

DOCUMENT 00400

**BID FORM**

To be submitted as part of Envelope "A" by the time and date specified in Document 00200 (Instructions to Bidders).

**TO THE HONORABLE CITY COUNCIL OF THE CITY OF CUPERTINO**

THIS BID IS SUBMITTED BY:

AQUATIC ENVIRONMENTS, INC.

(Firm/Company Name)

**Re: PROJECT NUMBER 2008-9421  
CIVIC CENTER FOUNTAIN UPGRADE**

1. The undersigned Bidder proposes and agrees, if this Bid is accepted, to enter into a contract with the City of Cupertino ("City") in the form included in the Contract Documents, Document 00520 (Contract), to perform and furnish all Work as specified or indicated in the Contract Documents for the Contract Sum and within the Contract Time indicated in this Bid and in accordance with all other terms and conditions of the Contract Documents. All portions of this Bid Form must be completed and signed before the bid is submitted. Failure to do so will result in the bid being rejected as non-responsive.
2. Bidder accepts all of the terms and conditions of the Contract Documents, Document 00100 (Advertisement for Bids), and Document 00200 (Instructions to Bidders), including, without limitation, those dealing with the disposition of Bid Security. This Bid will remain subject to acceptance for 90 Days after the day of Bid opening.
3. Bidder has visited the Site and performed all tasks, research, investigation, reviews, examinations, and analysis and given notices, regarding the Project and the Site, as set forth in Document 00520 (Contract), Article 5.
4. Bidder has given City prompt written notice of all conflicts, errors, ambiguities, or discrepancies that it has discovered in or among the Contract Documents and as-built drawings and actual conditions and the written resolution thereof through Addenda issued by City is acceptable to Contractor.
5. Subcontractors for work included in all Bid items, in accordance with the criteria in the Public Contract Code, are listed on the attached Document 00430 (Subcontractors List).
6. The undersigned Bidder understands that City reserves the right to reject this Bid.
7. If written notice of the acceptance of this Bid, hereinafter referred to as Notice of Award, is mailed or delivered to the undersigned Bidder within the time described in paragraph 2 of this Document 00400 or at any other time thereafter before it is withdrawn, the undersigned Bidder will execute and deliver the documents required by Document 00200 (Instructions to Bidders) within the times specified therein. These documents include, but are not limited to, Document 00520 (Contract), Document 00610 (Construction Performance Bond), and Document 00620 (Construction Labor and Material Payment Bond).
8. Notice of Award or request for additional information may be addressed to the undersigned Bidder at the address set forth below on the signature page.
10. The undersigned Bidder herewith encloses cash, a cashier's check, or certified check of or on a responsible bank in the United States, or a corporate surety bond furnished by a surety authorized to do a surety business in

the State of California, in form specified in Document 00200 (Instructions to Bidders), in the amount of ten percent (10%) of the total of Bid and made payable to the "City of Cupertino".

11. The undersigned Bidder agrees to commence Work under the Contract Documents on the date established in Document 00700 (General Conditions) and to complete all work within the time specified in Document 00520 (Contract). The undersigned Bidder acknowledges that City has reserved the right to delay or modify the commencement date. The undersigned Bidder further acknowledges City has reserved the right to perform independent work at the Site, the extent of such work may not be determined until after the opening of the Bids, and that the undersigned Bidder will be required to cooperate with such other work in accordance with the requirements of the Contract Documents.
12. The undersigned Bidder agrees that, in accordance with Document 00700 (General Conditions), liquidated damages for failure to complete all Work in the Contract within the time specified in Document 00520 (Contract) shall be as set forth in Document 00520 (Contract).

**SCHEDULE OF BID PRICES**

All Bid items, including lump sums and unit prices, must be filled in completely. Allowances and Alternative Bid items are described in Document 00800 (Special Conditions). Quote in figures only, unless words are specifically requested.

Specialty Items are identified on the Bid Form in the description.

ITEM	DESCRIPTION	UNIT	EST QTY	TOTAL
1	Install Civic Center Fountain Upgrade	LS	1	258,750 <sup>00</sup>
<b>TOTAL BID PRICE</b>				

Total Bid Price: TWO HUNDRED FIFTY EIGHT THOUSAND, SEVEN HUNDRED FIFTY DOLLARS  
(Words)

**Unit Legend**

LS = Lump Sum  
EA = Each  
LF = Linear Feet  
TON = Ton or 2,000 Pounds  
CY = Cubic Yards  
LB = Pounds

AL = Allowance  
SF = Square Feet

**ACKNOWLEDGEMENT OF RECEIPT OF ADDENDUMS**

Bidder hereby acknowledges receipt and examination of all Contract Documents and the following Addenda:

Addendum No.	Addendum Date
1	29 OCT 08

Bidder proposes and agrees to fully perform the Work within the time stated and in strict accordance with the Contract Documents for the sums of money listed in this Bid Form.

