

## AGREEMENT

This is an AGREEMENT made and entered into this 19 day  
of April, 2019, by and between the County of Humboldt, a  
political subdivision of the State of California (hereinafter referred to as COUNTY)  
and RAO Construction Co., Inc.,

a corporation organized and existing under the laws of the State of California;  
hereinafter referred to as "CONTRACTOR".

County and Contractor for the consideration hereinafter named agree as follows:

### Section 1 - SCOPE OF WORK

Contractor shall furnish all Labor, Tools and Materials and perform all the work for the:

**ADA CURB RAMP IMPROVEMENTS  
PROJECT (PHASE 1)  
CONTRACT NO.: 325701**

in accordance with the contract documents referred to in Section 3 of this Agreement.

### Section 2 - CONTRACT PRICE

County shall pay, and Contractor shall accept Contractor's Bid Prices, as shown on EXHIBIT "A" attached hereto and made a part hereof, as full compensation for furnishing all materials and for doing all the work contemplated and embraced in this Agreement; also for all loss or damage, arising out of the work aforesaid, or from the actions of the elements, or from any unforeseen difficulties or obstructions which may arise or be encountered in the prosecution of the work until its acceptance by County, and for all risks of every description connected with the work; also for all expenses incurred by or in consequence of the suspension or discontinuance of the work and for well and faithfully completing the work, and the whole thereof, in the manner and according to the Plans and Specifications, and the requirements of the Engineer.

**Section 3 - CONTRACT DOCUMENTS**

The complete contract between the parties hereto shall consist of the following, hereinafter referred to as the CONTRACT DOCUMENTS:

- Notice to Contractors
- Plans and Drawings
- Bid Form
- Bidder's Bond
- Performance Bond
- Payment Bond
- This Agreement
- Special Provisions

And, as published by the Department of Transportation, State of California, except as modified by the Special Provisions:

- Standard Plans - dated 2018
- Standard Specifications - dated 2018
- Equipment Rental Rates in effect at the time the work is performed

And, as published by the California Department of Industrial Relations, and the California Business, Transportation and Housing Agency,

- General Prevailing Wage Rates
- Labor and Surcharge Rates

And any addenda to any of the above documents, all of which are on file in the office of the Director of Public Works of the County of Humboldt. Each of said CONTRACT DOCUMENTS is incorporated and made a part of this Agreement by the reference contained in this Section.

All rights and obligations of the County and the Contractor are fully set forth and described in the Contract Documents. All of the above named documents are intended to be complimentary, so that any work called for in one, and mentioned in the other is to be performed and executed the same as if mentioned in all said documents.

**Section 4 - BEGINNING OF WORK**

Following receipt and full execution and approval of the Contract Documents, and posting of the requisite Bonds as called for therein, the COUNTY will issue a "Notice to Proceed". Under no circumstances shall the CONTRACTOR enter upon the site of work until receipt of the "Notice to Proceed", or unless so authorized in writing by the COUNTY.

**Section 5 - TIME OF COMPLETION**

The work called for in this Agreement shall be commenced within fifteen (15) days of the date of execution of the contract by COUNTY and shall be fully completed within a period of 150 working days beginning on the fifteenth calendar day after the date of said approval of contract.

**Section 6 - PREVAILING WAGE**

Copies of the prevailing wage rates of per diem wages are on file in the Humboldt County Public Works office at 1106 Second Street, Eureka, California and are available to any interested person on request.

**Section 7 - WORKERS' COMPENSATION**

By my signature hereunder, as CONTRACTOR, I certify that I am aware of the provisions of Section 3700 of the Labor Code which requires every employer to be insured against liability for Workers' 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.

**Section 8 - COMPLIANCE WITH LAWS**

The Contractor agrees to comply with all local, state, and federal laws and regulations, including but not limited to the Americans With Disabilities Act. The Contractor further agrees to comply with any applicable federal, state or local licensing standards, any applicable accrediting standards, and any other applicable standards or criteria established locally or by the state or federal governments.

This agreement shall be governed by and construed in accordance with the laws of the State of California.

