in address, telephone number, and/or e-mail address after you file your appeal, you must notify the Appeals Board of the change(s). All such notifications must be in writing]

IMPORTANT INFORMATION

A. Use this form to appeal a Citation, Notification of Failure to Abate Alleged Violation, or Special Order/Special Action.

B. You must complete a separate appeal form for each citation or notification you wish to appeal and attach a copy of the complete citation or notification that you are appealing.

C. If the citation or notification being appealed includes more than one item do not use separate appeals forms for each item. Instead, specify the items you are appealing in the space provided in No. 1 on the front of this form. (For example, “Citation No. 1, Item Nos. 2, 5, and 8”)

D. Be sure to sign your appeal form and provide all the information requested in No. 4 above.

E. Your appeal form shall be deemed not completed unless you attach a copy of each citation or notification that you are appealing, and failure to file a completed appeal form may result in dismissal of the appeal.

F. If you or your representative change address, telephone number, and/or e-mail address, it is your responsibility to notify the Appeals Board in writing of the change(s). Otherwise the Appeals Board will continue to use the address it has on file and you risk not receiving notices or other communications from the Appeals Board. Appeals Board regulations make it the employer’s obligation to notify the Appeals Board of any changes to the employer’s and/or representative’s contact information.

G. Mail each completed Appeal form and citation or notification to the Occupational Safety and Health Appeals Board, 2520 Venture Oaks Way, Suite 300, Sacramento, CA 95833.

H. Late appeals will not be accepted unless good cause is shown.

OSHAB 5/06
State of California  
Division of Occupational Safety and Health  
Los Angeles District Office (0950641; 4041)  
320 West 4th Street, Suite 670  
Los Angeles, CA 90013

Inspection Number: 314664651  
Inspection Dates: 03/14/2013-09/10/2013  
Issuance Date: 09/13/2013  
CSBO ID: A0462  
Optional Inspection Nbr: 28-13

State of California  
Division of Occupational Safety and Health  
Los Angeles District Office (0950641; 4041)  
320 West 4th Street, Suite 670  
Los Angeles, CA 90013

Citation and Notification of Penalty

Company Name: Los Angeles Engineering Inc  
Inspection Site: 200 Ternescl Canyon Rd., Los Angeles, CA 90272

Citation 4 Item 1 Type of Violation: Willful Serious Accident Related

T8 CCR 1541.1(a). Requirements for Protective Systems.

(a) Protection of employees in excavations.

(1) Each employee in an excavation shall be protected from cave-ins by an adequate protective system designed in accordance with Section 1541.1(b) or (c)

Reference 1541.1 (b) and (c)

(b) Design of sloping and benching systems

(c) Design of support systems, shield systems, and other protective systems. Designs of support systems, shield systems, and other protective systems shall be selected and constructed by the employer or his designee and shall be in accordance with the requirements of Section 1541.1(c)(1); or, in the alternative, Section 1541.1(c)(2); or, in the alternative, Section 1541.1(c)(3); or, in the alternative, Section 1541.1(c)(4) as follows:

(1) Option (1) - Designs using Appendices A, C and D. Designs for timber shoring in trenches shall be determined in accordance with the conditions and requirements set forth in Appendices A and C to this article. Designs for aluminum hydraulic shoring shall be in accordance with Section 1541.1(c)(2), but if manufacturer's tabulated data cannot be utilized, designs shall be in accordance with Appendix D.

(2) Option (2) - Designs Using Manufacturer's Tabulated Data.

(A) Design of support systems, shield systems, or other protective systems that are drawn from manufacturer's tabulated data shall be in accordance with all specifications, recommendations, and limitations issued or made by the manufacturer.

(B) Deviation from the specifications, recommendations, and limitations issued or made by the manufacturer shall only be allowed after the manufacturer issues specific written approval.

