SPECIAL PROVISIONS

FOR

CITY OF SAN LUIS OBISPO

Sinsheimer Irrigation & Stadium Drainage

Specification No. 91658

May 2021



PUBLIC WORKS DEPARTMENT ENGINEERING DIVISION

919 Palm Street San Luis Obispo, CA 93401 (805) 781-7200

Sinsheimer Irrigation & Stadium Drainage

Specification No. 91658

Approval Date: May 04, 2021



Hai Nguyen

May xx, 2021



Brian Nelson

May xx, 2021

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NOTICE TO BIDDERS BID SUBMISSION

Sealed bids must be **mailed** to the following address:

City of San Luis Obispo Public Works Administration Attn: Hai Nguyen 919 Palm Street San Luis Obispo, CA 93401

Bids delivered in person will not be accepted. Bids may be mailed by postal carriers such as UPS, FedEX, DHL, etc. Regular courier companies not affiliated with the postal system are not acceptable. All mailed bids must be delivered and in possession of the Project Manager by:

2:00 p.m. on June XX, 2021

At which time they will be publicly opened and read aloud via Microsoft Teams video conference and conference call. In-person attendance of the bid opening will not be permitted in adherence to social distancing measures. Use the following link:

https://teams.microsoft.com/l/meetup-join/19%3ameeting_YzVIZDVmNjMtOWFkYi00YzYzLWIyZjktOGVmYjBhNzk4NDNj%40 thread.v2/0?context=%7b%22Tid%22%3a%22a78b182d-94e4-4507-a9a9-330dcb148164%22%2c%22Oid%22%3a%22d80dfc48-0d0d-4359-8fc2-da31f041ef9e%22%7d

or join by phone with this number: 1 (209) 645-4165 with Conference ID: 346 023 742#

Submit bid in a sealed envelope plainly marked:

Sinsheimer Irrigation & Stadium Drainage, Specification No. 91658

Any bid received after the time and date specified will not be considered and will be returned to the bidder unopened. Bids received by Fax or Email will not be considered.

By submission of bid you agree to comply with all instruction and requirements in this notice and the contract documents.

All bids must be submitted on the Bid Item List form(s) provided and submitted with all other Bid Forms included in these Special Provisions.

Each bid must be accompanied by either a:

- 1 certified check
- 2. cashier's check
- 3. bidder's bond

made payable to the City of San Luis Obispo for an amount equal to ten percent of the bid amount as a guaranty. Guaranty will be forfeited to the City San Luis Obispo if the bidder, to whom the contract is awarded, fails to enter into the contract.

The City of San Luis Obispo reserves the right to accept or reject any or all bids or waive any informality in a bid.

All bids are to be compared based on the City Engineer's estimate of the quantities of work to be done, as shown on the Bid Item List.

Bids will only be accepted from bidders that are licensed in compliance with the provisions of Chapter 9, Division III of Business and Professions Code.

The award of the contract, if awarded, will be to the lowest responsive bid submitted by a responsible contractor whose bid complies with the requirements prescribed. If the contract is awarded, the contract will be awarded within 60 calendar days after the opening of the bids.

Failure to raise defects in the notice to bidders or bid forms prior to bid opening constitute a waiver of those defects.

BID DOCUMENTS

A copy of the plans and special provisions may be downloaded, free of charge, from the City's website at:

 $\underline{www.slocity.org/government/department-directory/public-works/public-works-bids-proposals}$

No printed copies are available for purchase at the City office.

Standard Specifications and Engineering Standards referenced in the Special Provisions may be downloaded, free of charge, from the City's website at:

<u>www.slocity.org/government/department-directory/public-works/documents-online/construction-documents</u>

You are responsible to obtain all issued addenda prior to bid opening. Addenda will be available to download at the City's website listed above or at the office of the City Engineer.

Contact the project manager, Hai Nguyen at 805-781-7108 or the Public Works Department at (805) 781-7200 prior to bid opening to verify the number of addenda issued.

You are responsible to verify your contact information is correct on the plan holders list located on the City's website at:

<u>www.slocity.org/government/department-directory/public-works/public-works-bids-proposals.</u>

PROJECT INFORMATION

In general, the project consists of the installation of irrigation and drainage within Sinsheimer baseball stadium.

The project estimated construction cost is \$500,000

Contract time is established as 60 working days.

The fixed liquidated damages amount is established at \$500 per day for failure to complete the work within the contract time.

In compliance with section 1773 of the Labor Code, the State of California Department of Industrial Relations has established prevailing hourly wage rates for each type of workman. Current wage rates may be obtained from the Division of Labor at:

https://www.dir.ca.gov/oprl/DPreWageDetermination.htm

This project is subject to compliance monitoring and enforcement by the Department of Industrial Relations.

QUALIFICATIONS

You must possess a valid Class A or C27 Contractor's License at the time of the bid opening.

You and any subcontractors required to pay prevailing wage must be registered with the Department of Industrial Relations pursuant to Section 1725.5 of the Labor Code.

You must have experience constructing projects similar to the work specified for this project. Provide three similar reference projects completed as either the prime or subcontractor. All referenced projects must have been completed within the last five years from this project's bid opening date.

One of the three reference projects must have been completed under contract with a city, county, state or federal government agency as the prime contractor.

All of the referenced projects must have included irrigation and drainage work.

Failure to provide reference projects as specified in this section and as required on the qualification form is cause to reject a bid as being non-responsive.

The City reserves the right to reject any bid based on non-responsiveness if a bidder fails to provide a bid that complies with all bidding instructions.

The City reserves the right to reject a responsive bid based on the non-responsibility of the bidder if the Director of Public Works or Designee finds, after providing notice and a hearing to the bidder, that the bidder lacks the

- 1. knowledge
- 2. experience,
- 3. or is otherwise not responsible

as defined in Section 3.24 of the San Luis Obispo Municipal Code to complete the project in the best interest of the City.

Rejected bidders may appeal this determination. Appeal must comply with the requirements in this Notice to Bidders.

It is the City of San Luis Obispo's intent to award the contract to the lowest responsive bid submitted by a responsible bidder. If in the bidder's opinion the contract has been or may be improperly awarded, the bidder may protest the contract award.

Protests must be filed no later than five working days after either:

- 1. bid opening date
- 2. notification of rejected bid.

Protest must be in writing and received by the project manager located at:

919 Palm Street

San Luis Obispo. CA 93401.

Valid protests must contain the following information:

- 1. the reasons for the protest
- 2. any supporting documentation
- 3. the ruling expected by the City to remedy the protest.

Any protest not containing all required information will be deemed invalid and rejected.

The City will consider additional documentation or other supporting information regarding the protest if submitted in compliance to the specified time limits. Anything submitted after the specified time limit will be rejected and not be considered.

The Director of Public Works or Designee may request additional information to be submitted within three days of the request, unless otherwise specified, and will notify the protester of ruling within ten days of determination.

If the protester is not satisfied with ruling, the protester may appeal the ruling to the City Council in compliance with Chapter 1.20 of the City of San Luis Obispo Municipal Code.

Pursuant to the Public Records Act (Government Code, § 6250, et seq.), the City will make public records available upon request.

AWARD

The lowest bidder will be determined using the BID TOTAL.

As a condition to executing a contract with the City, two bonds each equal to one hundred percent of the total contract price are required in compliance with Section 3-1.05 of the Standard Specifications.

You may substitute securities for moneys withheld under the contract in compliance with the provisions of the Public Contract Code, Section 10263.