**Section 9 - NOTICES**

All notices shall be in writing and delivered in person or transmitted by mail. Notices required to be given to the COUNTY shall be addressed as follows:

Humboldt County Department of Public Works  
1106 Second Street, Eureka, California, 95501

✓ Notices required to be given to CONTRACTOR shall be addressed as follows:

RAO Construction Co., Inc.  
PO Box 28  
Cuttien, CA 95534

IN WITNESS WHEREOF, The parties hereto have entered into this Agreement as of the date first above set forth.

COUNTY OF HUMBOLDT

BY Ray Boh

(SEAL)

Chairman, Board of Supervisors  
of the County of Humboldt,  
State of California

ATTEST:

KATHY HAYES  
Clerk of the Board of Supervisors  
of the County of Humboldt,  
State of California

BY [Signature]  
Clerk of the Board

✓ CONTRACTOR  
BY Leck Olson  
TITLE Vice President  
BY Kristin Elliott  
TITLE Secretary

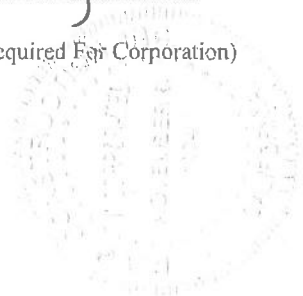
(Two Signatures Required For Corporation)

APPROVED AS TO FORM:

BY N/A  
Deputy County Counsel

INSURANCE CERTIFICATES REVIEWED  
AND APPROVED:

BY [Signature]  
Risk Manager



**BID FORM (EXHIBIT A) PAGE 1**  
**ADA CURB RAMP IMPROVEMENTS PROJECT (PHASE 1)**  
**CONTRACT NO.: 325701**

**PROJECT BID TABLE - ADA CURB RAMP IMPROVEMENTS PROJECT (PHASE 1)**

ITEM No.	ITEM CODE	ITEM DESCRIPTION	UNIT	QUANTITY	UNIT PRICE	TOTAL
1	120090	CONSTRUCTION AREA SIGNS	LS	1	5,000	5,000.00
2	120100	TRAFFIC CONTROL SYSTEM	LS	1	50,000	50,000.00
3	130620	TEMPORARY WATER POLLUTION CONTROL	LS	1	15,000	15,000.00
4	153121	REMOVE CONCRETE	SF	24,915	6.50	161,947.50
5	260203	AGGREGATE BASE (CLASS 2)	CY	652	100	65,200.00
6	390132	HOT MIX ASPHALT (TYPE A)	TON	222	250	55,500.00
7	710196	ADJUST DRAINAGE INLET FRAME/GRATE	EA	7	3,000	21,000.00
8	730045	MINOR CONCRETE (CROSS GUTTER-REINFORCED)	CY	57	800	45,600.00
9	731504A	MINOR CONCRETE (CURB, CURB AND GUTTER)	CY	328	650	213,200.00
10	731516	MINOR CONCRETE (DRIVEWAY)	CY	4	600	2,400.00
11	731521	MINOR CONCRETE (SIDEWALK)	CY	79	600	47,400.00
12	731623A	MINOR CONCRETE (CURB RAMP - TYPE A)	EA	5	9,500	47,500.00
13	731623B	MINOR CONCRETE (CURB RAMP - TYPE C)	EA	42	6,500	273,000.00
14	731623C	MINOR CONCRETE (CURB RAMP - TYPE CT)	EA	3	6,500	19,500.00
15	731623D	MINOR CONCRETE (CURB RAMP - TYPE CM)	EA	25	6,500	162,500.00
16	731623E	MINOR CONCRETE (CURB RAMP - TYPE 2CM)	EA	29	7,100	205,900.00
17	731623F	MINOR CONCRETE (CURB RAMP - TYPE CH)	EA	6	6,500	39,000.00
18	731623H	MINOR CONCRETE (CURB RAMP - TYPE F(MOD))	EA	2	8,000	16,000.00
19	730070	DETECTABLE WARNING SURFACE	EA	112	375	42,000.00
20	152370	RELOCATE MAILBOX	EA	4	300	1,200.00
21	152390	RELOCATE ROADSIDE SIGN	EA	57	400	22,800.00
22	568062	INSTALL SIDEWALK BARRICADE	EA	10	1250	12,500.00
23	840515	PLACE THERMOPLASTIC PAVEMENT MARKING	SF	5,000	12.50	62,500.00
24	999990	MOBILIZATION	LS	1	80,000	80,000.00
<b>BASE BID SUBTOTAL</b>						<b>1,166,647.50</b>