VIOLATION:

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.
State of California  
Division of Occupational Safety and Health  
Los Angeles District Office (0950641; 4041)  
320 West 4th Street, Suite 670  
Los Angeles, CA 90013

Inspection Number: 314864661  
Inspection Dates: 03/14/2013-09/10/2013  
Issuance Date: 09/13/2013  
CSHO ID: A0462  
Optional Inspection Nbr: 28-13

Citation and Notification of Penalty

Company Name: Los Angeles Engineering Inc  
Inspection Site: 200 Temescal Canyon Rd., Los Angeles, CA 90272

On or about March 14, 2013, at 200 Temescal Canyon Rd. the employer did not protect employees from cave-ins in a 14 feet deep trench by sloping, benching, support or shield systems installed in accordance with the Manufacturer's Tabulated Data, or by any other protective system. On March 14, 2013 an employee sustained fatal injuries while working inside the 14 deep trench which caved-in and completely buried him. This same trench had caved-in two hours before this fatal cave-in and the supervisor did not remove employees from the trench and ensure that adequate protective systems were utilized to prevent the fatal cave-in.

Date By Which Violation Must be Abated: Abated
Proposed Penalty: $ 70000.00

Compliance Officer/District Manager

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.
PROOF OF SERVICE

I am and was at all times herein mentioned over the age of 18 years and not a party to the action in which this service is made. At all times herein mentioned I have been employed in the County of Orange in the office of a member of the bar of this court at whose direction the service was made. My business address is Park Tower, Suite 1500, 695 Town Center Drive, Costa Mesa, CA 92626.

On September 13, 2013, I served the following document(s):

 appealing form and additional affirmative defenses citation 1

by placing ☑ (the original) ✗ (a true copy thereof) in a sealed envelope addressed as stated on the attached service list.

☑ BY MAIL: I placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with the practice of Ogletree, Deakins, Nash, Smoak & Stewart, P.C.'s practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

☑ BY CERTIFIED MAIL RETURN RECEIPT: I placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with the practice of Ogletree, Deakins, Nash, Smoak & Stewart, P.C.'s practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

☐ BY FACSIMILE by transmitting a facsimile transmission a copy of said document(s) to the following addressee(s) at the following number(s), in accordance with:

☐ the written confirmation of counsel in this action:

☐ [State Court motion, opposition or reply only] in accordance with Code of Civil Procedure section 1005(b):

☐ [Federal Court] in accordance with the written confirmation of counsel in this action and order of the court:

☐ (State) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on September 13, 2013, at Costa Mesa, CA.

Katie Costentino
Type or Print Name

Signature
SERVICE LIST

Occupational Safety and Health Appeals Board  Via Certified Mail – Return Receipt
2520 Venture Oaks Way, Suite 300
Sacramento, CA 95833
Tel: (916) 274-5751
Fax: (916) 274-5785

Division of Occupational Safety & Health  Via U.S. Mail
320 West 4th Street, Suite 670
Los Angeles, CA 90013
Tel: (213) 576-7451
Fax: (213) 576-7461
PROOF OF SERVICE

I am and was at all times herein mentioned over the age of 18 years and not a party to the action in which this service is made. At all times herein mentioned I have been employed in the County of Orange in the office of a member of the bar of this court at whose direction the service was made. My business address is Park Tower, Suite 1500, 695 Town Center Drive, Costa Mesa, CA 92626.

On September 13, 2013, I served the following document(s):

APPEAL FORM AND ADDITIONAL AFFIRMATIVE DEFENSES CITATION 2

by placing □ (the original) ☑ (a true copy thereof) in a sealed envelope addressed as stated on the attached service list.

☑ BY MAIL: I placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with the practice of Ogletree, Deakins, Nash, Smoak & Stewart, P.C.'s practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

☑ BY CERTIFIED MAIL RETURN RECEIPT: I placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with the practice of Ogletree, Deakins, Nash, Smoak & Stewart, P.C.'s practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

☐ BY FACSIMILE by transmitting a facsimile transmission a copy of said document(s) to the following addressee(s) at the following number(s), in accordance with:

☐ the written confirmation of counsel in this action:

☐ [State Court motion, opposition or reply only] in accordance with Code of Civil Procedure section 1005(b):

☐ [Federal Court] in accordance with the written confirmation of counsel in this action and order of the court:

☐ (State) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on September 13, 2013, at Costa Mesa, CA.

