

CITY OF HUNTINGTON PARK

**City Council Meeting
Tuesday, December 17, 2019**

REGULAR AGENDA

6. Consideration and Approval to Award a Construction Contract for CIP 2018-08
Huntington Park Greenway Project

ADDITIONAL INFORMATION TO ATTACHMENT “B”:

MARINA PROPOSAL

Donna Schwartz

From: Joe Fuentes <Joe@marinaco.com>
Sent: Monday, December 16, 2019 9:19 AM
To: Cesar Roldan; Ali Tavakoli; Bob Cowan; Hue Ta; Gerardo Flores
Cc: Christopher Ngo; Marina_Estimating; Raul Alvarez; Donna Schwartz; Ricardo Reyes; Steve Forster
Subject: RE: of CIP 2018-08 Huntington Park Linear Project FY 2019-20 - Bid Protest

Good morning Mr. Roldan,

I would like to state our position with regard to the protest in place for the Linear Park project and will outline below.

The bid documents do not provide a checklist of documents constituting a complete bid submittal and did not find any verbiage requiring submittal of the listed Exhibits as the protest implies.

In fact, these exhibits are documents to be executed as part of the final agreement and can be confirmed by both the attached Table of Contents to the project manual and paragraph 6.19 of the agreement itself.

All of the Proposal sheets as further identified by the Table of Contents, pages C-1 through C-13 were included as part of Marina's proposal and should be deemed complete and responsive.

Regardless, we will comply with your request to submit the aforementioned exhibits by your deadline today.

NOTICE INVITING SEALED BIDS	A-1 to A-2
INSTRUCTIONS TO BIDDERS	B-1 to B-3
PROPOSAL	C-1 to C-13
CONTRACT AGREEMENT	D-1 to D-23
GENERAL SPECIFICATIONS	E-1 to E-3
SPECIAL PROVISIONS	GP-1 to GP-3
PART 1 – GENERAL	GP-4 to GP-15
PART 2 – BID ITEM DESCRIPTION	BD-1 to BD-47
STANDARD PLANS	APPENDIX "A"
DEPARTMENT OF INDUSTRIAL RELATIONS (DIR) CONTRACTOR REGISTRATION NUMBER FORM	APPENDIX "B"
FUNDING ACKNOWLEDGEMENT SIGN	APPENDIX "C"

- 6.19 **ENTIRE AGREEMENT:** This Agreement including all attached exhibits is the entire, complete, final and exclusive expression of the Parties with respect to the matters addressed herein and supersedes all other agreements or understandings, whether oral or written, or entered into between CITY and CONTRACTOR prior to the execution of this Agreement. No statements, representations or other agreements, whether oral or written, made by any Party which are not embodied herein shall be valid or binding. No amendment, modification or supplement to this Agreement shall be valid and binding unless in writing and duly executed by the Parties pursuant to Section 6.15, above.

As to the requirements of a Geotechnical Engineer, Marina intends to subcontract this scope to *Twining Laboratories, Inc.* their address is *2883 East Spring Street, Suite #300*

In the *City of Long Beach, CA 90806 (562) 426-3355*. Based on our interpretation and assumptions of the required scope and specifications, we calculated their scope to be below the required .05% listing requirements as outlined by the Designation of Subcontractors form C-7.

We hope the City and yourself find this to be acceptable and look forward to partnering with the City to make this a successful project.

Feel free to contact me with any further questions or concerns in the matter.

Cordially,

Joe Fuentes
Project Estimator

714-704-0467

EXHIBIT "C"

FALSE CLAIMS FORM

Proposer shall provide either the certification requested below, or the information requested on the next page. Failure to certify or provide the requested information may result in a determination that the Proposer is non-responsive, and City may reject the proposal on this basis. Failure to fully and accurately provide the requested certification or information may result in a determination that the Proposer is not responsible, and City may reject the proposal on this basis as well. "False Claims Act", as used herein, is defined as either or both the Federal False Claims Act, 31 U.S.C. section 3729 et seq., and the California False Claims Act, Government Code section 12650 et seq.

FALSE CLAIMS ACT CERTIFICATION

If the Proposer has no False Claims Act violations as described above, complete the following:

I, HUE TA am the V.P. OF ESTIMATING
(Print name of person responsible for submitting proposal) (Title with proposing entity)

of MANINA LANDSCAPE, INC (hereinafter, "Proposer").
(Print Name of Proposing Entity)

In submitting this proposal to the City of Huntington Park, I hereby certify that neither Proposer nor any person who is an officer of, in a managing position with, or has an ownership interest in Proposer has been determined by a court or tribunal of competent jurisdiction to have violated the False Claims Act as defined above.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this day of 13th of December 2019, at Orange, CA
(month and year) (city and state)

By (Signature of Person Responsible for Submitting Proposal on behalf of Proposer)



CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

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

State of California)
 County of Orange)
 On Dec. 16, 2019 before me, Kristen Ness, Notary Public,
 Date Here Insert Name and Title of the Officer
 personally appeared Hue ta
 Name(s) of Signer(s)

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

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

WITNESS my hand and official seal.



Signature [Signature]
 Signature of Notary Public

Place Notary Seal Above

OPTIONAL

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

Description of Attached Document

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

Capacity(ies) Claimed by Signer(s)

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

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

FALSE CLAIMS ACT VIOLATIONS INFORMATION

(1) Date of Determination of Violation: _ _ _ _ _

(2) Identity of tribunal or court and case name or number, if any:

(3) Government CONTRACTOR or project involved:

(4) Government agency involved:

(5) Amount of fine imposed:

(6) Exculpatory Information:

DECLARATION

I, am the HUE TA (Print name of person responsible for submitting proposal) (Title with proposing entity)

of MAJUNA LANDSCAPE, INC. (hereinafter, "Proposer").
(Print Name of Proposing Entity)

I declare under penalty of perjury that the above information is true and correct.