ACCOMMODATION

If any accommodations are needed to participate in the bid process, please contact Kathryn Stanley at (805) 781-7200 or by Telecommunications Device for the Deaf at (805) 781-7107. Requests should be made as early as possible in the bidding process to allow time for accommodation.

All bid forms must be completed and submitted with your bid. Failure to submit these forms and required bid bond is cause to reject the bid as nonresponsive. Staple all bid forms together.

THE UNDERSIGNED, agrees that they have carefully examined:

- 1. the location of the proposed work
- 2. the plans and specifications
- 3. read the accompanying instructions to bidders

and propose to furnish all:

- 4. materials
- 5. labor

to complete all the required work satisfactorily in compliance with

- 6. plans
- 7. specifications
- 8. special provisions

for the prices set forth in the bid item list:

BID ITEM LIST FOR SINSHEIMER IRRIGATION & STADIUM DRAINAGE, SPECIFICATION NO. 91658

Item No.	SS ₍₁₎	Item Description	Unit of Measure	Estimated Quantity	Item Price (in figures)	Total (in figures)
1	20	HUNTER ICV CONTROL VALVE	EA	11	(ngaree)	(ngaree)
2	20	HUNTER ROTOR MODEL I-40-06- SS-15	EA	57		
3	20	HUNTER ROTOR MODEL I-40-06- SS-08	EA	6		
4	20	QUICK COUPLER	EA	10		
5	20	3.0" FLOW SENSOR (RAINMASTER)	EA	1		
6	20	3.0" MASTER VALVE (SUPERIOR 3300 SERIES)	EA	1		
7	20	2.0" PVC SCHEDULE 40	LF	1,700		
8	20	2.5" PVC SCHEDULE 40	LF	1,000		
9	20	3.0" PVC SCHEDULE 40	LF	1,500		
10	68,77	4" PVC SDR 35 PERFORATED PIPE	LF	7,100		

Item No.	SS ₍₁₎	Item Description	Unit of Measure	Estimated Quantity	Item Price (in figures)	Total (in figures)
11	68,77	6" PVC SDR 35 PERFORATED PIPE	LF	437	(ngaroo)	(m. n.garee)
12	68,77	8" PVC SDR 35 SOLID PIPE	LF	50		
13	77	DRAINAGE CLEANOUT	EA	30		
14	77	DRAINAGE INLET	EA	5		
15*	19	ROCK EXCAVATION	CY	100		
16*	20	IMPORT SOIL	CY	400		
17	19,20	TURF RENOVATION	LS	1		
18	77	ABANDON EXISTING IRRIGATION AND DRAINAGE SYSTEM	LS	1		
19	77	5FT x 10FT CONCRETE PAD	EA	1		
			Bid Total (o	r Base Bid)	\$	
Comp	Company Name:					

⁽¹⁾ refers to section in the Standard Specifications, with modifications in the Special Provisions, that describe required work.

^{*} Bid item exempt from Section 9-1.06 of the Standard Specifications. The unit price will not be adjusted regardless of the final bid item quantity.

LIST OF SUBCONTRACTORS

Pursuant to Section 4100 of the Public Contracts Code and section 2-1.33C of the standard specifications, the Bidder is required to furnish the following information for each Subcontractor performing more than 1/2 percent (0.5%) of the total base bid. Do not list alternative subcontractors for the same work. Subcontracting must not total more than fifty percent (50%) of the submitted bid except as allowed in section 5-1.13 of the standard specifications.

For Streets & Highways projects, subcontractors performing less than ten thousand dollars (\$10,000) worth of work need not be mentioned. Subcontractors required to pay prevailing wage, must be registered with the Department of Industrial Relations pursuant to Labor Code section 1725.5 to be listed.

NOTE: If there are no subcontractors, write "NONE" and submit with bid.

Name Under Which Subcontractor is Licensed	License Number	DIR Public Works Registration Number	Address and Phone Number of Office, Mill or Shop	Specific Description of Subcontract	% of Total Base Bid
					
		_			
				-	•
			<u> </u>		
Attach additional sheets	s as needed.				

PUBLIC CONTRACT CODE SECTION 10285.1 STATEMENT

In compliance with Public Contract Code Section 10285.1 (Chapter 376, Stats. 1985), the bidder hereby declares under penalty of perjury under the laws of the State of California that the bidder, or any subcontractor to be engaged by the bidder, has _____, has not _____ been convicted within the preceding three years of any offenses referred to in that section, including any charge of fraud, bribery, collusion, conspiracy, or any other act in violation of any state or federal antitrust law in connection with the bidding upon, award of, or performance of, any public works contract, as defined in Public Contract Code Section 1101, with any public entity, as defined in Public Contract Code Section 1100, including the Regents of the University of California or the Trustees of the California State University. The term "bidder" is understood to include any partner, member, officer, director, responsible managing officer, or responsible managing employee thereof, as referred to in Section 10285.1.

NOTE: The bidder must place a check mark after "has" or "has not" in one of the blank spaces provided. The above Statement is part of the Bid. Signing this Bid on the signature portion constitute signature of this Statement. Bidders are cautioned that making a false certification may subject the certifier to criminal prosecution.

PUBLIC CONTRACT CODE SECTION 10162 QUESTIONNAIRE

In compliance with Public Contract Code Section 10162, the Bidder must complete, under penalty of perjury, the following questionnaire:

Has the bidder, any officer of the bidder, or any employee of the bidder who has a proprietary interest in the bidder, ever been disqualified, removed, or otherwise prevented from bidding on, or completing a federal, state, or local government project because of a violation of law or a safety regulation?

Yes		No

If the answer is yes, attach a letter explaining the circumstances

PUBLIC CONTRACT CODE SECTION 10232 STATEMENT

In compliance with Public Contract Code Section 10232, you hereby state under penalty of perjury, that no more than one final unappealable finding of contempt of court by a federal court has been issued against you within the immediately preceding two-year period because of your failure to comply with an order of a federal court which orders you to comply with an order of the National Labor Relations Board.

LABOR CODE SECTION 1725.5 STATEMENTS

The bidder has delinquent liability to an employee or the state for any assessment of back wages or related damages, interest, fines, or penalties pursuant to any final judgment, order, or determination by a court or any federal, state, or local administrative agency, including a confirmed arbitration award. Any judgment, order, or determination that is

		provided that th ue through a boi			ayment of any
	Yes		No		
		arred under Sec ment of contract			ederal or state
_	Yes		No		
the signature	e portion consti	ents and Questic tute signature of se certification m	this Statement	and Questionnai	re. Bidders are

NON-COLLUSION DECLARATION

l,	, declare that
I am	of
the party making the	foregoing bid that the bid is not made in the interest of, or on behalf
of, any undisclose	d person, partnership, company, association, organization, or
corporation; that the	bid is genuine and not collusive or sham; that the bidder has not
directly or indirectly in	nduced or solicited any other bidder to put in a false or sham bid, and
has not directly or in	directly colluded, conspired, connived, or agreed with any bidder or
anyone else to put in	a sham bid, or that anyone refrained from bidding; that the bidder has
not in any manner	directly or indirectly, sought by agreement, communication, or
conference with anyo	one to fix the bid price of the bidder or any other bidder, or to fix any
overhead, profit, or co	ost element of the bid price, or of that of any other bidder, or to secure
any advantage agair	st the public body awarding the contract of anyone interested in the
proposed contract; th	nat all statements contained in the bid are true; and, further, that the
bidder has not, direct	y or indirectly, submitted his or her bid price or any breakdown thereof,
or the contents there	of, 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 on	, 20, in
	ty of perjury under the laws of the State of California that the foregoing
is true and correct.	
(0541)	(Signature and Title of Declarant)
(SEAL)	Cuba suiba da suada susanna ta bafanna na a
	Subscribed and sworn to before me thisday of, 20
	Notary Public
	Company Name:

BIDDER ACKNOWLEDGEMENTS

By signing below, the bidder ac in all contract documents, inc addendum number(s) addenda prior to the bid open	luding the notice to	bidders, plans, sp	pecifications, special pro	ovisions, and
The undersigned further agree bonds, within eight days, (not mailed notice that the contract bid will become the property of	including Saturdays is ready for signatur	, Sundays, and leg e, the proceeds of	jal holidays), after havin	ig received a
Licensed in accordance with ar Date	act providing for the	registration of cont	ractors, License No	, Expiration
The above statement is made considered non-responsive and			ot containing this inform	nation "will be
Signature of Bidder				
DIR– Public Works Registration No:		(Print Name and	Title of Bidder)	
Business Name (DBA):				
Owner/Legal Name:				
Indicate One:	□Sole-proprietor	□ Partnership	□Corporation	
List Partners/Corporate Officers:	Name	Title		
	Name	Title		
	Name	Title		
Business Address				
Street Address				
Mailing Address				
City, State, Zip Code				
Phone Number				
Fax Number				
Email Address				
Date				

QUALIFICATIONS

Failure to furnish complete reference information **ON THIS FORM**, as specified in this project's Notice to Bidders and indicated below, is cause to reject the bid. Additional information may be attached but is not a substitute for this form.

Describe the services provided and how this project is similar to that which is being bid:
Date project completed:
Describe the services provided and how this project is similar to that which is being bid:
Date project completed:
Describe the services provided and how this project is similar to that which is being bid:
Date project completed:

ATTACH BIDDER'S BOND TO ACCOMPANY BID

Know all men by these presents:	
That we	, AS PRINCIPAL, and
bound unto the City of San Luis Obispo in the sum of	AS SURETY, are held and firmly
bound unto the City of San Luis Obispo in the sum of	•
said City or its certain attorney, its successors and ass	Dollars () to be paid to signs; for which payment, well and truly to be made, we s, successors or assigns, jointly and severally, firmly by
THE CONDITION OF THIS OBLIGATION IS SUC	CH, that if the certain bid of the above
bounden	
to construct (insert name of street a	
(insert name of street a	and limits to be improved or project)
dated is accepted by the C	ity of San Luis Obispo, and if the above
	his heirs, executors, er into and execute a contract for such construction and nin ten (10) days (not including Saturdays, Sundays, or
said City of San Luis Obispo that said contract is read and void; otherwise, it shall be and remain in full force IN WITNESS WHEREOF, we hereunto set our ha	
Signature Date Title:	-
Surety:	
Bidder's signature is not required to be notarized. Surety's si Equivalent form may be substituted (Rev. 6-30-14)	gnature must be notarized.

SPECIAL PROVISIONS

ORGANIZATION

Special provisions are under headings that correspond with the main section heading of the Standard Specifications. Each special provision begins with a revision clause that describes or introduces a revision to the Standard Specifications. Any paragraph added or deleted by a revision clause does not change the paragraph number of the Standard Specifications for any other reference to a paragraph of the Standard Specifications.

DIVISION I GENERAL PROVISIONS 1 GENERAL

Add to Section 1-1.01 GENERAL:

The work must be done in compliance with the City of San Luis Obispo, Department of Public Works:

- 1. Sinsheimer Irrigation and Stadium Drainage Special Provisions
- 2. City of San Luis Obispo Standard Specifications and Engineering Standards -2020 edition
- 3. State of California, Department of Transportation Standard Specifications and Standard Plans – 2015 edition

In case of conflict between documents, governing ranking must comply with section 5-1.02 of the City of San Luis Obispo's Standard Specifications.

Failure to comply with the provisions of these sections is a material breach of contract:
1. Sections 5 through 8 of the Standard Specifications
2. Section 12 through 15 of the Standard Specifications

- 3. Section 77-1 of the Standard Specifications
- 4. Section 81 of the Standard Specifications
- 5. authorized working hours
- 6. OSHA compliance

2 BIDDING

Replace Section 2-1.33A BID DOCUMENT COMPLETION AND SUBMITTAL, General with:

Furnish bid using blank forms provided in the Special Provisions. Bid must include all forms and must be signed by the bidder.

3 CONTRACT AWARD AND EXECUTION

Add to Section 3-1.18A CONTRACT EXECUTION, Encroachment Permit:

The contractor must obtain a no-fee encroachment permit from the Public Works Department for this project. All requirements of the encroachment permit shall be applied to the project.

4 SCOPE OF WORK

Add to Section 4-1.03 WORK DESCRIPTION:

Comply with the provisions of Sections 19, 20, 68 and 77 for general, material, construction, and payment specifics.

Add Section 4-1.03A WORK DESCRIPTION, Project Specific Signage:

Maintain Revenue Enhancement Funding signage in work area. Return Revenue Enhancement Funding signs at the end of the project or upon the Engineer's request.

6 CONTROL OF MATERIALS

Add to Section 6-2.03 DEPARTMENT ACCEPTANCE:

The Engineer will furnish Sales Tax signs mounted to moveable barricades. Maintain Sales Tax signage in work area. Return Sales Tax signs at the end of the project or upon the Engineer's request.

7 LEGAL RELATIONS AND RESPONSIBILITY TO THE PUBLIC

Add to Section 7-1.03B PUBLIC CONVENIENCE, Traffic Control Plan Work hours are restricted to 7:00 A.M. to 4:00 P.M. Monday through Friday.

8 PROSECUTION AND PROGRESS

Replace the 1st paragraph in Section 8-1.02A SCHEDULE, General with: Provide a Level 1 schedule for this work.

DIVISION III EARTHWORK AND LANDSCAPE 19 EARTHWORK

Add to Section 19-1.03E Rock Excavation:

Serpentine exist at the project site. Refer to Appendix C for Geologic Evaluation for Naturally Occurring Asbestos (NOA). Asbestos was not detected in any of the samples analyzed.

20 LANDSCAPE

Add to Section 20-1.02D Organic Soil Amendments:

Soil amendment must be spread throughout the turf renovation area. Re-cultivate to thoroughly mix soil amendment with the soil.

Add to Section 20-1.02E Fertilizer:

Fertilizer must be Grow-Power (5-3-1) applied at a rate of 12.5 pounds per 1000 square feet.

Add to Section 20-1.03D Cultivate:

Turf must be cultivated but not removed from the site. Cultivate areas before adding soil amendment and fertilizer.

Add to Section 20-3.01B(2)(e) Hydroseeded Lawn Planting:

The turf grass must be "Perennial Ryegrass" mixture applied at the rate of 10-12 pounds of seed per 1000 square feet.

Add to Section 20-3.02D PAYMENT with:

The lump sum price paid for turf renovation will include full compensation for furnishing all labor, materials, tools, equipment and incidentals and for doing all the work involved to complete renovation of the turf at Sinsheimer Baseball Stadium, including but not limited to the following list or as shown on the plans and as specified in these Special Provisions:

- Cultivate turf renovation areas
- Spread soil amendment
- Re-cultivate to mix soil amendment
- Dispose of excess material per specifications
- Smooth soil bringing it to final grade
- Hydroseeded Lawn Planting
- Labor, equipment, materials and all incidentals that are required to complete work as required per project specifications.