Katie Costantino  
Type or Print Name

Signature
SERVICE LIST

Occupational Safety and Health Appeals Board  Via Certified Mail – Return Receipt
2520 Venture Oaks Way, Suite 300
Sacramento, CA 95833
Tel: (916) 274-5751
Fax: (916) 274-5785

Division of Occupational Safety & Health  Via U.S. Mail
320 West 4th Street, Suite 670
Los Angeles, CA 90013
Tel: (213) 576-7451
Fax: (213) 576-7461
PROOF OF SERVICE

I am and was at all times herein mentioned over the age of 18 years and not a party to the action in which this service is made. At all times herein mentioned I have been employed in the County of Orange in the office of a member of the bar of this court at whose direction the service was made. My business address is Park Tower, Suite 1500, 695 Town Center Drive, Costa Mesa, CA 92626.

On September 13, 2013, I served the following document(s):

APPEAL FORM AND ADDITIONAL AFFIRMATIVE DEFENSES CITATION 3

by placing □ (the original) ☒ (a true copy thereof) in a sealed envelope addressed as stated on the attached service list.

☒ BY MAIL: I placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with the practice of Ogletree, Deakins, Nash, Smoak & Stewart, P.C.'s practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

☒ BY CERTIFIED MAIL RETURN RECEIPT: I placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with the practice of Ogletree, Deakins, Nash, Smoak & Stewart, P.C.'s practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

☐ BY FACSIMILE by transmitting a facsimile transmission a copy of said document(s) to the following addressee(s) at the following number(s), in accordance with:

☐ the written confirmation of counsel in this action:

☐ [State Court motion, opposition or reply only] in accordance with Code of Civil Procedure section 1005(b):

☐ [Federal Court] in accordance with the written confirmation of counsel in this action and order of the court:

☐ (State) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on September 13, 2013, at Costa Mesa, CA.

Katie Costantino
Type or Print Name

Signature
SERVICE LIST

Occupational Safety and Health Appeals Board  Via Certified Mail – Return Receipt
2520 Venture Oaks Way, Suite 300
Sacramento, CA 95833
Tel: (916) 274-5751
Fax: (916) 274-5785

Division of Occupational Safety & Health  Via U.S. Mail
320 West 4th Street, Suite 670
Los Angeles, CA 90013
Tel: (213) 576-7451
Fax: (213) 576-7461
PROOF OF SERVICE

I am and was at all times herein mentioned over the age of 18 years and not a party to the action in which this service is made. At all times herein mentioned I have been employed in the County of Orange in the office of a member of the bar of this court at whose direction the service was made. My business address is Park Tower, Suite 1500, 695 Town Center Drive, Costa Mesa, CA 92626.

On September 13, 2013, I served the following document(s):

APPEAL FORM AND ADDITIONAL AFFIRMATIVE DEFENSES CITATION 4

by placing ☐ (the original) ☒ (a true copy thereof) in a sealed envelope addressed as stated on the attached service list.

☒ BY MAIL: I placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with the practice of Ogletree, Deakins, Nash, Smoak & Stewart, P.C.'s practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

☒ BY CERTIFIED MAIL RETURN RECEIPT: I placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with the practice of Ogletree, Deakins, Nash, Smoak & Stewart, P.C.'s practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

☐ BY FAXSIMILE by transmitting a facsimile transmission a copy of said document(s) to the following addressee(s) at the following number(s), in accordance with:

☐ the written confirmation of counsel in this action:

☐ [State Court motion, opposition or reply only] in accordance with Code of Civil Procedure section 1005(b):

☐ [Federal Court] in accordance with the written confirmation of counsel in this action and order of the court:

☐ (State) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on September 13, 2013, at Costa Mesa, CA.

