

**PROPOSAL FORM 1(IS)**

**INITIAL SUBMITTAL TRANSMITTAL LETTER**

(To be typed on Proposer's Letterhead)

[Date]

James A Yost, PE, Project Engineer  
Davis Woodland Water Supply Project  
2020 Research Park Drive, Suite 100  
Davis, CA 95618

Re: Initial Submittal for Davis Woodland Water Supply DBO Project

\_\_\_\_\_ (the Proposer) hereby submits its Initial Submittal in response to the Request for Proposals for the Davis Woodland Water Supply DBO Project (RFP) issued by the Woodland-Davis Clean Water Agency on \_\_\_\_\_, as amended.

As a duly authorized representative of the Proposer, I hereby certify, represent, and warrant, on behalf of the Proposer team, as follows in connection with the Initial Submittal:

1. The Proposer acknowledges receipt of the RFP and the following addenda:

<u>No.</u>	<u>Date</u>
_____	_____
_____	_____
_____	_____

2. The submittal of the Initial Submittal has been duly authorized by, and in all respects is binding upon, the Proposer. Attachment 1 to this transmittal letter is a Certificate of Authorization which evidences my authority to submit the Initial Submittal and bind the Proposer.

3. All information and statements contained in the Initial Submittal are current, correct, and, to the extent appropriate for the Initial Submittal, complete.

4. The Initial Submittal has been prepared and is submitted without collusion, fraud or any other action taken in restraint of free and open competition for the services contemplated by the RFP.

5. Neither the Proposer, the [Guarantor,] [Initial Guarantor, the Successor Guarantor,] nor any Project team member is currently suspended or debarred from doing business with any governmental entity.

6. The Proposer has reviewed all of the engagements and pending engagements of the Proposer and the [Guarantor,] [Initial Guarantor, and the Successor Guarantor,] and no potential exists for any conflict of interest or unfair advantage.

7. No person or selling agency has been employed or retained to solicit the award of the Service Contract under an arrangement for a commission, percentage, brokerage or contingency fee or on any other success fee basis, except bona fide employees of the Proposer or the [Guarantor] [Initial Guarantor and the Successor Guarantor].

8. The principal contact person who will serve as the interface between the Agency and the Proposer for all communications is:

NAME: \_\_\_\_\_  
TITLE: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_  
\_\_\_\_\_  
PHONE \_\_\_\_\_  
FAX: \_\_\_\_\_  
E-MAIL: \_\_\_\_\_

9. The key technical and legal representatives available to provide timely response to written inquiries submitted, and to attend meetings requested by the Agency are:

Technical Representative:

NAME: \_\_\_\_\_  
TITLE: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_  
\_\_\_\_\_  
PHONE \_\_\_\_\_  
FAX: \_\_\_\_\_  
E-MAIL: \_\_\_\_\_

Legal Representative:

NAME: \_\_\_\_\_  
TITLE: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_  
\_\_\_\_\_  
PHONE \_\_\_\_\_  
FAX: \_\_\_\_\_  
E-MAIL: \_\_\_\_\_

10. The Proposer has carefully examined all documents constituting the RFP and the addenda thereto.

\_\_\_\_\_  
Name of Proposer

\_\_\_\_\_  
Name of Designated Signatory

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

ACKNOWLEDGMENT BY NOTARY PUBLIC  
[Cal. Civ. Code, § 1189]

State of California            )  
County of                    )

On \_\_\_\_\_ before me, \_\_\_\_\_, a notary public, personally appeared \_\_\_\_\_, 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)

*[Or use another state's acknowledgement form in accordance with the laws of the state where the Proposal is signed.]*

Attachment 1

CERTIFICATE OF AUTHORIZATION\*

I, \_\_\_\_\_, a resident of \_\_\_\_\_ in the State of \_\_\_\_\_, DO HEREBY CERTIFY that I am the Clerk/Secretary of \_\_\_\_\_, a [corporation] [duly organized and existing under and by virtue of the laws of \_\_\_\_\_]; that I have custody of the records of the [corporation]; and that as of the date of this certification, \_\_\_\_\_ holds the title of \_\_\_\_\_ of the [corporation], and is authorized to execute and deliver in the name and on behalf of the [corporation] the Initial Submittal submitted by the [corporation] in response to the Request for Proposals for the Davis Woodland Water Supply DBO Project, issued by the Woodland-Davis Clean Water Agency in September 2011, as amended; and all documents, letters, certificates and other instruments which have been executed by such officer on behalf of the [corporation] in connection therewith.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the corporation this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

(Affix Seal Here)

\_\_\_\_\_  
Clerk/Secretary

*\* Note: Separate certifications shall be submitted if more than one corporate officer has executed documents as part of the Initial Submittal. Proposers shall make appropriate conforming modifications to this Certificate in the event that the signatory's address is outside of the United States.*

**PROPOSAL FORM 1(P)**  
**PROPOSAL TRANSMITTAL LETTER**

(To be typed on Proposer's Letterhead)

[Date]

James A Yost, PE, Project Engineer  
Davis Woodland Water Supply Project  
2020 Research Park Drive, Suite 100  
Davis, CA 95618

Re: Proposal for Davis Woodland Water Supply DBO Project

\_\_\_\_\_ (the Proposer) hereby submits its Proposal in response to the Request for Proposals for the Davis Woodland Water Supply DBO Project (RFP) issued by the Woodland-Davis Clean Water Agency on \_\_\_\_\_, as amended.

As a duly authorized representative of the Proposer, I hereby certify, represent, and warrant, on behalf of the Proposer team, as follows in connection with the Proposal:

1. The Proposer acknowledges receipt of the RFP and the following addenda:

<u>No.</u>	<u>Date</u>
_____	_____
_____	_____
_____	_____

2. The submittal of the Proposal has been duly authorized by, and in all respects is binding upon, the Proposer. Attachment 1 to this transmittal letter is a Certificate of Authorization which evidences my authority to submit the Proposal and bind the Proposer.