DIVISION XIII APPENDICES

Add 100-1.01

- 1. Appendix A: Form of Agreement
- 2. Appendix B: Sinsheimer Irrigation and Drainage As-builts
- 3. Appendix C: Geologic Evaluation for Naturally Occurring Asbestos (NOA)

APPENDIX A - FORM OF AGREEMENT

THIS AGREEMENT, made on this _	day of	, 20, by	/ and between
the City of San Luis Obispo, a mun	icipal corporation and	d charter city, Sa	n Luis Obispo
County, California (hereinafter called	the Owner) and COMI	PANY NAME (he	reinafter called
the Contractor).	,	•	

WITNESSETH:

That the Owner and the Contractor for the consideration stated herein agree as follows:

ARTICLE 1, SCOPE OF WORK: The Contractor shall perform everything required to be performed, shall provide and furnish all of the labor, materials, necessary tools, expendable equipment, and all utility and transportation services required to complete all the work of construction of

NAME OF PROJECT, SPEC NO.

in strict compliance with the plans and specifications therefor, including any and all Addenda, adopted by the Owner, in strict compliance with the Contract Documents hereinafter enumerated.

It is agreed that said labor, materials, tools, equipment, and services shall be furnished and said work performed and completed under the direction and supervision and subject to the approval of the Owner or its authorized representatives.

ARTICLE II, CONTRACT PRICE: The Owner shall pay the Contractor as full consideration for the faithful performance of this Contract, subject to any additions or deductions as provided in the Contract Documents, the contract prices as follows:

Item No.	ltem	Unit of Measure	Estimated Quantity	Item Price (in figures)	Total (in figures)
1.					
2.					
3.					

BID TOTAL: \$.00

Payments are to be made to the Contractor in compliance with and subject to the provisions embodied in the documents made a part of this Contract.

Should any dispute arise respecting the true value of any work omitted, or of any extra work which the Contractor may be required to do, or respecting the size of any payment to the Contractor, during the performance of this Contract, said dispute shall be decided by the Owner and its decision shall be final, and conclusive.

ARTICLE III, COMPONENT PARTS OF THIS CONTRACT: The Contract consists of the following documents, all of which are as fully a part thereof as if herein set out in full, and if not attached, as if hereto attached:

- 1. Notice to Bidders and Information for Bidders
- 2. Standard Specifications and Engineering Standards
- 3. Special Provisions, any Addenda, Plans and Contract Change Orders
- 4. Caltrans Standard Specifications and Standard Plans 2015
- 5. Accepted Bid and Bid Bond
- 6. List of Subcontractors
- 7. Public Contract Code Sections 10285.1 Statement
- 8. Public Contract Code Section 10162 Questionnaire
- 9. Public Contract Code Section 10232 Statement
- 10. Labor Code Section 1725.5 Statements
- 11. Bidder Acknowledgements
- 12. Qualifications
- 13. Non-collusion Declaration
- 14. Agreement and Bonds
- 15. Insurance Requirements and Forms

ARTICLE IV INDEMNIFICATION: The Contractor shall indemnify, defend with legal counsel approved by City, and hold harmless City, its officers, officials, employees and volunteers from and against all liability, loss, damage, expense, cost (including without limitation reasonable legal counsel fees, expert fees and all other costs and fees of litigation) of every nature arising out of or in connection with the Contractor's negligence, recklessness or willful misconduct in the performance of work hereunder or its failure to comply with any of its obligations contained in this Agreement, except such loss or damage which is caused by the sole or active negligence or willful misconduct of the City. Should conflict of interest principles preclude a single legal counsel from representing both the City and the Contractor, or should the City otherwise find the Contractor's legal counsel unacceptable, then the Contractor shall reimburse the City its costs of defense, including without limitation reasonable legal counsel fees, expert fees and all other costs and fees of litigation. The Contractor shall promptly pay any final judgment rendered against the City (and its officers, officials, employees and volunteers) with respect to claims determined by a trier of fact to have been the result of the Contractor's negligent, reckless or wrongful performance. It is expressly understood and agreed that the foregoing provisions are intended to be as broad and inclusive as is permitted by the law of the State of California and will survive termination of this Agreement.

The Contractor obligations under this section apply regardless of whether such claim, charge, damage, demand, action, proceeding, loss, stop notice, cost, expense, judgment, civil fine or penalty, or liability was caused in part or contributed to by an Indemnitee. However, without affecting the rights of the City under any provision of this agreement, the Contractor shall not be required to indemnify and hold harmless the City for liability attributable to the active negligence of City, provided such active negligence is determined by agreement between the parties or by the findings of a court of competent jurisdiction. In

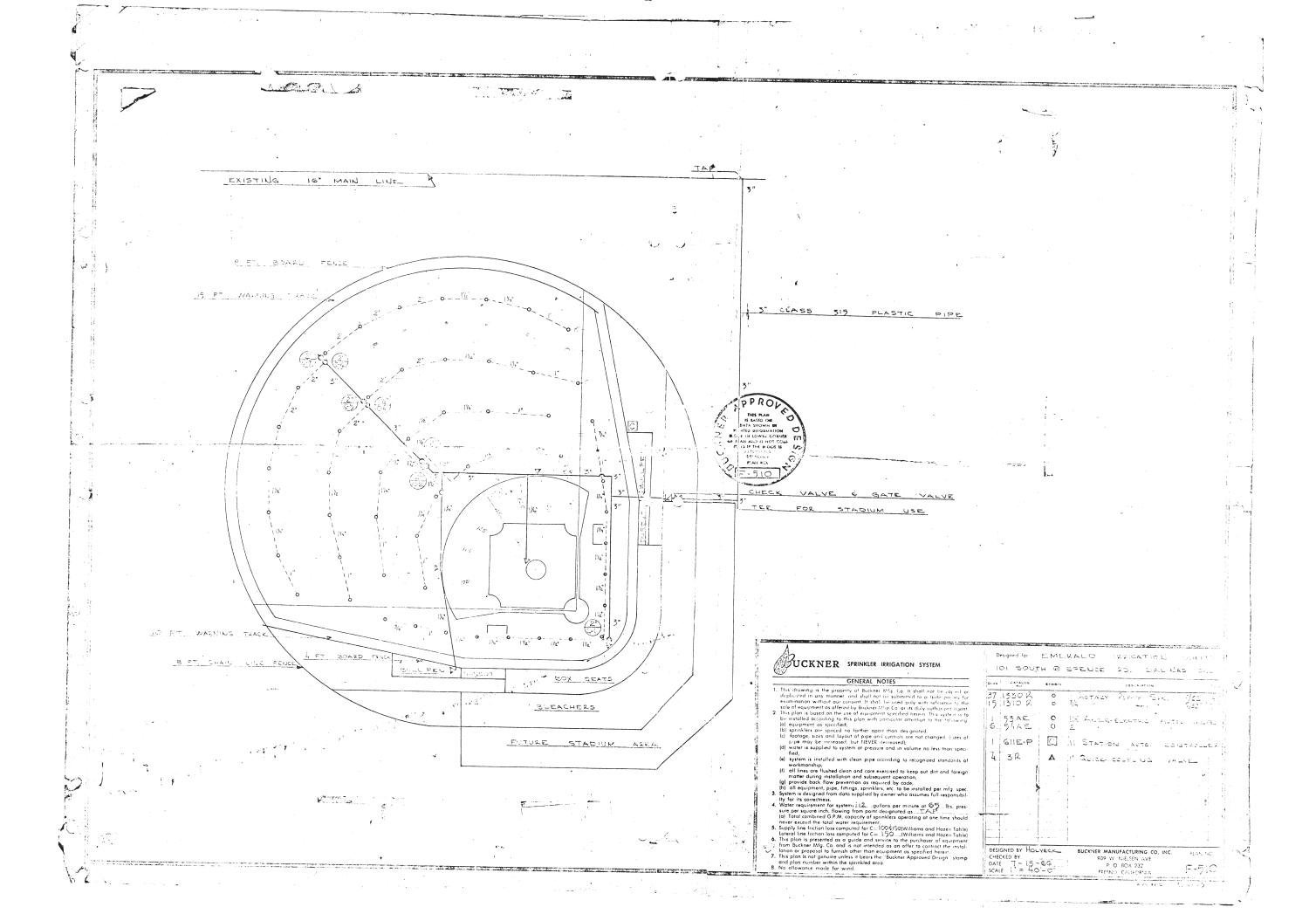
instances where the City is shown to have been actively negligent and where the City's active negligence accounts for only a percentage of the liability involved, the obligation of the Contractor will be for that entire portion or percentage of liability not attributable to the active negligence of the City.