**BID FORM (EXHIBIT A) PAGE 2**  
**ADA CURB RAMP IMPROVEMENTS PROJECT (PHASE 1)**  
**CONTRACT NO.: 325701**

<u>ADDITIVE BID</u>						
25	710192	ADJUST SANITARY SEWER CLEANOUT TO GRADE	EA	9	400	3,600.00
26	710220	ADJUST UTILITY BOX TO GRADE	EA	43	400	17,200.00
<b><u>ADDITIVE BID SUBTOTAL</u></b>						<b>20,800.00</b>
<b><u>GRAND TOTAL</u></b>						<b>1,687,447.50</b>

ACKNOWLEDGEMENT OF ADDENDA

ADDENDUM NO.

INITIAL

#1  
 \_\_\_\_\_  
 \_\_\_\_\_

EO  
 \_\_\_\_\_  
 \_\_\_\_\_

*Rick Obern*

(Bidder's Signature)

Vice President

(Title)

chk by *mm*





Item 5:        INSERT COUNTY OF HUMBOLDT DEPARTMENT OF PUBLIC WORKS – CURB RAMP  
INSPECTION REPORT into the Special Provisions' Appendix.

**Approved:**



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ZACH SIVIGLIA  
RCE 73128, Expires 12/31/2020

03/05/19  
Date

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CONTRACT CHANGE ORDER NUMBER	1	SUPPL. NO.	
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DATE PREPARED BY RESIDENT ENGINEER: April 24, 2020

PROJECT NAME: ADA CURB RAMP IMPROVEMENTS PHASE 1

PROJECT NO. N/A CONTRACT NO. 325701

TO: RAO CONSTRUCTION CO., INC., P.O. BOX 28, CUTTEN, CA 95528

YOU ARE HEREBY DIRECTED TO MAKE THE HEREIN DESCRIBED CHANGES FROM THE PLANS AND SPECIFICATIONS OR TO DO THE FOLLOWING DESCRIBED WORK NOT INCLUDED IN THE PLANS AND SPECIFICATIONS FOR THIS CONTRACT. **NOTE THIS CHANGE ORDER IS NOT EFFECTIVE UNTIL APPROVED BY THE DIRECTOR OF PUBLIC WORKS**

DESCRIPTION OF WORK TO BE DONE, ESTIMATE OF QUANTITIES, AND PRICES PAID. (SEGREGATE BETWEEN ADDITIONAL WORK AT CONTRACT PRICE, AGREED PRICE AND FORCE ACCOUNT.) UNLESS OTHERWISE STATED, RATES FOR RENTAL OF EQUIPMENT COVER ONLY SUCH TIME AS EQUIPMENT IS ACTUALLY USED AND NO ALLOWANCE WILL BE MADE FOR IDLE TIME. THE LAST PERCENTAGE SHOWN IS THE NET ACCUMULATED INCREASE OR DECREASE FROM THE ORIGINAL QUANTITY IN THE ENGINEER'S ESTIMATE.

**EXTRA WORK AT AGREED PRICE:**

- 1a) Sawcut scoreline at 6"-8" from edge of detectable warning surface to indicate face of curb \$ 1,000.00 at Curb Ramps No. 1-1-14 (Park Street/John Hill Road) and No. 1-1-17 (Park Street/Terrace Way) and install 6' tall, pressure-treated lumber retaining curb at the back of sidewalk north of No. Curb Ramp 1-4-15 (John Hill Road/17th Street).
- 1b) Furnish additional materials not shown on project plans: Drainage Inlet Grate at Curb Ramp \$ 1,500.00 No. 1-3-112 (Walnut Drive/Aldo Court), two (2) 3'x4' detectable warning surface mats for installation by others, and 8.73 TN of pea gravel to fill abandoned utility vault discovered at Curb Ramp No. 1-2-96 (Harrison Avenue/Renfrew Street).

