

CITY OF SAN LEANDRO  
STATE OF CALIFORNIA

**AGREEMENT**

THIS AGREEMENT is made at San Leandro, California, as of December 20, 2022, by and between 12:49:43 PM EST  
**Sposeto Engineering, Inc., 4558 Contractors Place, Livermore, CA 94551, Phone: (925) 443-4200** hereinafter called Contractor, and the **CITY OF SAN LEANDRO**, a municipal corporation, hereinafter called City, who agree as follows:

Recitals

The City has awarded a contract to the Contractor for performing the work hereinafter mentioned in accordance with the sealed proposal of said Contractor and of proceedings had and taken by the City Council of the City leading up thereto:

1. WORK TO BE DONE: The work to be done consists of **demolition and replacement of concrete curb & gutter, curb ramps, sidewalks and median islands; asphalt concrete tie-ins; installation of fencing; installation of traffic striping and markings;** and doing all appurtenant work in place and ready for use, all as shown in the plans and described in the specifications entitled **“Washington-Chapman Railroad Crossing Improvements”, Project No. 2016.0320**, now on file in the office of the **Engineer** of said City.

2. TIME OF PERFORMANCE: The work under this contract shall commence and be completed in accordance with the times therefore prescribed in the specifications for said work.

3. PAYMENT: The City will pay the Contractor for the performance of said work the prices as stated in the Contract Price Schedule, and at the times and in the manner prescribed in the specifications.

4. COMPONENT PARTS: This Agreement shall consist of the following documents, each of which is on file in the office of the **Engineer** of said City, and all of which are incorporated herein and made a part hereof by reference thereto:

- A. This Agreement and Contract Price Schedule
- B. Notice to Bidders
- C. Proposal Requirements
- D. Resolution Approving Plans and Specifications and Calling for Bids
- E. Accepted Proposal
- F. Special Provisions
- G. Plans
- H. Standard Specifications
- I. Faithful Performance Bond
- J. Payment Bond
- K. Maintenance Bond
- L. Project Addenda, if any

5. WAGE SCALE: Reference is hereby made to the General Wage Determination made by the Director of Industrial Relations and adopted by Resolution No. 77-236 of the City Council. Reference thereto is further made in the instructions and information to bidders. The provisions of the General Wage Determination made by the Director of Industrial Relations and Resolution No. 77-236 are hereby

specified as the rate of prevailing wages to be paid workers on this project. For purposes of Labor Code section 1781, this project is a “public work” to which Labor Code section 1771 applies, and the Contractor and all listed or unlisted subcontractors must perform the work as a “public work.” The Contractor has the responsibility for determining what is required to comply with its obligations under Labor Code section 1771. Any decision by the Contractor or any listed or unlisted subcontractor not to comply with Labor Code section 1771 is at the Contractor’s or subcontractor’s sole risk.

6. LABOR CODE COMPLIANCE: Contractor indemnifies and holds harmless the City, its officers, officials, and employees, from and against claims, liability, and damages arising from any alleged violation of the California Labor Code asserted against the City due to the alleged acts or omissions of the Contractor or any listed or unlisted subcontractor used on the project.

7. CLAIMS: The City has the full authority to compromise or settle any claim relating to this project. The City will timely notify the Contractor if the City receives any third-party claim relating to this project.

IN WITNESS WHEREOF, City has caused these presents to be executed by its officers, thereunto duly authorized and Contractor has subscribed same, all on the day and year first above written.

**CITY OF SAN LEANDRO**  
A Municipal Corporation

**SPOSETO ENGINEERING, INC.**  
Contractor

DocuSigned by:  
*Fran Robustelli*  
By: \_\_\_\_\_  
C063C023AF624E3...  
Frances Robustelli, City Manager

DocuSigned by:  
*John Sposeto*  
By: \_\_\_\_\_  
F7494CD7CAB443E...  
John Sposeto, President

Date: December 22, 2022 | 4:21:06 PM PST

By: John Sposeto

DocuSigned by:  
*Kelly B. Clancy*  
Attest: \_\_\_\_\_  
F21D2CCC7F54D6...  
Kelly B. Clancy, Acting City Clerk

DocuSigned by: \_\_\_\_\_  
Date: December 20, 2022 | 2:49:43 PM EST



**APPROVED AS TO FORM:**

DocuSigned by:  
*Richard Pio Roda*  
\_\_\_\_\_   
B41538F8D5F470...  
Richard D. Pio Roda, City Attorney

Date: December 21, 2022 | 11:29:42 AM PST

DocuSigned by:  
*Mayette Bailey*  
\_\_\_\_\_   
CFC89F52127D423...  
T. Michael Yuen, Finance Director