3. All firms currently included as part of the Project team are identified in Attachment 2 to this Proposal Form.

4. A list of registrations, licenses, and certifications held by Project team members and Key Personnel is included as Attachments 3 to this transmittal letter.

5. [The Proposer's obligations under the Service Contract will be guaranteed absolutely and unconditionally by \_\_\_\_\_, as evidenced by the Guarantor Acknowledgment certificate submitted as Proposal Form 7A. Attachment 1 to Proposal Form 7A is a Certificate of Authorization, which evidences the signer's authority to submit the Guarantor Acknowledgment certificate and enter into a Guaranty Agreement with the Agency.]

[The Proposer's obligations under the Service Contract will also be guaranteed absolutely and unconditionally by \_\_\_\_\_ (the "Initial Guarantor") and \_\_\_\_\_ (the "Successor Guarantor"), as evidenced by the Initial Guarantor Acknowledgment and Successor Guarantor Acknowledgment certificates submitted as Proposal Forms 7B and 7C, respectively. Attachment 1 to Proposal Forms 7B and 7C is a Certificate of Authorization, which evidences the signer's authority to submit the Initial Guarantor Acknowledgment and the Successor Guarantor Acknowledgment certificate and enter into an Initial Guaranty Agreement and a Successor Guaranty Agreement, as applicable, with the Agency.]

6. The Performance Bond issued on behalf of \_\_\_\_\_, [the Company, assuring that the Company] [as the design-build Subcontractor of the Proposer based upon a dual obligee structure, assuring that the design-build Subcontractor] will perform its Design-Build Work duties in accordance with the terms of the Service Contract, will be provided by \_\_\_\_\_, as evidenced by such surety's letter of intent submitted as Proposal Form 5A.
7. The Payment Bond issued on behalf of \_\_\_\_\_, the Company, assuring that the Company will perform the payment obligations in connection with its Design-Build Work duties in accordance with the terms of the Service Contract, will be provided by \_\_\_\_\_, as evidenced by such surety's letter of intent submitted as Proposal Form 5B.
8. The Operations Performance Bond issued on behalf of \_\_\_\_\_, the Company, assuring that the Company will perform its Operation Services duties in accordance with the terms of the Service Contract, will be provided by \_\_\_\_\_, as evidenced by such surety's letter of intent submitted as Proposal Form 5C.
9. The Required Design-Build Period Insurance required by the Service Contract will be provided or brokered by \_\_\_\_\_, as evidenced by the Insurance Letter of Intent submitted on Proposal Form 6.
10. The Required Operation Period Insurance required by the Service Contract will be provided or brokered by \_\_\_\_\_, as evidenced by the Insurance Letter of Intent submitted on Proposal Form 6.
11. All information and statements contained in the Proposal are current, correct and complete, and are made with full knowledge that the Agency will rely on such information and statements in selecting the More Favorable Proposer and the Successful Proposer and executing the Service Contract.
12. The Proposal has been prepared and is submitted without collusion, fraud or any other action taken in restraint of free and open competition for the services contemplated by the RFP.
13. Neither the Proposer, the [Guarantor] [Initial Guarantor, the Successor Guarantor] nor any Project team member is currently suspended or debarred from doing business with any governmental entity.
14. The Proposer has reviewed all of the engagements and pending engagements of the Proposer and the [Guarantor,] [Initial Guarantor and the Successor Guarantor] and no potential exists for any conflict of interest or unfair advantage.
15. No person or selling agency has been employed or retained to solicit the award of the Service Contract under an arrangement for a commission, percentage, brokerage or contingency fee or on any other success fee basis, except bona fide employees of the Proposer or the [Guarantor] [Initial Guarantor and the Successor Guarantor].
16. The Proposer, the proposed Company, and the [Guarantor] [Initial Guarantor and Successor Guarantor] have not engaged in any practices that may result in unlawful activity including, but not limited to, rebates, kickbacks, or other unlawful consideration in connection with the submittal of this Proposal.
17. The Proposer and the proposed Company, as applicable, have all current and valid licenses, registrations and certificates required by applicable law to submit this Proposal and for provision of the services described in the RFP.
18. The principal contact person who will serve as the interface between the Agency and the Proposer for all communications is:

NAME: \_\_\_\_\_  
TITLE: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_  
\_\_\_\_\_  
PHONE \_\_\_\_\_  
FAX: \_\_\_\_\_  
E-MAIL: \_\_\_\_\_

19. The key technical and legal representatives available to provide timely response to written inquiries submitted, and to attend meetings requested by the Agency are:

Technical Representative:

NAME: \_\_\_\_\_  
TITLE: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_  
\_\_\_\_\_  
PHONE \_\_\_\_\_  
FAX: \_\_\_\_\_  
E-MAIL: \_\_\_\_\_

Legal Representative:

NAME: \_\_\_\_\_  
TITLE: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_  
\_\_\_\_\_  
PHONE \_\_\_\_\_  
FAX: \_\_\_\_\_  
E-MAIL: \_\_\_\_\_

20. The final draft Service Contract in the form issued with the RFP, as amended, is agreed to and the Proposer has based its Proposal on such Service Contract, notwithstanding any suggested modifications submitted on Proposal Form 43, which the Agency may or may not agree to, in its sole discretion.
21. If selected, the Proposer agrees to negotiate in good faith to enter into a Service Contract that reflects the substantive terms and conditions of the RFP and the Proposal.
22. The Proposer has submitted all Proposal Forms required to be submitted by the RFP and such Proposal Forms are a part of this Proposal.
23. The Proposer has carefully examined all documents constituting the RFP and the addenda thereto and, being familiar with the work and the conditions affecting the work contemplated by the RFP and such addenda, offers to furnish all plant, labor, materials, supplies, equipment, facilities and services which are necessary, proper or incidental to carry out such work as required by and in strict accordance with the RFP and the Proposal, all for the prices set forth in the Proposal Forms.