For this work, the contractor shall receive and accept the agreed lump sum of \$2,500. This sum constitutes full and complete compensation for furnishing all labor, material, equipment, tools, and incidentals including all markups by reason of this change.

A determination of the delay in completion of the contract due to the work specified by Change Order No. 1 has been made in accordance with the provisions of Section 8-1.07, "Delays," of the Standard Specifications.

One (1) working day shall be granted for the following date: 07/02/2019, due to the delay in controlling operations resulting from this change order.

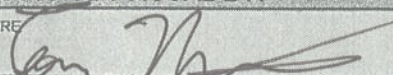
**ESTIMATED TOTAL INCREASE = \$2,500.00**

BY REASON OF THIS CHANGE, THE CONTRACT TIME WILL BE INCREASED BY 1 DAYS

**SUBMITTED BY:**

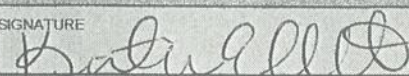
SIGNATURE 	PRINT NAME AND TITLE ANGI SORENSEN, CONSTRUCTION ENGINEER	DATE 4-27-2020
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**DIRECTOR APPROVAL BY:**

SIGNATURE 	PRINT NAME AND TITLE TOM MATTSON, DIRECTOR OF PUBLIC WORKS	DATE 7/27/20
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WE, THE UNDERSIGNED CONTRACTOR, HAVE GIVEN CAREFUL CONSIDERATION TO THIS CHANGE PROPOSED AND AGREE, IF THIS PROPOSAL IS APPROVED, THAT WE WILL PROVIDE ALL EQUIPMENT, FURNISH ALL MATERIALS, EXCEPT AS MAY OTHERWISE BE NOTED ABOVE, AND PERFORM ALL SERVICES NECESSARY FOR THE WORK ABOVE SPECIFIED, AND WILL ACCEPT AS FULL PAYMENT, THEREFORE, THE PRICES SHOWN ABOVE. **NOTE: IF YOU, THE CONTRACTOR, DO NOT SIGN ACCEPTANCE OF THIS ORDER, YOUR ATTENTION IS DIRECTED TO THE REQUIREMENTS OF THE SPECIFICATION AS TO PROCEEDING WITH THE ORDERED WORK AND FILING A WRITTEN PROTEST WITHIN THE TIME THEREIN SPECIFIED.**