Date: December 22, 2022 | 10:50:29 AM PST

DocuSigned by:  
*Sheila Marquises*  
\_\_\_\_\_   
5DE577AEE411458...  
Sheila Marquises,  
Engineering and Transportation Director

Date: December 20, 2022 | 8:32:28 PM PST

Account Nos. 141-38-387-5240  
150-38-387-5240 x

**ACKNOWLEDGMENT**

State of California  
County of Alameda)

On \_\_\_\_\_, before me, \_\_\_\_\_, 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)

## CONTRACT PRICE SCHEDULE

Item No.	Description	Estimated Quantity (A)	Unit of Measure	Item <u>UNIT</u> Price (in Words)	Item <u>UNIT</u> Price (in Figures) (B)	TOTAL PRICE (in Figures) (AxB)
1.	Mobilization per Section 9-3.4	1	LS	Twenty Eight Thousand Dollars and Zero Cents	\$28,000.00	\$28,000.00
2.	Work Area Traffic Control per Section 601	1	LS	Sixty Two Thousand Dollars and Zero Cents	\$62,000.00	\$62,000.00
3.	Remove Vertical Curb per Section 300-1	89	LF	Thirty One Dollars and Zero Cents	\$31.00	\$2,759.00
4.	Remove Curb & Gutter per Section 300-1	75	LF	Thirty One Dollars and Zero Cents	\$31.00	\$2,325.00
5.	Remove Concrete Sidewalk per Section 300-1	3,106	SF	Six Dollars and Zero Cents	\$6.00	\$18,636.00
6.	Remove Fence per Section 300-1.1	21	LF	Thirty Eight Dollars and Zero Cents	\$38.00	\$798.00
7.	Roadway Excavation per Section 300-1 ( <b>Final Quantity</b> )	137	CY	Two Hundred and Twenty Seven Dollars and Zero Cents	\$227.00	\$31,099.00
8.	Install Decorative Cobblestone per Section 303-4.3	428	SF	Twenty Three Dollars and Zero Cents	\$23.00	\$9,844.00
9.	Imported Fill per Section 300-5.3 ( <b>Final Quantity</b> )	140	CY	One Hundred and Seventy Four Dollars and Zero Cents	\$174.00	\$24,360.00
10.	Install Detectable Warning Surface per Section 303-5.5.3	120	SF	Fifty Six Dollars and Zero Cents	\$56.00	\$6,720.00
11.	Install Curb & Gutter per Section 303-5.5.3	75	LF	One Hundred and twelve Dollars and Zero Cents	\$112.00	\$8,400.00
12.	Install 6" Vertical Curb per Section 303-5.5.3	792	LF	One Hundred and Four Dollars and Zero Cents	\$104.00	\$82,368.00
13.	Install Curb Wall per Section 303-5.5.3	55	LF	One Hundred and Ninety Dollars and Zero cents	\$190.00	\$10,450.00
14.	Install Sidewalk per Section 303-5.5.3	6,058	SF	Twenty Dollars and Zero Cents	\$20.00	\$121,160.00
15.	Install Driveway per Section 303-5.5.3	222	SF	Twenty Three Dollars and Zero Cents	\$23.00	\$5,106.00
16.	Install Curb Ramp per Section 303-5.5.3	281	SF	Thirty Four Dollars and Zero Cents	\$34.00	\$9,554.00
17.	Install Checker Plate Gutter per Section 303-5.5.3	1	EA	Eight Thousand Eight Hundred and Sixty Five Dollars and Zero Cents	\$8,865.00	\$8,865.00
18.	Install Reinforced Concrete Gravity Pipe per Section 306	72	LF	One Hundred and Forty Three Dollars and Zero Cents	\$143.00	\$10,296.00
19.	Install Fence End Post per Section 304-2	1	LS	One Thousand Seven Hundred and Ten Dollars and Zero Cents	\$1,710.00	\$1,710.00
20.	Remove Traffic Striping per Section 314-2	1,242	SF	Nine Dollars and Zero Cents	\$9.00	\$11,178.00