\_\_\_\_\_  
Name of Proposer

\_\_\_\_\_  
Name of Designated Signatory

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

ACKNOWLEDGMENT BY NOTARY PUBLIC  
[Cal. Civ. Code, § 1189]

State of California            )  
County of                    )

On \_\_\_\_\_ before me, \_\_\_\_\_, a notary public, personally appeared \_\_\_\_\_, 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)

*[Or use another state's acknowledgement form in accordance with the laws of the state where the Proposal is signed.]*



Attachment 1

CERTIFICATE OF AUTHORIZATION\*

I, \_\_\_\_\_, a resident of \_\_\_\_\_ in the State of \_\_\_\_\_, DO HEREBY CERTIFY that I am the Clerk/Secretary of \_\_\_\_\_, a [corporation] duly organized and existing under and by virtue of the laws of \_\_\_\_\_; that I have custody of the records of the [corporation]; and that as of the date of this certification, \_\_\_\_\_ holds the title of \_\_\_\_\_ of the [corporation], and is authorized to execute and deliver in the name and on behalf of the [corporation] the Proposal submitted by the [corporation] in response to the Request for Proposals for the Davis Woodland Water Supply DBO Project, issued by the Woodland-Davis Clean Water Agency in September 2011, as amended; and all documents, letters, certificates and other instruments which have been executed by such officer on behalf of the [corporation] in connection therewith.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the corporation this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

(Affix Seal Here)

\_\_\_\_\_  
Clerk/Secretary

*\* Note: Separate certifications shall be submitted if more than one corporate officer has executed documents as part of the Proposal. Proposers shall make appropriate conforming modifications to this Certificate in the event that the signatory's address is outside of the United States.*

Attachment 2

PROJECT TEAM LIST

Name of Project team (if any): \_\_\_\_\_

Names and roles of firms included as part of the Project team, including, Proposer, Company, Guarantor, Initial Guarantor, Successor Guarantor, the firm that will actually operate, maintain and manage the Project, the firm that will design the Project, the firm or firms that will construct the Project, and any other Significant Subcontractors and all other firms currently identified as part of the Project team:

<u>NAME</u>	<u>ROLE</u>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____





**PROPOSAL FORM 2**

**PROJECT TEAM MEMBER QUALIFICATIONS AND COMMITMENT**

*Provide information for all key team members of the design firm, construction firm, and firm that will operate, manage, and maintain the Project, as shown on the Project Organization Chart. Add additional columns for additional Key Personnel and attach additional pages as necessary.*

*You may use a font size of 8 when completing these forms, where necessary. When completing this form, please do not rearrange columns or merge cells. Also, please provide a copy of this form in Microsoft® Word format as a separate file on CD-ROM.*

Respondent Team: \_\_\_\_\_

Qualification Category	Key Personnel			
	Name 1	Name 2	Name 3	Name 4
<b>Project Team:</b>				
Proposed role (Title/Assignment as shown on Project Organization Chart)				
Employing Firm				
Description of proposed role and responsibilities				
Years employed by firm				
Current title in the firm				
Total years of professional experience				
Professional registration (type/state/year/Lic. No./renewal date)				
<b>Commitment <sup>(1)</sup>:</b>				
Permitting				
Design				
Construction				
Startup-Testing				
Operation				
Management				
Other (name)				
<b>Project References for Key Individuals:</b>				
<b>Project 1:</b> <ul style="list-style-type: none"> <li>- Name of Project</li> <li>- Location, capacity, current status</li> <li>- Water, Wastewater, or pipeline</li> <li>- Procurement Process (DB, DBO, specify if other)</li> <li>- Page references for</li> </ul>				

Qualification Category	Key Personnel			
	Name 1	Name 2	Name 3	Name 4
Proposal Form 3 & resume (2)				
- Role and responsibility of individual/Date of involvement				
- Client contact (name/title/address/email/phone)				
<b>Project 2:</b> - Name of Project - Location, capacity, current status - Water, Wastewater, or pipeline - Procurement Process (DB, DBO, specify if other) - Page references for Proposal Form 3 & resume (2)				
- Role and responsibility of individual/Date of involvement				
- Client contact (name/title/address/email/phone)				
<b>Project 3:</b> - Name of Project - Location, capacity, current status - Water, Wastewater, or pipeline - Procurement Process (DB, DBO, specify if other) - Page references for Proposal Form 3 & resume (2)				
- Role and responsibility of individual/Date of involvement				
- Client contact (name/title/address/email/phone)				

- (1) Commitment indicates the amount of time (in percent) that the staff person is proposed to work on the Project during the management, permitting, design, construction, and startup and testing, and operations phases of the Project. Indicate by "N/A" where the individual is not proposed to be involved in a particular phase of the Project. For example, if a person would be available 20 hours a week out of a 40-hour work week, reply 50%.
- (2) Proposal Form 3, resume of proposed individual, or both should include a detailed project description of referenced project, including roles and responsibilities held by the proposed individual.