**NAME OF BIDDER:** AQUATIC ENVIRONMENTS, INC.

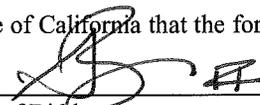
licensed in accordance with an act for the registration of Contractors, and with license number: A 754569  
 Expiration Date: 30 SEPT 2010

CALIFORNIA  
 Where incorporated, if applicable

GEORGE P. FORNI, II

Principals

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

  
 Signature of Bidder

NOTE: If Bidder is a corporation, set forth the legal name of the corporation, state where incorporated, together with the signature of the officer or officers authorized to sign contracts on behalf of the corporation. If Bidder is a partnership, set forth the name of the firm together with the signature of the partner or partners authorized to sign contracts on behalf of the partnership.

Business Address: 4000 INDUSTRIAL WAY  
CONCORD, CA 94520

Officers authorized to sign contracts: GEORGE P. FORNI, II

Telephone Number(s): 925-521-0400  
 Typed Full Name:

Fax Number(s): 925-521-0403

E-Mail Address: GFORNI@AQUAMOG.COM

END OF DOCUMENT

DOCUMENT 00430

**SUBCONTRACTORS LIST**

Bidder submits the following information as to the subcontractors Bidder intends to employ if awarded the Contract.

Full Name of Subcontractor and Address	Description of Work: Reference To Bid Items	Subcontractor's License No.
DELLAMARIA ELECTRIC P.O. BOX 1127 COBB, CA 94526	ELECTRICAL	794422

(Bidder to attach additional sheets if necessary)

END OF DOCUMENT

DOCUMENT 00460

**SCHEDULE OF MAJOR EQUIPMENT AND MATERIAL SUPPLIERS**

The undersigned Bidder represents that, if awarded the Contract, the items of major equipment and materials specified below will be supplied by the manufacturers or suppliers specified below. By so indicating, bidder warrants that the equipment and materials manufacturer and/or supplied by the named manufacturer or supplier will be provided on the Project unless review of submittal information or performance under tests reveals that the equipment or material does not meet Contract requirements. Failure to indicate a manufacturer or supplier listed in the following schedule may render the Bid non-responsive and may be the basis for rejection of the Bid.

<u>Item</u>	<u>Manufacturer or Supplier</u>
1. Ultraviolet Sterilizer	<u>ETS model ECF-225-10</u>
2. Water Treatment Controller w/PH System	<u>Strantral System 3i</u>

Bidder: AQUATIC ENVIRONMENTS, INC.

  
\_\_\_\_\_  
SIGNATURE

NOV - 13, 2008  
\_\_\_\_\_  
DATE

END OF DOCUMENT

DOCUMENT 00210

INDEMNITY AND RELEASE AGREEMENT

Dated 13 NOV 08

POTENTIAL BIDDER: AQUATIC ENVIRONMENTS, INC.

CITY: THE CITY OF CUPERTINO

SITE: 10300 Torre Avenue

PROJECT: CIVIC CENTER FOUNTAIN UPGRADE

In consideration of the above-referenced City's permitting the undersigned potential bidder ("Bidder") to have access to, and to conduct investigations, tests and/or inspections on, the Site, Bidder hereby agrees as follows:

- 1. To the greatest extent permitted by law, Bidder hereby releases, and shall defend, indemnify and hold harmless City, and its officers, employees, consultants (including without limitation Consulting Engineer), representatives, and agents, and all other parties having any other interest in the Site, against any claim or liability, including attorney's fees, arising from or relating to any Site-related access, investigation, test, inspection and/or other activity conducted by Bidder or any of Bidder's officers, employees, consultants, representatives, and/or agents, regardless of whether claim or liability is caused in part by the negligence of City or by any released and indemnified party.
- 2. Bidder hereby waives the provisions of California Civil Code Section 1542 which provides as follows:  
  
A general release does not extend to claims that the creditor does not know or suspect to exist in his favor at the time of executing the release, which if known by him, must have materially affected his settlement with the debtor.
- 3. Bidder shall repair any damage to the Site or adjacent property resulting from activities authorized hereunder, and comply with and be subject to all other requirements and obligations described or referenced in Document 00320 (Geotechnical Data and Existing Conditions).
- 4. Attached hereto (or to be delivered separately before Bidder's visit to the Site) is a certificate for comprehensive general liability insurance satisfying the requirements of Document 00700 (General Conditions).
- 5. Although this Indemnity and Release Agreement is not a Contract Document (see Document 00520 Contract), it shall be fully effective and binding regardless of whether Bidder submits a Bid for the subject Project, is awarded a contract for the Project, or otherwise.