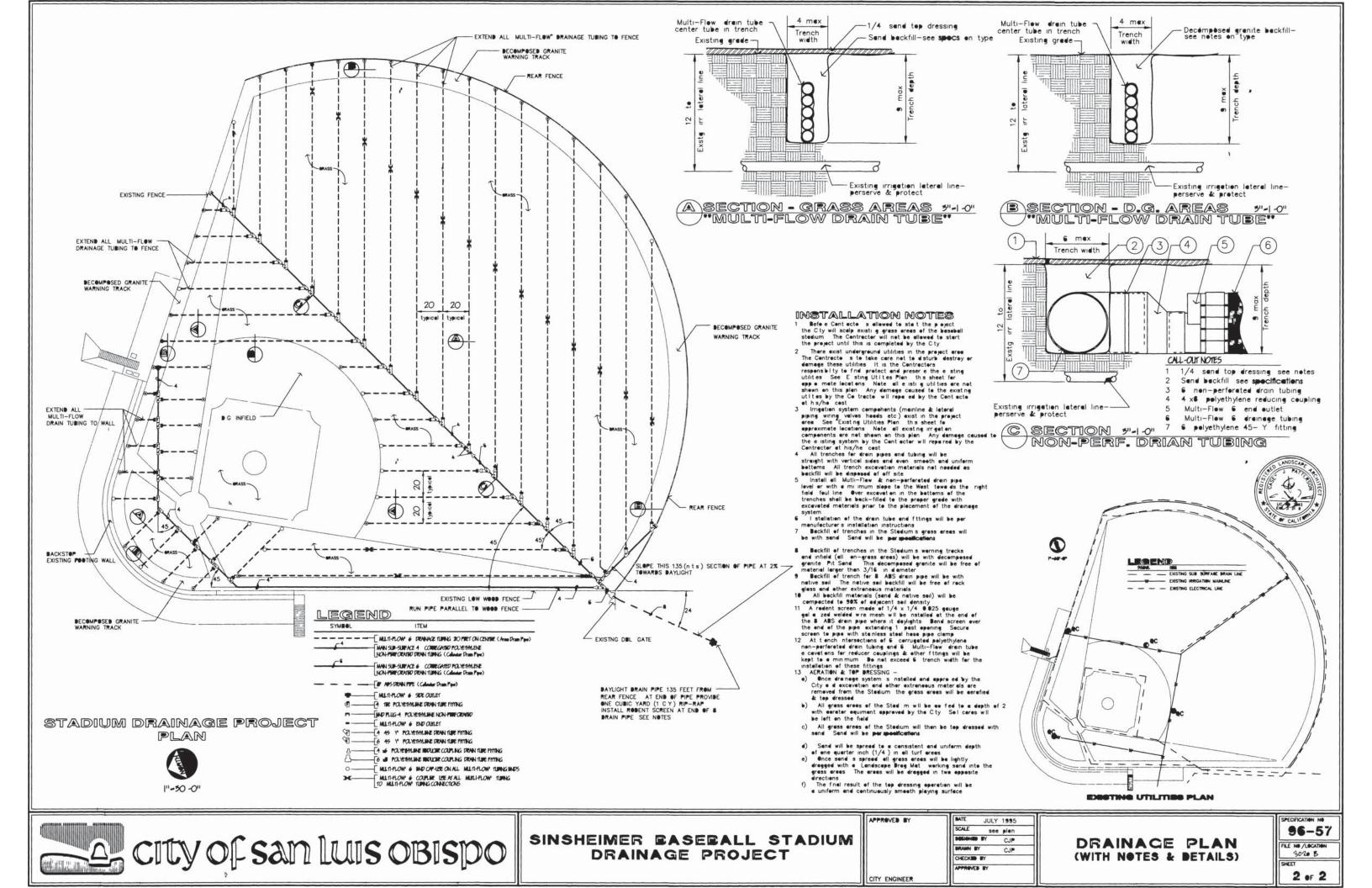
ARTICLE V. It is further expressly agreed by and between the parties hereto that should there be any conflict between the terms of this instrument and the bid of said Contractor, then this instrument shall control and nothing herein shall be considered as an acceptance of the said terms of said bid conflicting herewith.

IN WITNESS WHEREOF, the parties to these presents have hereunto set their hands this year and date first above written.

	CITY OF SAN LUIS OBISPO A Municipal Corporation
APPROVED AS TO FORM	Derek Johnson, City Manager CONTRACTOR: Name of Company
J. Christine Dietrick City Attorney	By: Name of CAO/President Its: CAO/PRESIDENT
	(2 nd signature required if Corporation):
	By:Name of Corporate Officer
	Its:







	ALLENDIA
A	PPENDIX C – GEOLOGIC EVALUATION FOR NATURALLY OCCURRING ASBESTOS (NOA)

4378 Old Santa Fe Road | San Luís Obispo, CA 93401 | Ph: 805.544.3276 | www.earthsystems.com

March 10, 2021

ESP File No.:

301066-003

Mr. Hai Nguyen, Engineer III City of San Luis Obispo, Public Works Department 919 Palm Street San Luis Obispo, CA 93401-3218

PROJECT:

SINSHEIMER IRRIGATION AND STADIUM DRAINAGE PROJECT

CITY SPECIFICATION NO. 91658

SOUTHWOOD DRIVE

SAN LUIS OBISPO, CALIFORNIA

SUBJECT:

Geologic Evaluation for Naturally Occurring Asbestos (NOA)

CONTRACT

REF:

Purchase Order 608432, dated January 13, 2021

Dear Mr. Nguyen:

In accordance with your authorization, this report has been prepared to address the potential for the presence of naturally occurring asbestos on the above project site. The location of the project site is depicted on Figure 1, Site Vicinity Map. Our evaluation consisted of review of geologic literature to assess the geologic formations underlying the site, advancing seven shallow borings, collection of composite soil and bedrock samples from each of the borings, and laboratory analysis of soil samples.

Several different types of minerals are included in the term asbestos. The minerals referred to as asbestos all exhibit a fibrous form that may produce airborne particles when crushed or abraded. The California Air Resources Board (CARB) considers airborne asbestos particles a significant risk to human health on a statewide and local level (CARB 2017).