**PROPOSAL FORM 3**

**RELEVANT PROJECT EXPERIENCE**

*High-light any **new** information as requested in Section 5 in a format similar to that shown below. This form may be duplicated for additional reference projects. Supplemental sheets may be attached with reference project number and category identified.*

Project Name:			
Type of Project:	<input type="checkbox"/> Design	<input type="checkbox"/> Construction	<input type="checkbox"/> Operation and Maintenance
	<input type="checkbox"/> Design/Build	<input type="checkbox"/> Design/Build/Operate	<input type="checkbox"/> Other
Proposer Role on Project:	<input type="checkbox"/> Design	<input type="checkbox"/> Construction	<input type="checkbox"/> Operation
	<input type="checkbox"/> Construction Management	<input type="checkbox"/> Owner _____	<input type="checkbox"/> Other
Description of Proposer Role:			
A. Applicability and relevance of referenced project to the Project:			
B. Proposal submittal team participants (firms):			
C. Other key participants (firms):			
D. Team structure, management description (describe responsible parties and their roles):			
E. Customer and owner (include name, title, organization, address, telephone, fax, e-mail):			
F. Location of project:			
G. Current status of project (design, construction, or operations phase) and number of years of operation:			
H. Description of systems and processes, including size and capacity:			
I. Number of people employed and job categories for operating the facilities:			
J. Original construction contract amount:			

<p>K. Percent change orders through construction and cause:</p> <p>Was the project completed within the original project schedule? Please explain if the answer is "no."</p>
<p>L. Annual operating costs:</p>
<p>M. Annual capital costs (repair and replacement):</p>
<p>N. Sources of funding:</p>
<p>O. History of operations, including start-up date and years of service:</p>
<p>P. Operations contract renewal history:</p>
<p>Q. Procedure for gaining governmental approvals on project and a description of responsible parties:</p>
<p>R. History of compliance with permit conditions and performance guarantees (if any):</p>
<p>S. Description of any ingenuity and innovation employed on project:</p>
<p>T. Proposer's key personnel:</p>
<p>U. Key project contact of Proposer (name, title, organization, address, telephone, fax, e-mail):</p>



**PROPOSAL FORM 4**

**STATEMENT OF OWNERSHIP**

The Company/Guarantor<sup>(1)</sup> is (check one):

- Individual     Partnership     P.A.     P.C.     L.L.C.     L.L.P.  
 Corporation     Joint Venture     Other (specify): \_\_\_\_\_

I certify that:

- No individual person or entity owns a 10% or greater interest in the Company/Guarantor.

**OR**

- The names and addresses of all persons and entities who own a 10% or greater interest in the Company/Guarantor or any listed entities are as follows:

NAME<sup>(2)(3)</sup>

ADDRESS

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

- Check here if additional sheets are attached.
- Check here to certify that no person or entity, **except for those already listed above or on any attached sheets**, owns a 10% or greater interest in the Company/Guarantor or any listed entities.

\_\_\_\_\_  
Name of Company/Guarantor

\_\_\_\_\_  
Designated Signatory

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

- (1): Proposal Form 4 shall be provided for the proposed Company and Guarantor(s).
- (2): If an entity owns a 10% or greater interest in the Company/Guarantor, list all owners of 10% or greater interest for each such entity. Repeat the process of disclosure as necessary for each tier or level of ownership until the name and address of each individual person who owns a 10% or greater interest in each listed entity has been disclosed.
- (3): The Proposer shall set forth the names and addresses of all stockholders in the corporation who own 10 percent or more of its stock of any class, or all partners in the partnership who own 10 percent or greater interest therein, or all members in the limited liability company who own 10 percent or greater interest therein. If one or more such stockholder, partner or member is itself a corporation, partnership or limited liability company, the stockholders owning 10 percent or more of that corporation's stock, the individual partners owning 10 percent or greater interest in that partnership, or the members owning 10 percent or greater interest in that limited liability company, shall also be listed. This disclosure shall be continued until names and addresses of every individual stockholder, individual partner and individual member exceeding the 10 percent ownership criteria of each corporation, partnership or limited liability company listed has been identified.

**PROPOSAL FORM 5A**

**SURETY LETTER OF INTENT TO ISSUE A PERFORMANCE BOND**

(to be typed on Surety's Letterhead)

Davis Woodland Water Supply Project  
2020 Research Park Drive, Suite 100  
Davis, CA 95618

Attention: James A Yost, PE, Project Engineer

Re: Proposal for Davis Woodland Water Supply DBO Project

\_\_\_\_\_ (the "Proposer") has submitted herewith a Proposal in response to Woodland-Davis Clean Water Agency's September 2011 Request for Proposals for the Davis Woodland Water Supply DBO Project, as amended (the "RFP"). The RFP requires the Successful Proposer to enter into a Service Contract to: (1) design, obtain Governmental Approvals for, construct, start-up, commission, acceptance test, operate and maintain (including all capital maintenance) the Project; (2) cause the Project to meet certain Performance Guarantees; and (3) perform the other related services and ancillary services described in the RFP, if the Proposer is approved by the Agency for final negotiations and execution of the Service Contract.

The Surety has reviewed the Proposer's Proposal and the RFP, which together will form the basis of the Service Contract. The Surety hereby certifies that, subject to its review of the final terms and conditions of the Service Contract, it intends to issue on behalf of the Proposer, as security for the performance of the Company's Design-Build Period obligations under the Service Contract, as negotiated between the parties based on the Proposal and the RFP, a Performance Bond meeting the requirements of Section 15.2 of the Service Contract in an amount equal to the Base Design-Build Price (plus a reasonable amount to be determined by the parties for any estimated Base Design-Build Price Adjustments) for the benefit of the Agency, in the event the Proposer is selected for final negotiations and execution of the Service Contract.