<b>Item No.</b>	<b>Description</b>	<b>Estimated Quantity (A)</b>	<b>Unit of Measure</b>	<b>Item UNIT Price (in Words)</b>	<b>Item UNIT Price (in Figures) (B)</b>	<b>TOTAL PRICE (in Figures) (AxB)</b>
21.	Remove pavement Markings per Section 314-2	148	SF	Nine Dollars and Zero Cents	\$9.00	\$1,332.00
22.	Remove Surface Mounted Delineator per Section 315-1.2	21	EA	Thirty Six Dollars and Zero Cents	\$36.00	\$756.00
23.	Relocate Roadside Sign per Section 315-1.1	2	EA	Seven Hundred Dollars and Zero Cents	\$700.00	\$1,400.00
24.	Install Curb Paint per Section 314-4	75	LF	Seven Dollars and Zero Cents	\$7.00	\$525.00
25.	Install Traffic Striping-Detail 9 per Section 314-4	932	LF	Three Dollars and Zero Cents	\$3.00	\$2,796.00
26.	Install Traffic Striping-Detail 22 per Section 314-4	45	LF	Fourteen Dollars and Zero Cents	\$14.00	\$1,695.00
27.	Install Traffic Striping-Detail 25A per Section 314-4	470	LF	Three Dollars and Zero Cents	\$3.00	\$1,410.00
28.	Install Traffic Striping-Detail 27B per Section 314-4	565	LF	Three Dollars and Zero Cents	\$3.00	\$1,695.00
29.	Install Traffic Striping-Detail 29 per Section 314-4	136	LF	Twenty Seven Dollars and Zero Cents	\$27.00	\$3,672.00
30.	Install Traffic Striping-Detail 38B per Section 314-4	24	LF	Nine Dollars and Zero Cents	\$9.00	\$216.00
31.	Install Object Marker-Type K-1 (CA) per Section 315-1.-2	5	EA	Four Hundred and Twelve Dollars and Zero Cents	\$412.00	\$2,060.00
32.	Install Object Marker-Type K-2 (CA) per Section 315-1.2	3	EA	Four Hundred Twelve Dollars and Zero Cents	\$412.00	\$1,236.00
33.	Install Pavement Markings per Section 314-4	274	SF	Fifteen Dollars and Zero Cents	\$15.00	\$4,110.00
34.	Install Pavement Marker (Type G) per Section 314-4	28	EA	Thirty Two Dollars and Zero Cents	\$32.00	\$896.00
35.	Install Road Sign (R6-2) per Section 315-1.1	6	EA	Six Hundred Dollars and zero cents	\$600.00	\$3,600.00
36.	Install Pedestrian Railing per Section 304-2	640	LF	One Hundred and Fifty Dollars and Zero Cents	\$150.00	\$96,000.00
37.	Install Access Gate per Section 304-6	1	EA	Thirteen Thousand Dollars and Zero Cents	\$13,000.00	\$13,000.00
38.	Railroad Flagging per Section 7-5	1	LS	Forty Five Thousand Dollars and Zero Cents	\$45,000.00	\$45,000.00
39.	AC Paving per Section 302-5	82	SF	Twenty Nine Dollars and Zero Cents	\$29.00	\$2,378.00
40.	Survey by the Contractor per Section 2-9.2.2	1	LS	Eight Thousand Three Hundred Dollars and Zero Cents	\$8,300.00	\$8,300.00

**TOTAL BID: Six Hundred and Forty Six, Six Hundred Forty Thousand Dollars and zero cents**  
(In Words)

**TOTAL BID: \$646,640.00**  
(In Figures)

**UNITS OF MEASURE:**

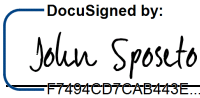
<b>Abbreviation</b>	<b>Word or Words</b>
<b>LF</b>	<b>Linear Feet</b>
<b>SF</b>	<b>Square Feet</b>
<b>SY</b>	<b>Square Yards</b>
<b>CY</b>	<b>Cubic Yards</b>
<b>TN</b>	<b>Tons (2,000 lbs./907.2 kgs.)</b>
<b>LS</b>	<b>Lump Sum</b>
<b>EA</b>	<b>Each</b>

**NOTE:** The estimate of construction quantities set forth herein is approximate only, being given as a basis for the comparison of bids. The City does not expressly nor by implication agree that the actual amount of work will correspond therewith, and reserves the right to change the amount of any class or portion of the work or to omit portions of the work as may be deemed necessary or expedient by the Engineer in accordance with section 3-2.1.1 of the Special Provisions. All bids will be compared on the basis of the Engineer's Estimate of the quantities of the work to be done. The undersigned declares, by signing this proposal, that the bidder has carefully checked all of the above figures and understands that the City shall not be responsible for any errors or omissions on the part of the undersigned in making up this bid.

## WORKERS' COMPENSATION INSURANCE CERTIFICATION

Pursuant to Section 7-4 of the Standard Specifications, the Contractor certifies as follows:

I am aware of the provisions of Section 3700 of the Labor Code which require every employer to be insured against liability for worker's compensation or to undertake self-insurance in accordance with the provisions of that code, and I will comply with such provisions before commencing the performance of the work of this contract.

Signed:  F7494CD7CAB443E...

Date: December 20, 2022 | 2:49:43 PM EST

John Sposeto, President  
(Typed or Printed Name)

Business Address (Street Address, City, State & Zip Code):

4885 Contractors Place

Livermore, CA 94551

Business Phone: (925) 443-4200