Asbestos minerals are generally limited to only a few types of rocks known to be present in the central coast area of California; these are ultramafic igneous rocks and their metamorphic equivalents, which include serpentinite and some types of schist. The regional geologic map (Wiegers 2010) depicts the site as being underlain by alluvial deposits (map symbol Qya) and mélange of the Franciscan Complex (map symbol KJfm). The Franciscan Complex includes rock types that are known to contain asbestos minerals. Serpentinized ultramafic rocks are also mapped in the vicinity of the site. The regional geologic Map, depicting the approximate park boundary is presented as Figure 2, Regional geologic Map.

Included in our review of geologic literature were boring logs from geotechnical investigations performed for previous improvements at the park, including Stairs Replacement in August 2013, and the Stadium Backstop in June 2017. The borings logs from these projects indicated that Franciscan Mélange and serpentinite are present beneath the project area at shallow depths.



Sinsheimer Park Irrigation and Stadium Drainage San Luis Obispo, California

The irrigation and drainage improvements proposed for Sinsheimer Park are anticipated to include excavation of shallow trenches to a depth of approximately 3 feet below the existing grade. To assess if the proposed excavations will encounter asbestos containing materials we drilled 7 shallow borings to a depth of 3 feet on February 8, 2021 with a truck mounted solid flite auger. We collected composite soil and bedrock samples from each of the borings. Each composite sample included material from approximately 0.5 feet, 1.5 feet, and 3 feet. The locations of the 7 borings represented on Figure 3, Field Exploration Map.

The samples were sent to a State certified laboratory and analyzed for asbestos in accordance with EPA method 600/R-93/116 with CARB 435 prep with target sensitivity of 0.25%. Asbestos was not detected in any of the samples analyzed. The results of the analysis are presented in the following table. The analytical report from EMSL Analytical Inc. is included as an attachment to this report.

NOA Assessment – Analytical Results

Boring Number	Sample Number	Percent Asbestos
1	092101852-0001	None Detected
2	092101852-0002	None Detected
3	092101852-0003	None Detected
4	092101852-0004	None Detected
5	092101852-0005	None Detected
6	092101852-0006	None Detected
7	092101852-0007	None Detected

There are no indications that naturally occurring asbestos materials are present on site at depths that may be disturbed by site grading for the installation of the irrigation and drainage improvements. No further action is recommended.

Thank you for the opportunity to have been of service. If you have any questions, or if we can be of further assistance, please do not hesitate to contact the undersigned at your convenience.

Sincerely,

Earth Systems Pacific

Darrin Hasham, PG, CEG

Associate Engineering Geolog

Enc.: Appendix A - Site Vicinity Map, Regional Geologic Map, Field Exploration Map

Appendix B - Boring Logs 1 through 7

Appendix C - EMSL Test Report, Order 092101852

Doc. No.: 2103-025.GEO/pm



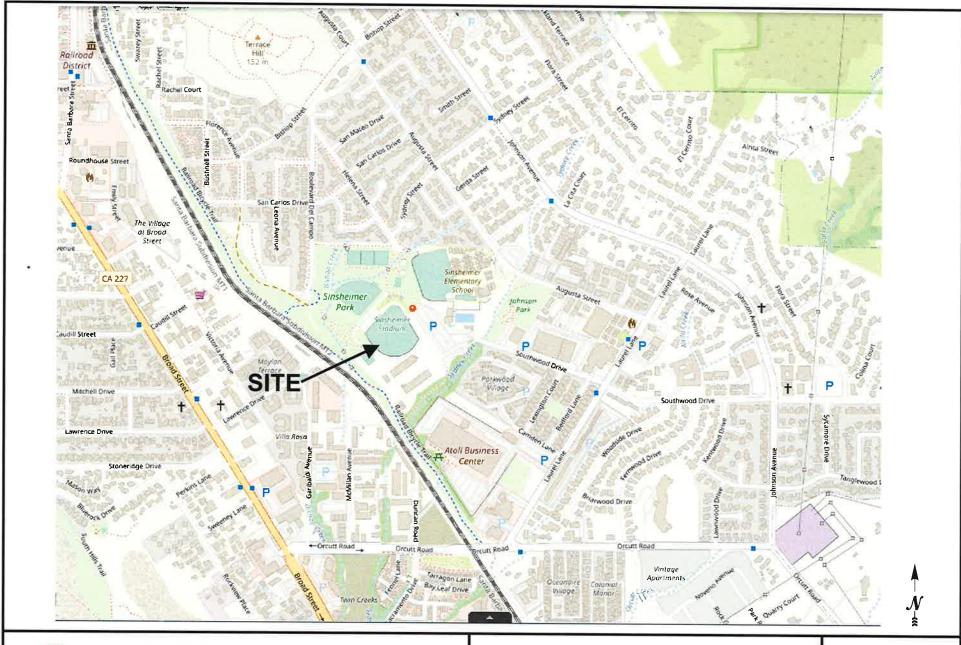
Sinsheimer Park Irrigation and Stadium Drainage San Luis Obispo, California

REFERENCES

- CARB (California Environmental Protection Agency, Air Resources Board), 2017, Implementation Guidance Document, Air Resources Board Test Method 435, Determination of Asbestos Content of Serpentine Aggregate, dated April 2017.
- Earth Systems Pacific, 2017, Geotechnical Engineering Report, Sinsheimer Stadium Backstop, CIP Project #91543, 900 Southwood Drive, San Luis Obispo, California, document No. 1706-103.SER, dated June 27, 2017
- Wiegers, Mark O., 2010, Geologic Map of the San Luis Obispo 7.5' Quadrangle, San Luis Obispo County, California: A Digital Database, California Geological Survey, Scale 1:24:000

APPENDIX A

Figure 1 Site Vicinity Map Figure 2 - Regional Geologic Map Figure 3 - Field Exploration Plan





EARTH SYSTEMS PACIFIC

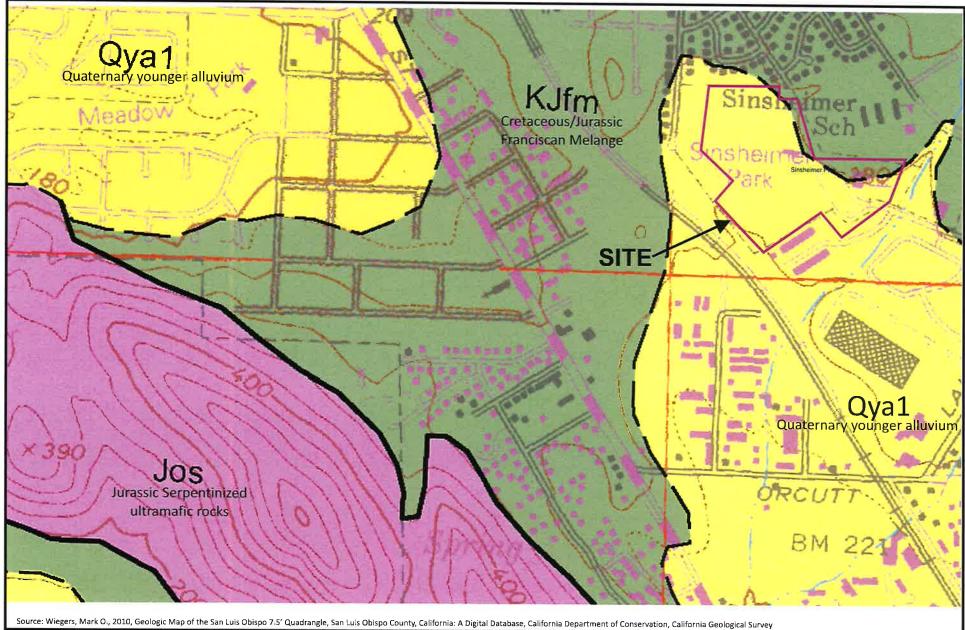
4378 Old Santa Fe Road, San Luis Obispo, CA 93401 www.earthsystems.com - email: esp@earthsystems.com (805) 544-3276