\_\_\_\_\_  
Name of Surety

\_\_\_\_\_  
Name of Authorized Signatory

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



**PROPOSAL FORM 5B**

**SURETY LETTER OF INTENT TO ISSUE A PAYMENT BOND**

(to be typed on Surety's Letterhead)

Davis Woodland Water Supply Project  
2020 Research Park Drive, Suite 100  
Davis, CA 95618

Attention: James A Yost, PE, Project Engineer

Re: Proposal for Davis Woodland Water Supply DBO Project

\_\_\_\_\_ (the "Proposer") has submitted herewith a Proposal in response to Woodland-Davis Clean Water Agency's September 2011 Request for Proposals for the Davis Woodland Water Supply DBO Project, as amended (the "RFP"). The RFP requires the Successful Proposer to enter into a Service Contract to: (1) design, obtain Governmental Approvals for, construct, start-up, commission, acceptance test, operate and maintain (including all capital maintenance) the Project; (2) cause the Project to meet certain Performance Guarantees; and (3) perform the other related services and ancillary services described in the RFP, if the Proposer is approved by the Agency for final negotiations and execution of the Service Contract.

The Surety has reviewed the Proposer's Proposal and the RFP, which together will form the basis of the Service Contract. The Surety hereby certifies that, subject to its review of the terms and conditions of the Service Contract, it intends to issue on behalf of the Proposer, as security for the performance of the Company's payment obligations in connection with its design and construction obligations under the Service Contract, as negotiated between the parties based on the Proposal and the RFP, a Payment Bond meeting the requirements of Section 15.2 of the Service Contract in an amount equal to the Base Design-Build Price (plus a reasonable amount to be determined by the parties for any estimated Base Design-Build Price Adjustments) for the benefit of the Agency, in the event the Proposer is selected for final negotiations and execution of the Service Contract.

\_\_\_\_\_  
Name of Surety

\_\_\_\_\_  
Name of Authorized Signatory

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



**PROPOSAL FORM 5C**

**SURETY LETTER OF INTENT TO ISSUE AN OPERATIONS PERFORMANCE BOND**

(to be typed on Surety's Letterhead)

Davis Woodland Water Supply Project  
2020 Research Park Drive, Suite 100  
Davis, CA 95618

Attention: James A Yost, PE, Project Engineer

Re: Proposal for Davis Woodland Water Supply DBO Project

\_\_\_\_\_ (the Proposer) has submitted herewith a Proposal in response to Woodland-Davis Clean Water Agency's September 2011 Request for Proposals for the Davis Woodland Water Supply DBO Project, as amended (the "RFP"). The RFP requires the Successful Proposer to enter into a Service Contract to: (1) design, obtain Governmental Approvals for, construct, start-up, commission, acceptance test, operate and maintain (including all capital maintenance) the Project; (2) cause the Project to meet certain Performance Guarantees; and (3) perform the other related services and ancillary services described in the RFP, if the Proposer is approved by the Agency for final negotiations and execution of the Service Contract.

The Surety has reviewed the Proposer's Proposal and the RFP, which together will form the basis of the Service Contract. The Surety hereby certifies that, subject to its review of the final terms and conditions of the Service Contract, it intends to issue on behalf of the Proposer, as security for the performance of the Proposer's Operation Period obligations under the Service Contract, as negotiated between the parties based on the Proposal and the RFP, an Operations Performance Bond meeting the requirements of Section 15.2 of the Service Contract in an amount equal to the annual Service Fee for the benefit of the Agency, in the event the Proposer is selected for final negotiations and execution of the Service Contract.

\_\_\_\_\_  
Name of Surety

\_\_\_\_\_  
Name of Authorized Signatory

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title





**PROPOSAL FORM 6**  
**INSURANCE LETTER OF INTENT**

(to be typed on Insurance Company's Letterhead)

Davis Woodland Water Supply Project  
2020 Research Park Drive, Suite 100  
Davis, CA 95618

Attention: James A Yost, PE, Project Engineer

Re: Proposal for Davis Woodland Water Supply DBO Project

\_\_\_\_\_ (the "Proposer") has submitted herewith a Proposal in response to the Woodland-Davis Clean Water Agency's September 2011, Request for Proposals for the Davis Woodland Water Supply DBO Project, as amended (the "RFP"). The RFP requires the Successful Proposer to enter into a Service Contract to (1) design, obtain Governmental Approvals for, construct, start-up, commission, acceptance test, operate and maintain (including all capital maintenance) the Project; (2) cause the Project to meet certain Performance Guarantees; and (3) perform the other related services and ancillary services described in the RFP if the Proposer is approved by the Agency for final negotiations and execution of the Service Contract. The Project is located in Yolo County, California.

The Insurance Company has reviewed both the Proposer's Proposal and the RFP, which together will form the basis of the Service Contract. The Insurance Company hereby certifies that it intends to provide all Required Insurance set forth in this RFP in the event the Proposer is approved by the Agency for final negotiations and execution of the Service Contract.

\_\_\_\_\_  
Name of Insurance Company

\_\_\_\_\_  
Name of Authorized Signatory

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title



**PROPOSAL FORM 7A**

**GUARANTOR ACKNOWLEDGMENT \***  
**Single Guarantor Structure**

(to be typed on Guarantor's Letterhead)

\_\_\_\_\_ (the "Proposer") has submitted herewith a Proposal in response to the Woodland-Davis Clean Water Agency's September 2011, Request for Proposals for the Davis Woodland Water Supply DBO Project, as amended (the "RFP"). The RFP requires the Successful Proposer to enter into a Service Contract to: (1) design, obtain Governmental Approvals for, construct, start-up, commission, acceptance test, operate and maintain (including all capital maintenance) the Project; (2) cause the Project to meet certain Performance Guarantees; and (3) perform the other related services and ancillary services described in the RFP if the Proposer is approved by the Agency for final negotiations and execution of the Service Contract. The Project is located in Yolo County, California.

The Guarantor has reviewed the RFP and the Proposer's Proposal, which together will form the basis of the Service Contract. The Project Guarantor hereby certifies that it will irrevocably, absolutely and unconditionally guarantee the performance of all of the obligations of the Proposer under the Service Contract, as negotiated based on the RFP and the Proposal, in the event the Proposer is approved by the Agency for final negotiations and execution of the Service Contract, and that it will execute a separate Guaranty Agreement in the form presented as Transaction Form A to the Service Contract.