Katie Costantino
Type or Print Name

[Signature]
SERVICE LIST

Occupational Safety and Health Appeals Board Via Certified Mail – Return Receipt
2520 Venture Oaks Way, Suite 300
Sacramento, CA 95833
Tel: (916) 274-5751
Fax: (916) 274-5785

Division of Occupational Safety & Health Via U.S. Mail
320 West 4th Street, Suite 670
Los Angeles, CA 90013
Tel: (213) 576-7451
Fax: (213) 576-7461
EASTERN MUNICIPAL WATER DISTRICT
BID BOND

Bid Bond No. N/A

KNOW ALL MEN BY THESE PRESENTS, that we

Los Angeles Engineering, Inc.

(Here insert full name and address or legal title of Contractor)

633 N. Barranca Ave., Covina, CA 91723

as Principal, hereinafter called the Principal, and

Liberty Mutual Insurance Company

175 Berkeley Street, Boston, MA 02116

(Here insert full name and address or legal title of Surety)

a corporation duly organized under the laws of the State of MA, 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 Amount Bid $100,000.00 Dollars (10%), 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 October 19, 2017, for French Valley RW Pipeline Phase 1, Specification No. 1308P

(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 13th day of October, 2017

CONTRACTOR AS PRINCIPAL

Company:

Los Angeles Engineering, Inc.

Signature: Aaron O'Brien

Name: Secretary

SURETY

Company:

Liberty Mutual Insurance Company

(Corporate Seal)

Signature: Maria Pena

Name: 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
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 Los Angeles

On 10/19/2017 before me, Joseph Haygood, Notary Public (insert name and title of the officer)

personally appeared Aaron O'Brien

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

(Seal)
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       )
                        ) ss
County of Los Angeles )

OCT 13 2017

On ________________, before me, Natalie K. Trofimoff, Notary Public, personally appeared Maria Pena, 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: ____________________________
Natalie K. Trofimoff, Notary Public
This Power of Attorney limits the acts of those named herein, and they have no authority to bind the Company except in the manner and to the extent herein stated. Not valid for mortgage, note, loan, letter of credit, bank deposit, currency rate, interest rate or residual value guarantees. To confirm the validity of this Power of Attorney, call 610-832-8240 between 9:00 am and 4:30 pm EST on any business day.

Liberty Mutual Insurance Company
The Ohio Casualty Insurance Company
West American Insurance Company

POWERS OF ATTORNEY

KNOWN ALL PERSONS BY THESE PRESENTS: That The Ohio Casualty Insurance Company is a corporation duly organized under the laws of the State of New Hampshire, that Liberty Mutual Insurance Company is a corporation duly organized under the laws of the State of Massachusetts, and West American Insurance Company is a corporation duly organized under the laws of the State of Indiana (herein collectively called the "Companies"), pursuant to and by authority herein set forth, does hereby name, constitute and appoint Maria Pena of the city of Los Angeles, state of CA, its true and lawful attorney-in-fact, with full power and authority hereby conferred to sign, execute and acknowledge the following surety bond:

Principal Name: Los Angeles Engineering, Inc.
Obligee Name: Eastern Municipal Water District
Surety Bond Number: Bid Bond
Bond Amount: See Bond Form

IN WITNESS WHEREOF, this Power of Attorney has been subscribed by an authorized officer or official of the Companies and the corporate seals of the Companies have been affixed thereto this 6th day of March, 2017.

The Ohio Casualty Insurance Company
Liberty Mutual Insurance Company
West American Insurance Company
By:
David M. Carey, Assistant Secretary

STATE OF PENNSYLVANIA
COUNTY OF MONTGOMERY

On this 6th day of March, 2017, before me personally appeared David M. Carey, who acknowledged himself to be the Assistant Secretary of Liberty Mutual Insurance Company, The Ohio Casualty Company, and West American Insurance Company, and that he, as such, being authorized so to do, execute the foregoing instrument for the purposes therein contained by signing on behalf of the corporations by himself as a duly authorized officer.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my notarial seal at King of Prussia, Pennsylvania, on the day and year first above written.