SITE VICINITY MAP

Sinsheimer Irrigation and Stadium Drainage Project Southwood Drive San Luis Obispo, California FIGURE 1

<u>Date</u> March 2021

Project No. 301066-003





EARTH SYSTEMS PACIFIC

4378 Old Santa Fe Road, San Luis Obispo, CA 93401 www.earthsystems.com - email: esp@earthsystems.com (805) 544-3276

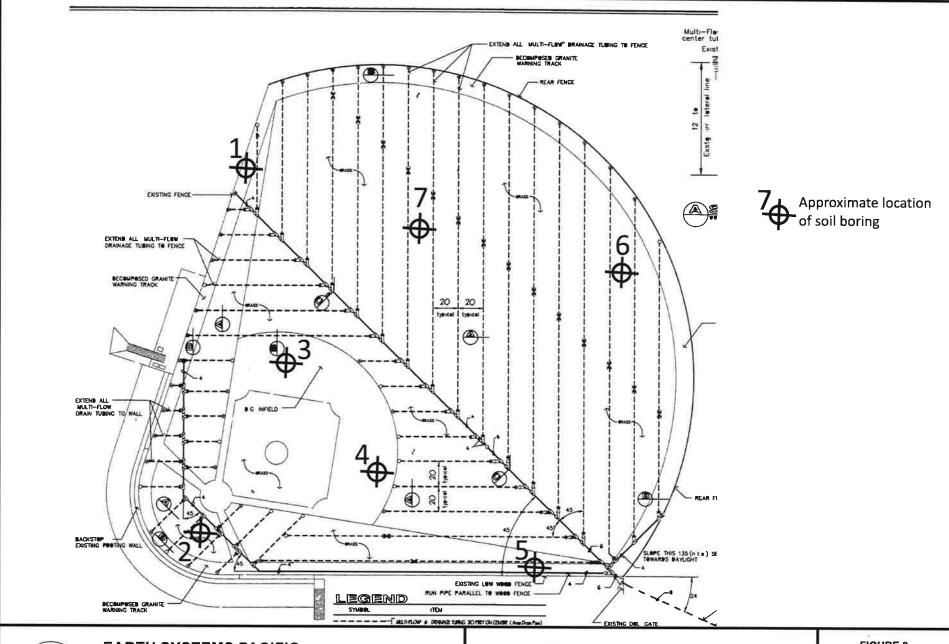
REGIONAL GEOLOGIC MAP

Sinsheimer Irrigation and Stadium Drainage Project **Southwood Drive** San Luis Obispo, California

FIGURE 2

Date March 2021

Project No. 301066-003





EARTH SYSTEMS PACIFIC

4378 Old Santa Fe Road, San Luis Obispo, CA 93401 www.earthsystems.com - email: esp@earthsystems.com (805) 544-3276

FIELD EXPLORATION MAP

Sinsheimer Irrigation and Stadium Drainage Project **Southwood Drive** San Luis Obispo, California

FIGURE 3

Date March 2021

Project No. 301066-003

APPENDIX B

Boring Log Legend Boring Logs 1 through 7

					UNI	FIED S	SOIL CLA	SSIFICA	TION SYS	STEM (A	STM D 2487	7)
Ea	rth Sys	stems F	acific	MAJO	OR ONS	GROUP SYMBOL		TYPIC	AL DESCRIP	TIONS		GRAPH
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l F	ROR	ING	ING			GM				MIXTURES,	, NON-PLASTIC	HIJPI
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_	.LG			COARSE (<u>s</u>	SP	POORLY G	RADED SAN	DS OR GRAVE	ELLY SANDS	S, LITTLE OR NO	13.1
						SM	SILTY SANI	DS, SAND-SI	LT MIXTURES	, NON-PLAS	TIC FINES	
SAMPLE / S WATER			GRAPH. SYMBOL	ö		sc	CLAYEY SA	NDS, SAND	CLAY MIXTUF	RES, PLASTI	C FINES	
CALIFORN	S_I		ML	FINE SAND	S OR CLAYE	Y SILTS WITH	I SLIGHT PLA		ШШ			
STANDARD PEN				SOIL	8	CL	CLAYS, SA	NDY CLAYS,	SILTY CLAYS	, LEAN CLAY		
	BY TUBE			ED	ZE AS	OL	PLASTICIT	′	RGANIC SILTY			
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				FINE	Si	ОН	ORGANIC C	CLAYS OF MI	EDIUM TO HIG	H PLASTICI	TY, ORGANIC	
	R DRILLI		<u></u>	<u>t</u> L		PT	PEAT AND	OTHER HIGH	ILY ORGANIC	SOILS		\ \ \ \ \ \ \ \
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					С	ONSIS	TENCY					
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MAJOR DIVI	SIONS					T	YPICAL D	ESCRIPT	IONS			
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26

Earth Systems Pacific

LOGGED BY: S. Hemmer
DRILL RIG: SIMCO

Boring No. 1 PAGE 1 OF 1 JOB NO.: 301066-003

AUGER TYPE: 4" Solid Stem DATE: 2/8/2021 Sinsheimer Irrigation and SAMPLE DATA USCS CLASS **Stadium Drainage Project** DRY DENSITY (pcf) SYMBOL DEPTH (feet) MOISTURE (%) **Southwood Drive** SAMPLE TYPE BLOWS PER 6 IN. San Luis Obispo, California SOIL DESCRIPTION СН SANDY FAT CLAY: black, soft, moist (Alluvium) 1 0.0 - 3.0О SERPENTINITE: greenish gray, soft, slightly 2 moist, slightly weathered (Franciscan Mélange) 3 End of Boring @ 3.0' No subsurface water encountered 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25

LEGEND: Ring Sample Grab Sample Shelby Tube Sample SPT

NOTE: This log of subsurface conditions is a simplification of actual conditions encountered. It applies at the location and time of drilling. Subsurface conditions may differ at other locations and times.



LOGGED BY: S. Hemmer DRILL RIG: SIMCO AUGER TYPE: 4" Solid Stem Boring No. 2 PAGE 1 OF 1 JOB NO.: 301066-003

	Sinsheimer Irrigation and			SAI	MPLE [IE: 2/8/2021	
DEPTH (feet)	USCS CLASS	SYMBOL	Stadium Drainage Project Southwood Drive San Luis Obispo, California	INTERVAL (feet)	SAMPLE TYPE	DRY DENSITY (pcf)	MOISTURE (%)	BLOWS PER 6 IN.
	Sn		SOIL DESCRIPTION	IN S	SA	DRY (WO	BI PEI
-0-	SP		POORLY GRADED SAND: brown, loose, moist (Fill)			_		
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2			SERPENTINITE: greenish gray, soft, slightly moist, slightly weathered (Franciscan Mélange)					
3		****	End of Boring @ 3.0' No subsurface water encountered					
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LOGGED BY: S. Hemmer DRILL RIG: SIMCO AUGER TYPE: 4" Solid Stem Boring No. 3 PAGE 1 OF 1 JOB NO.: 301066-003