\_\_\_\_\_  
Name of Guarantor

\_\_\_\_\_  
Name of Authorized Signatory

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

*\* If more than one Guarantor is proposed, each firm shall be jointly and severally obligated and shall independently provide an executed copy of this Guarantor Acknowledgment. If a Guarantor is a joint venture, each firm in the joint venture shall be jointly and severally obligated and shall independently provide an executed copy of this Guarantor Acknowledgment.*

Attachment 7A-1

GUARANTOR CERTIFICATE OF AUTHORIZATION\*

I, \_\_\_\_\_, a resident of \_\_\_\_\_ in the State of \_\_\_\_\_, DO HEREBY CERTIFY that I am the Clerk/Secretary of \_\_\_\_\_, a [corporation] duly organized and existing under and by virtue of the laws of the State of \_\_\_\_\_; that I have custody of the records of the [corporation]; and that as of the date of this certification, \_\_\_\_\_ holds the title of \_\_\_\_\_ of the [corporation], and is authorized to execute and deliver in the name and on behalf of the [corporation] the Guarantor Acknowledgment submitted by the [corporation] as part of \_\_\_\_\_ (the Proposer's) response to the Request for Proposal for the Davis Woodland Water Supply DBO Project, issued by the Woodland-Davis Clean Water Agency in September 2011, as amended; and all documents, letters, certificates and other instruments which have been executed by such officer on behalf of the [corporation] in connection therewith.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the corporation this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

*(Affix Seal Here)*

\_\_\_\_\_  
(Clerk/Secretary)

*\*Note: Separate certifications shall be submitted if more than one corporate officer has executed the Guarantor Acknowledgment as part of the Proposal. Proposers shall make appropriate conforming modifications to this Certificate in the event the signatory's address is outside of the United States.*

**PROPOSAL FORM 7B**

**INITIAL GUARANTOR ACKNOWLEDGMENT  
Successor Guarantor Structure**

(to be typed on Initial Guarantor's Letterhead)

\_\_\_\_\_ (the "Proposer") has submitted herewith a Proposal in response to the Woodland-Davis Clean Water Agency's September 2011, Request for Proposals for the Davis Woodland Water Supply DBO Project, as amended (the "RFP"). The RFP requires the Successful Proposer to enter into a Service Contract to: (1) design, obtain Governmental Approvals for, construct, start-up, commission, acceptance test, operate and maintain (including all capital maintenance) the Project; (2) cause the Project to meet certain Performance Guarantees; and (3) perform the other related services and ancillary services described in the RFP if the Proposer is approved by the Agency for final negotiations and execution of the Service Contract. The Project is located in Yolo County, California.

The Initial Guarantor has reviewed the RFP and the Proposer's Proposal, which together will form the basis of the Service Contract. The Initial Guarantor hereby certifies that it will irrevocably, absolutely and unconditionally guarantee the performance of all of the obligations of the Proposer under the Service Contract, as negotiated based on the RFP and the Proposal, in the event the Proposer is approved by the Agency for final negotiations and execution of the Service Contract, and that it will execute a separate Initial Guaranty Agreement in the form presented as Transaction Form B to the Service Contract. The Initial Guarantor acknowledges that its Guaranty Agreement will be effective and the Successor Guarantor Structure will be effectuated as described in the RFP and the form of Initial Guaranty Agreement.

\_\_\_\_\_  
Name of Initial Guarantor

\_\_\_\_\_  
Name of Authorized Signatory

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

Attachment 7B-1

INITIAL GUARANTOR CERTIFICATE OF AUTHORIZATION\*

I, \_\_\_\_\_, a resident of \_\_\_\_\_ in the State of \_\_\_\_\_, DO HEREBY CERTIFY that I am the Clerk/Secretary of \_\_\_\_\_, a [corporation] duly organized and existing under and by virtue of the laws of the State of \_\_\_\_\_; that I have custody of the records of the [corporation]; and that as of the date of this certification, \_\_\_\_\_ holds the title of \_\_\_\_\_ of the [corporation], and is authorized to execute and deliver in the name and on behalf of the [corporation] the Initial Guarantor Acknowledgment submitted by the [corporation] as part of \_\_\_\_\_ (the Proposer's) response to the Request for Proposal for the Davis Woodland Water Supply DBO Project, issued by the Woodland-Davis Clean Water Agency in September 2011, as amended; and all documents, letters, certificates and other instruments which have been executed by such officer on behalf of the [corporation] in connection therewith.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the corporation this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

*(Affix Seal Here)*

\_\_\_\_\_  
(Clerk/Secretary)

\*Note: Separate certifications shall be submitted if more than one corporate officer has executed the Initial Guarantor Acknowledgment as part of the Proposal. Proposers shall make appropriate conforming modifications to this Certificate in the event the signatory's address is outside of the United States.

**PROPOSAL FORM 7C**

**SUCCESSOR GUARANTOR ACKNOWLEDGMENT**

**Successor Guarantor Structure**

(to be typed on Successor Guarantor's Letterhead)

\_\_\_\_\_ (the "Proposer") has submitted herewith a Proposal in response to the Woodland-Davis Clean Water Agency's September 2011, Request for Proposals for the Davis Woodland Water Supply DBO Project, as amended (the RFP). The RFP requires the Successful Proposer to enter into a Service Contract to: (1) design, obtain Governmental Approvals for, construct, start-up, commission, acceptance test, operate and maintain (including all capital maintenance) the Project; (2) cause the Project to meet certain Performance Guarantees; and (3) perform the other related services and ancillary services described in the RFP if the Proposer is approved by the Agency for final negotiations and execution of the Service Contract. The Project is located in Yolo County, California.