**CONTRACTOR ACCEPTANCE BY:**

SIGNATURE 	PRINT NAME AND TITLE Kristina Ellsworth - Secretary	DATE 4/27/20
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<b>CONTRACT CHANGE ORDER NUMBER</b>	2	<b>SUPPL. NO.</b>	
DATE PREPARED BY RESIDENT ENGINEER: <u>August 10, 2020</u>			
PROJECT NAME: <u>ADA CURB RAMP IMPROVEMENTS PHASE 1</u>			
PROJECT NO. <u>N/A</u>	CONTRACT NO. <u>325701</u>		
TO: <u>RAO CONSTRUCTION CO., INC., P.O. BOX 28, CUTTEN, CA 95528</u>			
YOU ARE HEREBY DIRECTED TO MAKE THE HEREIN DESCRIBED CHANGES FROM THE PLANS AND SPECIFICATIONS OR TO DO THE FOLLOWING DESCRIBED WORK NOT INCLUDED IN THE PLANS AND SPECIFICATIONS FOR THIS CONTRACT. <b>NOTE THIS CHANGE ORDER IS NOT EFFECTIVE UNTIL APPROVED BY THE DIRECTOR OF PUBLIC WORKS</b>			
DESCRIPTION OF WORK TO BE DONE, ESTIMATE OF QUANTITIES, AND PRICES PAID. (SEGREGATE BETWEEN ADDITIONAL WORK AT CONTRACT PRICE, AGREED PRICE AND FORCE ACCOUNT.) UNLESS OTHERWISE STATED, RATES FOR RENTAL OF EQUIPMENT COVER ONLY SUCH TIME AS EQUIPMENT IS ACTUALLY USED AND NO ALLOWANCE WILL BE MADE FOR IDLE TIME. THE LAST PERCENTAGE SHOWN IS THE NET ACCUMULATED INCREASE OR DECREASE FROM THE ORIGINAL QUANTITY IN THE ENGINEER'S ESTIMATE.			
<b><u>INCREASE IN CONTRACT ITEMS AT CONTRACT PRICES</u></b>			
ITEM NO. 2	TRAFFIC CONTROL SYSTEM		
	0.05 LS	5.00%	@ \$ 50,000.00 / LS
			\$ 2,500.00
ITEM NO. 4	REMOVE CONCRETE		
	2,537.00 SF	10.18%	@ \$ 6.50 / SF
			\$ 16,490.50
ITEM NO. 5	AGGREGATE BASE (CLASS 2)		
	248.52 CY	38.12%	@ \$ 100.00 / CY
			\$ 24,852.00
ITEM NO. 6	HOT MIX ASPHALT (TYPE A)		
	439.76 TON	198.09%	@ \$ 250.00 / TON
			\$ 109,940.00
ITEM NO. 11	MINOR CONCRETE (SIDEWALK)		
	2.89 CY	3.66%	@ \$ 600.00 / CY
			\$ 1,734.00
ITEM NO. 12	MINOR CONCRETE (CURB RAMP -TYPE A)		
	14.50 EA	290.00%	@ \$ 9,500.00 / EA
			\$ 137,750.00
ITEM NO. 16	MINOR CONCRETE (CURB RAMP -TYPE 2CM)		
	4.50 EA	15.52%	@ \$ 7,100.00 / EA
			\$ 31,950.00
ITEM NO. 19	DETECTABLE WARNING SURFACE		
	8 EA	7.14%	@ \$ 375.00 / EA
			\$ 3,000.00
ITEM NO. 21	RELOCATE ROADSIDE SIGN		
	3 EA	5.26%	@ \$ 400.00 / EA
			\$ 1,200.00
ITEM NO. 26	ADJUST UTILITY BOX TO GRADE		
	12 EA	27.91%	@ \$ 400.00 / EA
			\$ 4,800.00
			<b>TOTAL INCREASE = \$ 334,216.50</b>
No adjustment to contract unit prices for the above items will be made in accordance with Section 9-1.06B, "Increases of More Than 25 Percent," of the <i>Standard Specifications</i> by reason of this change order.			
<b><u>DECREASE IN CONTRACT ITEMS AT CONTRACT PRICES</u></b>			
ITEM NO. 1	CONSTRUCTION AREA SIGNS		
	-1.00 LS	-100.00%	@ \$ 5,000.00 / LS
			\$ (5,000.00)
ITEM NO. 7	ADJUST DRAINAGE INLET FRAME/GRATE		
	-6 EA	-85.71%	@ \$ 3,000.00 / EA
			\$ (18,000.00)