AQUATIC ENVIRONMENTS, INC.  
Name of Bidder

By: [Signature]  
Signature

By: \_\_\_\_\_  
Signature

Its: PRESIDENT  
Title (If Corporation: Chairman, President or Vice President)

Its: \_\_\_\_\_  
Title (If Corporation: Secretary, Assistant Secretary, Chief Financial Officer or Assistant Treasurer)

DOCUMENT 00481

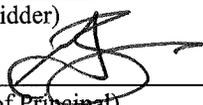
**NON-COLLUSION AFFIDAVIT  
PUBLIC CONTRACT CODE §7106**

NON-COLLUSION AFFIDAVIT TO BE EXECUTED BY BIDDER AND SUBMITTED WITH BID

STATE OF CALIFORNIA )  
 )  
COUNTY OF CONTRA COSTA ) ss.

GEORGE P. FORNI, II, being first duly sworn, deposes and says that he or she is PRESIDENT [Office of Affiant] of AQUATIC ENVIRONMENTS, INC. [Name of Bidder], the party making the foregoing Bid, that the Bid is not made in the interest of, or on behalf of, any undisclosed person, partnership, company, association, organization, or corporation; that the Bid is genuine and not collusive or sham; that Bidder has not directly or indirectly induced or solicited any other bidder to put in a false or sham Bid, and has not directly or indirectly colluded, conspired, connived or agreed with any bidder or anyone else to put in a sham Bid, or that anyone shall refrain from bidding, and that the Bidder has not in any manner, directly or indirectly, sought by contract, communication or conference with anyone to fix the Bid price of Bidder or any other bidder, or to fix any overhead, profit or cost element of the Bid price, or of that of any other bidder, or to secure any advantage against the City of Cupertino, or anyone interested in the proposed contract; that all statements contained in the Bid are true; and further, that Bidder has not, directly or indirectly, submitted its Bid price or any breakdown thereof, or the contents thereof, or divulged information or data relative thereto, or paid, and will not pay, any fee to any corporation, partnership, company association, organization, Bid depository, or to any member or agent thereof to effectuate a collusive or sham Bid.

Executed under penalty of perjury under the laws of the State of California:

AQUATIC ENVIRONMENTS, INC.  
(Name of Bidder)  
  
(Signature of Principal)

Please see attached Acknowledgment  
Subscribed and sworn before me \_\_\_\_\_

This \_\_\_\_\_ day of \_\_\_\_\_, 2008

Notary Public of the State of \_\_\_\_\_  
In and for the County of \_\_\_\_\_  
My Commission expires \_\_\_\_\_

(Seal)

(If Bidder is a partnership or a joint venture, this affidavit must be signed and sworn to by every member of the partnership or venture.)

(If Bidder [including any partner or venturer of a partnership or joint venture] is a corporation, this affidavit must be signed by the Chairman, President, or Vice President and by the Secretary, Assistant Secretary, Chief Financial Officer, or Assistant Treasurer.)

(If Bidder's affidavit on this form is made outside the State of California, the official position of the person taking such affidavit shall be certified according to law.)

END OF DOCUMENT

**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

State of California

County of Contra Costa

On Nov. 13 2008 before me, Yvette Saybe, Notary Public

personally appeared George Torni



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 Yvette Saybe

Place Notary Seal Above

**OPTIONAL**

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

**Description of Attached Document**

Title or Type of Document: Non-Collusion Affidavit

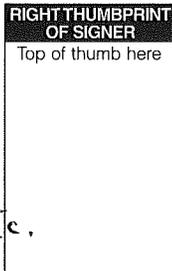
Document Date: N/A Number of Pages: 1

Signer(s) Other Than Named Above: N/A

**Capacity(ies) Claimed by Signer(s)**

Signer's Name: George Torni

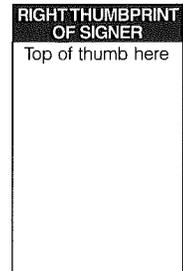
- Individual
- Corporate Officer — Title(s): President
- Partner —  Limited  General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: \_\_\_\_\_



Signer Is Representing: Aquatic Environment, Inc.

Signer's Name: \_\_\_\_\_

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



Signer Is Representing: \_\_\_\_\_