The Successor Guarantor has reviewed the RFP and the Proposer's Proposal, which together will form the basis of the Service Contract. The Successor Guarantor hereby certifies that it will irrevocably, absolutely and unconditionally guarantee the performance of all of the obligations of the Proposer under the Service Contract, as negotiated based on the RFP and the Proposal, in the event the Proposer is approved by the Agency for final negotiations and execution of the Service Contract, and that it will execute a separate Successor Guaranty Agreement in the form presented as Transaction Form C to the Service Contract. The Successor Guarantor acknowledges that its Guaranty Agreement will be effective and the Successor Guarantor Structure will be effectuated as described in the RFP and the form of Successor Guaranty Agreement.

\_\_\_\_\_  
Name of Successor Guarantor

\_\_\_\_\_  
Name of Authorized Signatory

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

Attachment 7C-1

SUCCESSOR GUARANTOR CERTIFICATE OF AUTHORIZATION\*

I, \_\_\_\_\_, a resident of \_\_\_\_\_ in the State of \_\_\_\_\_, DO HEREBY CERTIFY that I am the Clerk/Secretary of \_\_\_\_\_, a [corporation] duly organized and existing under and by virtue of the laws of the State of \_\_\_\_\_; that I have custody of the records of the [corporation]; and that as of the date of this certification, \_\_\_\_\_ holds the title of \_\_\_\_\_ of the [corporation], and is authorized to execute and deliver in the name and on behalf of the [corporation] the Successor Guarantor Acknowledgment submitted by the [corporation] as part of \_\_\_\_\_ (the Proposer's) response to the Request for Proposal for the Davis Woodland Water Supply DBO Project, issued by the Woodland-Davis Clean Water Agency in September 2011, as amended; and all documents, letters, certificates and other instruments which have been executed by such officer on behalf of the [corporation] in connection therewith.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the corporation this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

*(Affix Seal Here)*

\_\_\_\_\_  
(Clerk/Secretary)

*\*Note: Separate certifications shall be submitted if more than one corporate officer has executed the Successor Guarantor Acknowledgment as part of the Proposal. Proposers shall make appropriate conforming modifications to this Certificate in the event the signatory's address is outside of the United States.*



**PROPOSAL FORM 8**

**NONCOLLUSION DECLARATION**

The following noncollusion declaration must be submitted with the proposal:

I, \_\_\_\_\_, declare that I am \_\_\_\_\_ of the Proposer making the foregoing Proposal; that the Proposal is not made in the interest of, or on behalf of, any undisclosed person, partnership, company, association, organization, or corporation; that the Proposal is genuine and not collusive or sham; that the Proposer has not directly or indirectly induced or solicited any other Proposer to put in a false or sham Proposal, and has not directly or indirectly colluded, conspired, connived, or agreed with any Proposer or anyone else to put in a sham Proposal, or that anyone shall refrain from proposing; that the Proposer has not in any manner, directly or indirectly, sought by agreement, communication, or conference with anyone to fix the Proposal price of the Proposer or any other Proposer, or to fix any overhead, profit, or cost element of the Proposal price, or of that of any other Proposer, or to secure any advantage against the public body awarding the Service Contract of anyone interested in the proposed Service Contract; that all statements contained in the Proposal are true; and, further, that the Proposer has not, directly or indirectly, submitted its Proposal 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, proposal or bid depository, or to any member or agent thereof to effectuate a collusive or sham Proposal.

Signed on \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_.

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

\_\_\_\_\_  
(Signature of declarant)

\_\_\_\_\_  
(Printed Name)

\_\_\_\_\_  
(Title)



**PROPOSAL FORM 9**

**LOCAL EMPLOYMENT AND CONTRACTOR OUTREACH**

The Agency is committed to maximizing the opportunities for local employment and contracting within northern California and Yolo County. Within the context of competitive pricing for the design, construction, and operation of the project, proposers are expected to develop as part of their proposal a local procurement and employment plan. The plan should contain as a minimum the proposed level of effort for outreach, a strategy to achieve the Agency's goal, and a method to measure success in achievement of the strategy for the life of the contract. The plan will be evaluated along with other non-priced features of the proposal in determining the best Proposer to consider for final negotiations.

1. Describe efforts to achieve this objective undertaken as part of the development of the proposal, using at least the following outline:

- list of actions
- level of effort
- achievement of results with regard to at least: direct project employment, subcontractor employment, and procurement contracts

2. Outline a plan for a continuing regularly reviewable strategy to achieve this objective using at least the following outline:

- a strategy with measurable goals
- list of actions
- level of effort
- measurement of success by achieving results with regard to at least: direct project employment, subcontractor employment, and procurement contracts



**PROPOSAL FORM 10**

**OFF-PEAK ENERGY CONSUMPTION**

The Agency intends to encourage off-peak energy utilization by regional water supply facilities. Within the context of good operating practices, proposers are expected to develop as part of their proposal a plan to reduce peak energy consumption. The plan should contain typical seasonal daily energy use schedules based on the PG&E schedule for peak, part-peak, and off-peak times and corresponding rates. A copy of the current PG&E electric schedule for service to customers with maximum demands of 1000 kilowatts or more is included as a background document. The plan should describe the design implications and operation strategies for reducing peak hour energy consumption and a proposed method to measure the success of the plan. Other considerations may include alternative sources of energy and additional clearwell storage capacity. The plan will be evaluated along with other non-priced features of the proposal in determining the best Proposer to consider for final negotiations and will, following negotiations, be included as part of the contract obligations of the Successful Proposer.



**PROPOSAL FORM 11**

**FINANCIAL RESOURCES DATA**

Provide separate forms for each of the Company and Guarantor(s).