COMMONWEALTH OF PENNSYLVANIA

Notarial Seal
Teresa Pastella, Notary Public
Upper Merion Twp., Montgomery County
My Commission Expires March 28, 2021
Member, Pennsylvania Association of Notaries
By:
Teresa Pastella, Notary Public

This Power of Attorney is made and executed pursuant to and by authority of the following By-laws and Authorizations of The Ohio Casualty Insurance Company, Liberty Mutual Insurance Company, and West American Insurance Company which resolutions are now in full force and effect as follows:

ARTICLE IV - OFFICERS - Section 12. Power of Attorney. Any officer or other official of the Corporation authorized for that purpose in writing by the Chairman or the President, and subject to such limitation as the Chairman or the President may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Corporation in the execution, seal, acknowledge and deliver as surety and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact, subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Corporation by their signature and execution of any such instruments and to attach thereto the seal of the Corporation. When so executed, such instruments shall be as binding as if signed by the President and attested to by the Secretary. Any power or authority granted to any representative or attorney-in-fact under the provisions of this article may be revoked at any time by the Board, the Chairman, the President or by the officer or officers granting such power or authority.

ARTICLE XII - Execution of Contracts - SECTION 5. Surety Bonds and Undertakings. Any officer of the Company authorized for that purpose in writing by the Chairman or the President, and subject to such limitations as the Chairman or the President may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Company to make, execute, seal, acknowledge and deliver as surety and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Company by their signature and execution of any such instruments and to attach thereto the seal of the Company. When so executed such instruments shall be as binding as if signed by the President and attested by the Secretary.

Certificate of Designation - The President of the Company, acting pursuant to the Bylaws of the Company, authorizes David M. Carey, Assistant Secretary to appoint such attorneys-in-fact as may be necessary to act on behalf of the Company to make, execute, seal, acknowledge and deliver as surety and all undertakings, bonds, recognizances and other surety obligations.

Authorization - By unanimous consent of the Company's Board of Directors, the Company consents that facsimile or mechanically reproduced signature of any assistant secretary of the Company, wherever appearing upon a certified copy of any power of attorney issued by the Company in connection with surety bonds, shall be valid and binding upon the Company with the same force and effect as though manually affixed.

I, Renee C. Llewellyn, the undersigned, Assistant Secretary, The Ohio Casualty Insurance Company, Liberty Mutual Insurance Company, and West American Insurance Company do hereby certify that the original power of attorney of which the foregoing is a full, true and correct copy of the Power of Attorney executed by said Companies, is in full force and effect and has not been revoked.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seals of said Companies this 13th day of October, 2017.

By:
Renee C. Llewellyn, Assistant Secretary
MINUTES OF SPECIAL MEETING OF THE
BOARD OF DIRECTORS OF
LOS ANGELES ENGINEERING, INC.
A California Corporation

The Directors of LOS ANGELES ENGINEERING, INC., A California Corporation, held the special Meeting of the Board of Directors at 633 N. Barranca, Covina, California, on May 1, 2017 at the hour of 2:00 p.m. for the purpose of passing on any business which might be brought before the meeting.

There were present at said meeting the following Directors, constituting a quorum of the full Board:

ANGUS O'BRIEN AND AARON O'BRIEN

ANGUS O'BRIEN acted as Chairman of the meeting and AARON O'BRIEN acted as Secretary of the meeting.

RESOLVED - Angus O'Brien, Aaron O'Brien and Beth Ballard as Officers are authorized to sign bid documents and contracts concerning the corporation business and thereby bind the corporation to the contract and is authorized to do all things necessary and properly to carry out negotiations and execution of contracts with a public agency.

RESOLVED - The following persons are confirmed as the duly elected officers, serving in their said capacity until their successors are elected and qualified:

Angus O'Brien  President
Aaron O'Brien  Secretary
Aaron O'Brien  Chief Estimator
Beth Ballard  Chief Financial Officer

There being no further business to come before the meeting and upon motion duly made, seconded and unanimously carried, the meeting was adjourned.

AARON O'BRIEN, Secretary

ATTEST:

ANGUS O'BRIEN, Chairman and President

This Corporate Resolution is in force.
Signed this 19th day of October, 2017

Aaron O'Brien, Secretary