**DECREASE IN CONTRACT ITEMS AT CONTRACT PRICES (CONTINUED)**

ITEM NO. 8	MINOR CONCRETE (CROSS GUTTER-REINFORCED)	-41.88 CY	-73.47%	@	\$ 800.00 / CY	\$ (33,504.00)
ITEM NO. 9	MINOR CONCRETE (CURB, CURB AND GUTTER)	-255.68 CY	-77.95%	@	\$ 650.00 / CY	\$ (166,192.00)
ITEM NO. 10	MINOR CONCRETE (DRIVEWAY)	-2.30 CY	-57.50%	@	\$ 600.00 / CY	\$ (1,380.00)
ITEM NO. 13	MINOR CONCRETE (CURB RAMP -TYPE C)	-2 EA	-4.76%	@	\$ 6,500.00 / EA	\$ (13,000.00)
ITEM NO. 14	MINOR CONCRETE (CURB RAMP -TYPE CT)	-1 EA	-33.33%	@	\$ 6,500.00 / EA	\$ (6,500.00)
ITEM NO. 15	MINOR CONCRETE (CURB RAMP -TYPE CM)	-9.50 EA	-38.00%	@	\$ 6,500.00 / EA	\$ (61,750.00)
ITEM NO. 17	MINOR CONCRETE (CURB RAMP -TYPE CH)	-3 EA	-50.00%	@	\$ 6,500.00 / EA	\$ (19,500.00)
ITEM NO. 18	MINOR CONCRETE (CURB RAMP -TYPE F(MOD))	-0.50 EA	-25.00%	@	\$ 8,000.00 / EA	\$ (4,000.00)
ITEM NO. 20	RELOCATE MAILBOX	-4 EA	-100.00%	@	\$ 300.00 / EA	\$ (1,200.00)
ITEM NO. 22	INSTALL SIDEWALK BARRICADE	-2 EA	-20.00%	@	\$ 1,250.00 / EA	\$ (2,500.00)
ITEM NO. 23	PLACE THERMOPLASTIC PAVEMENT MARKING	-298 SF	-5.96%	@	\$ 12.50 / SF	\$ (3,725.00)
ITEM NO. 25	ADJUST SANITARY SEWER CLEANOUT TO GRADE	-6 EA	-66.67%	@	\$ 400.00 / EA	\$ (2,400.00)
<b>TOTAL DECREASE =</b>						<b>\$ (338,651.00)</b>

No adjustment to contract unit prices for the above items will be made in accordance with Section 9-1.06C, "Decreases of More Than 25 Percent," of the *Standard Specifications* by reason of this change order.

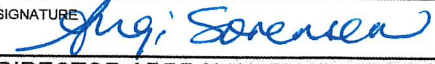
A determination of the delay in completion of the contract has been made in accordance with the provisions of Section 8-1.07, "Delays," of the *Standard Specifications*.

Ten (10) working days shall be granted for the following dates: 1/27/2020, 1/29/2020, 1/30/2020, 1/31/2020, 2/3/2020, 2/4/2020, 2/5/2020, 2/6/2020, 2/7/2020, and 2/11/2020, due to the delay in completion of controlling activities resulting from various interpretations of the Americans with Disabilities Act and other federal, state, and local accessibility laws throughout the duration of the project.


**ESTIMATED TOTAL DECREASE = \$ (4,434.50)**

BY REASON OF THIS CHANGE, THE CONTRACT TIME WILL BE INCREASED BY **WORKING DAYS**

SUBMITTED BY:


SIGNATURE 	PRINT NAME AND TITLE ANGI SORENSEN, CONSTRUCTION ENGINEER	DATE 11-9-2020
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DIRECTOR APPROVAL BY:

SIGNATURE 	PRINT NAME AND TITLE TOM MATTSO, DIRECTOR OF PUBLIC WORKS	DATE 11/9/20
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WE, THE UNDERSIGNED CONTRACTOR, HAVE GIVEN CAREFUL CONSIDERATION TO THIS CHANGE PROPOSED AND AGREE, IF THIS PROPOSAL IS APPROVED, THAT WE WILL PROVIDE ALL EQUIPMENT, FURNISH ALL MATERIALS, EXCEPT AS MAY OTHERWISE BE NOTED ABOVE, AND PERFORM ALL SERVICES NECESSARY FOR THE WORK ABOVE SPECIFIED, AND WILL ACCEPT AS FULL PAYMENT, THEREFORE, THE PRICES SHOWN ABOVE. NOTE: IF YOU, THE CONTRACTOR, DO NOT SIGN ACCEPTANCE OF THIS ORDER, YOUR ATTENTION IS DIRECTED TO THE REQUIREMENTS OF THE SPECIFICATION AS TO PROCEEDING WITH THE ORDERED WORK AND FILING A WRITTEN PROTEST WITHIN THE TIME THEREIN SPECIFIED.

CONTRACTOR ACCEPTANCE BY:

SIGNATURE 	PRINT NAME AND TITLE Kristina Ellsworth - secretary	DATE 11/16/20
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