Name: \_\_\_\_\_

Section I Financial Data Summary

	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
Income Statement					
Operating Revenues					
Operating Expenses					
Depreciation and Amortization					
Earnings Before Taxes (EBT)					
Earnings Before Interest and Taxes (EBIT)					
Net Income					
Balance Sheet					
Current Assets					
Other Assets					
Intangible Assets					
Total Assets					
Current Liabilities					
Total Long-Term Debt					
Other Liabilities					
Total Liabilities					
Net Worth (Total Assets - Total Liabilities)					
Tangible Net Worth (Total Assets - Total Liabilities - Intangible Assets)					
Statement of Cash Flow					
Total Cash Flow					
Cash Flow from Operations					
Cash Flow from Financing Activities					
Cash Flow from Investing Activities					

Section II Financial Ratios

Note: Woodland-Davis Clean Water Agency reserves the right to verify contents of this report by contacting subcontractors/subconsultants or suppliers

	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
<b>Liquidity Measures</b>					
Current Ratio (Current Assets/Current Liabilities)					
Quick Ratio (Current Assets - Inventory/Current Liabilities)					
Working Capital as a % of Revenue (Current Assets - Current Liabilities/Revenue)					
<b>Leverage Measures</b>					
Debt/Equity Ratio (Total Liabilities/Shareholder's Equity)					
Debt/Tangible Net Worth					
Debt/(Debt + Net Worth)					
<b>Debt Service Coverage Measures</b>					
Cash Flow from Operations/Debt Service					
EBT/Interest					
EBIT/Interest					
<b>Profitability Measures</b>					
Operating Profit Margin (Operating Income/Net Sales)					
EBIT/Revenue					
Return on Capital (EBIT/Total Assets)					

Note: Woodland-Davis Clean Water Agency reserves the right to verify contents of this report by contacting subcontractors/subconsultants or suppliers



Section III Credit Rating Summary<sup>1</sup>

Bond Ratings (please list all bond issues within the last five years with issue date and rating):

	Moody's	Standard & Poors	Fitch	Duff & Phelps	Other
--	---------	------------------	-------	---------------	-------

1.					
2.					
3.					
4.					
5.					
6.					
7.					
8.					

Credit and Other Ratings (please list all credit and other ratings within the last two years along with date of rating):

	Rating Date	Name of Rating Agency		
--	-------------	-----------------------	--	--

1.				
2.				
3.				
4.				
5.				
6.				
7.				
8.				

1. In the event that no credit rating is available for the Company and Guarantor(s) from a nationally recognized rating agency, then the Company and Guarantor(s), as applicable, shall provide:

- (a) a current (30 days or less) Dun & Bradstreet report (or an independent report of similar quality and content) attached to this Financial Resources Data Form; and
- (b) a narrative discussion of the long-term credit strength of the Company and Guarantor(s).

The Company and Guarantor(s) shall also provide an explanation or state the reasons that no such credit rating from a nationally recognized credit rating agency is available.

Note: Woodland-Davis Clean Water Agency reserves the right to verify contents of this report by contacting subcontractors/subconsultants or suppliers

**Woodland-Davis Clean Water Agency  
Davis Woodland Water Supply DBO Project**

**RFP**

Section IV Other Financial Information

Provide the Company's and Guarantor's audited financial statements for the past 5 fiscal years, including auditor's opinion, footnotes and other required supplementary information as well as the Company's and Guarantor's most recently available quarterly statements.

Note: All data is to be provided in U.S. Dollars and in English.

\_\_\_\_\_  
Name of Company/Guarantor

\_\_\_\_\_  
Name of Designated/Authorized Signatory

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

Note: Woodland-Davis Clean Water Agency reserves the right to verify contents of this report by contacting subcontractors/subconsultants or suppliers

**PROPOSAL FORM 12**

**GOVERNMENTAL APPROVALS SCHEDULE**

<b>Governmental Approval</b>	<b>Issuing Agency</b>	<b>Governmental Approval Application Date (Number of days from Contract Date)</b>	<b>Assumed Approval Issuance Date</b>
Permit to Operate	California Department of Public Health		Governmental Approval Application Date plus [ ] days
Construction General Permit for Stormwater	State Water Resources Control Board		Governmental Approval Application Date plus [ ] days
Regional Board Permit for Construction Dewatering	Central Valley Regional Water Quality Control Board		Governmental Approval Application Date plus [ ] days
Authority to Construct	Yolo Solano Air Quality Management District		Governmental Approval Application Date plus [ ] days
Cal OSHA Safety Permits	Department of Industrial Relations		Governmental Approval Application Date plus [ ] days
Levee Crossing and Construction	Central Valley Flood Protection Board		Governmental Approval Application Date plus [ ] days
Encroachment Permit	Yolo County		Governmental Approval Application Date plus [ ] days
Flood Hazard Development Permit	Yolo County		Governmental Approval Application Date plus [ ] days
Well Permits	Yolo County		Governmental Approval Application Date plus [ ] days

<b>Governmental Approval</b>	<b>Issuing Agency</b>	<b>Governmental Approval Application Date (Number of days from Contract Date)</b>	<b>Assumed Approval Issuance Date</b>
Stormwater Pollution Prevention Plan	Yolo County		Governmental Approval Application Date plus [ ] days
Habitat Conservation Plan / Natural Heritage Program	Yolo County		Governmental Approval Application Date plus [ ] days
Local Fire Marshall Approvals	Elkhorn Fire District		Governmental Approval Application Date plus [ ] days
Encroachment Permits	The City of Davis		Governmental Approval Application Date plus [ ] days
Encroachment Permits	The City of Woodland		Governmental Approval Application Date plus [ ] days
Building Permits	The City of Woodland		Governmental Approval Application Date plus [ ] days
Encroachment Double Permit	Caltrans		Governmental Approval Application Date plus [ ] days