Executed this day of at (month and year) (city and state)

13th of December, 2019 at Orange, CA

By (Signature of Person Responsible for Submitting Proposal on behalf of Proposer)



EXHIBIT "D"

CIVIL LITIGATION CERTIFICATION, HISTORY, AND DECLARATION

Proposer shall provide either the certification requested below, or information requested on the next page. Failure to provide such certification or information may result in a determination that the Proposer is nonresponsive. Failure to fully and accurately provide the requested certification or information may result in a determination that the Proposer is not responsible. For the five (5) years preceding the date of submittal of this Proposal, identify any civil litigation arising out of the performance of a CONTRACTOR within the State of California in which any of the following was a named plaintiff or defendant in a lawsuit brought by or against the entity soliciting Proposals: the Proposer submitting the instant Proposal, including any person who is an officer of, or in a managing position with, or has an ownership interest in, the entity submitting the Proposal. Do not include litigation which is limited solely to enforcement of mechanics' liens or stop notices. Provide on the following page labeled "Civil Litigation History Information:" (i) the name and court case identification number of each case, (ii) the jurisdiction in which it was filed, and (iii) the outcome of the litigation, e.g., whether the case is pending, a judgment was entered, a settlement was reached, or the case was dismissed.

CIVIL LITIGATION CERTIFICATION

If the Proposer has no civil litigation history to report as described above, complete the following:

I, am the HUE TA (Print name of person responsible for submitting proposal)
(Title with proposing entity)

of MARINA LANDSCAPE, INC. (hereinafter, "Proposer").
(Print Name of Proposing Entity)

In submitting this Proposal to the City of Huntington Park, I hereby certify that neither the Proposer nor any person who is an officer of, in a managing position with, or has an ownership interest in Proposer has been involved in civil litigation as described, above.

I declare under penalty of perjury that the above information is true and correct.

Executed this day of 13th of December, 2019 at Orange, CA
(month and year) (city and state)

By (Signature of Person Responsible for Submitting Proposal on behalf of Proposer).



CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

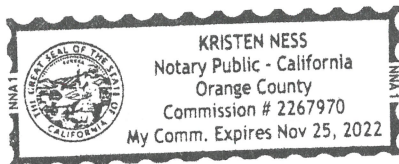
A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
 County of Orange)
 On Dec. 16, 2019 before me, Kristen Ness, Notary Public,
 Date Here Insert Name and Title of the Officer
 personally appeared Hue ta
 Name(s) of Signer(s)

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

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

WITNESS my hand and official seal.



Signature [Signature]
 Signature of Notary Public

Place Notary Seal Above

OPTIONAL

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

Description of Attached Document

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

Capacity(ies) Claimed by Signer(s)

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

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

CIVIL LITIGATION HISTORY INFORMATION

- (1) Name of Case:
- (2) Court case identification number:
- (3) Outcome of the case:

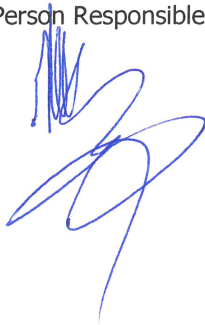
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- (3) Outcome of the case:

- (1) Name of Case:
- (2) Court case identification number:
- (3) Outcome of the case:

DECLARATION

I, , am the HUE TA (Print name of person responsible for submitting proposal)
(Title with proposing entity) of MAVINA LANDSCAPE, INC.
(hereinafter, "Proposer"). (Print Name of Proposing Entity) I declare under penalty of perjury that
the above information is true and correct. Executed this day of at (month and year) (city and
state) By: (Signature of Person Responsible for Submitting Proposal on behalf of Proposer)

END OF DOCUMENT



Marina Landscape, Inc.

Resolution to Sign Contracts, Bid Documents and Bid Bonds

Whereas, the Corporation requires an additional person as the Corporate Assistant Secretary for signing and executing the Contracts, Bid Documents, and Bid Bonds in the absence of the Secretary. Whereas, it would be desirous to have two (2) Assistant Secretaries available to sign Documents, or in the absence of the President/CEO/Secretary, be it:

Resolved, that the CFO, Vice Presidents, and Assistant Secretaries of this Corporation be hereby authorized and empowered to sign Contracts, Bid Documents and Bid Bonds, in the name of and on behalf of this Corporation.

Resolved, that Hue Ta is assigned the title of Vice President of Estimating, and is authorized as such to sign Contracts, Bid Documents, and Bid Bonds.

The undersigned hereby certifies that he is the duly elected and qualified Secretary and the custodian of the books and records and seal of Marina Landscape, Inc., a corporation duly formed pursuant to the laws of the state of California and that the foregoing is a true record of a resolution duly adopted at a special meeting of the Board of Directors and that said meeting was held in accordance with state law and the Bylaws of the above-named Corporation on March 1, 2019, and that said resolution is now in full force and effect without modification or rescission.

In witness whereof, I have executed my name as Secretary and have hereunto affixed the corporate seal of the above-named Corporation this 1st day of March, 2019.



Robert B. Cowan, Secretary
Marina Landscape, Inc.

MARINA LANDSCAPE, INC.