	П	Sinsheimer Irrigation and			SAI	MPLE [16. 2/0/2021
DEPTH (feet)	USCS CLASS	SYMBOL	Stadium Drainage Project Southwood Drive San Luis Obispo, California	INTERVAL (feet)	SAMPLE TYPE	DRY DENSITY (pcf)	MOISTURE (%)	BLOWS PER 6 IN.
			SOIL DESCRIPTION	2	S	DRY	MO	B B
-0-	SP	11	POORLY GRADED SAND: brown, loose, moist (Fill)					
1 #	СН		SANDY FAT CLAY: black, soft, moist (Alluvium)	0.0 - 3.0				
2			SERPENTINITE: greenish gray, soft, slightly					
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LOGGED BY: S. Hemmer DRILL RIG: SIMCO AUGER TYPE: 4" Solid Stem Boring No. 4 PAGE 1 OF 1

JOB NO.: 301066-003

	Sinsheimer Irrigation and			SAI	MPLE [TL. 2/0/2021	
DEPTH (feet)	USCS CLASS	SYMBOL	Stadium Drainage Project Southwood Drive San Luis Obispo, California	INTERVAL (feet)	SAMPLE TYPE	DRY DENSITY (pcf)	MOISTURE (%)	BLOWS PER 6 IN,
	Š		SOIL DESCRIPTION	Z .	/8	DRY	Θ	<u> </u>
-0-	SP	11	POORLY GRADED SAND: brown, loose, moist (Fill)					
- 1	СН		CLAYEY SAND: gray, loose, very moist (Alluvium)	0.0 - 3.0				
2			SERPENTINITE: greenish gray, soft, slightly					
3	-	****	moist, slightly weathered (Franciscan Mélange) End of Boring @ 3.0'					
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LOGGED BY: S. Hemmer DRILL RIG: SIMCO AUGER TYPE: 4" Solid Stem Boring No. 5 PAGE 1 OF 1

JOB NO.: 301066-003

	T _{SS}		Sinsheimer Irrigation and		SAI	MPLE [1L. 2/0/2021
DEPTH (feet)	USCS CLASS	SYMBOL	Stadium Drainage Project Southwood Drive San Luis Obispo, California	INTERVAL (feet)	SAMPLE	DRY DENSITY (pcf)	MOISTURE (%)	BLOWS PER 6 IN.
o_			SOIL DESCRIPTION	Z	S	DRY	×	
1	SC		CLAYEY SAND: brown, loose, moist (Fill) SERPENTINITE: greenish gray, soft, slightly	0.0 - 3.0	0			
2 - 3			moist, slightly weathered (Franciscan Mélange) End of Boring @ 3.0'					
4 - 5 - 6 - 7 - 8			No subsurface water encountered					
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- 15 - 16								
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LOGGED BY: S. Hemmer DRILL RIG: SIMCO AUGER TYPE: 4" Solid Stem Boring No. 6 PAGE 1 OF 1

JOB NO.: 301066-003 DATE: 2/8/2021

			Sinsheimer Irrigation and	SAMPLE DATA						
DEPTH (feet)	USCS CLASS	SYMBOL	Stadium Drainage Project Southwood Drive San Luis Obispo, California	INTERVAL (feet)	SAMPLE	DRY DENSITY (pcf)	MOISTURE (%)	BLOWS PER 6 IN.		
0			SOIL DESCRIPTION	₹	0,	DR	Ž			
-	SP	-	POORLY GRADED SAND : brown, loose, moist (Fill)							
1	СН		SANDY FAT CLAY: black, soft, moist (Alluvium)	0.0 - 3.0						
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2	CL	77	LEAN CLAY: gray, soft, moist							
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LOGGED BY: S. Hemmer DRILL RIG: SIMCO Boring No. 7 PAGE 1 OF 1 JOB NO.: 301066-003 DATE: 2/8/2021

AUGER TYPE: 4" Solid Stem

Superior Stadium Drainage Project Southwood Drive San Luis Obispo, California Superior Superior San Luis Obispo, California Superior Sup				Sinsheimer Irrigation and		SAI	MPLE [TE. 2/0/2021
SP POORLY GRADED SAND : brown, loose, moist (Fill) CH SANDY FAT CLAY: black, soft, moist (Alluvium) CL LEAN CLAY: gray, soft, moist End of Boring @ 3.0' No subsurface water encountered The state of	DEPTH (feet)	USCS CLASS	SYMBOL	Stadium Drainage Project Southwood Drive San Luis Obispo, California	INTERVAL (feet)	SAMPLE	RY DENSITY (pcf)	MOISTURE (%)	BLOWS PER 6 IN.
CL	- t		//	POORLY GRADED SAND : brown, loose, moist (Fill)	0.0 - 3.0	0			
End of Boring @ 3.0" No subsurface water encountered	2								
No subsurface water encountered No subsurface water encountered No subsurface water encountered No subsurface water encountered		CL		End of Boring @ 3.0'					
5				No subsurface water encountered					
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APPENDIX C

EMSL Test Report



EMSL Order: 092101852 **Customer ID:** EART70 **Customer PO:** 301066-003

Project ID:

Phone: (909) 380-3289

Fax: (805) 544-1786

Received: 02/10/2021 11:30 AM **Analysis Date:** 02/16/2021 - 02/17/2021

Collected: 02/08/2021

Attention: Darrin Hasham

Earth Systems Pacific 4378 Santa Fe Road San Luis Obispo, CA 93401

Project: SINSHEIMER PARK DRAINAGE/ 301066-003

Test Report: PLM Analysis of Bulk Samples for Asbestos via EPA 600/R-93/116 Method with CARB 435 Prep (Milling) Level A for 0.25% Target Analytical Sensitivity

			Non-A	sbestos	Asbestos
Sample	Description	Appearance	% Fibrous	% Non-Fibrous	% Type
1 092101852-0001	SAND AND CLAY SOIL	Brown Non-Fibrous Homogeneous		100% Non-fibrous (Other)	None Detected
2 092101852-0002	SAND AND CLAY SOIL	Brown Non-Fibrous Homogeneous		100% Non-fibrous (Other)	None Detected
3 092101852-0003	SAND AND CLAY SOIL	Brown Non-Fibrous Hornogeneous		100% Non-fibrous (Other)	None Detected
4 092101852-0004	SAND AND CLAY SOIL	Brown Non-Fibrous Homogeneous		100% Non-fibrous (Other)	None Detected
5 092101852-0005	SAND AND CLAY SOIL	Brown Non-Fibrous Homogeneous		100% Non-fibrous (Other)	None Detected
6 092101852-0006	SAND AND CLAY SOIL	Brown Non-Fibrous Homogeneous		100% Non-fibrous (Other)	None Detected
7 092101852-0007	SAND AND CLAY SOIL	Brown Non-Fibrous Homogeneous		100% Non-fibrous (Other)	None Detected

Analyst(s)	Ana	lyst(s)
------------	-----	---------

Gavin Lee (1) Jose Madrid (6) Cecilia Yu, Laboratory Manager or other approved signatory

EMSL maintains liability limited to cost of analysis. Interpretation and use of test results are the responsibility of the client. This report relates only to the samples reported above, and may not be reproduced, except in full, without written approval by EMSL. EMSL bears no responsibility for sample collection activities or analytical method limitations. The report reflects the samples as received. Results are generated from the field sampling data (sampling volumes and areas, locations, etc.) provided by the client on the Chain of Custody. Samples are within quality control criteria and met method specifications unless otherwise noted. Some samples may contain asbestos fibers present in dimensions below PLM resolution limits. EMSL suggests that samples reported as <0.25% or none detected undergo additional analysis via TEM.

Samples analyzed by EMSL Analytical, Inc San Leandro, CA

Initial report from: 02/17/2021 08:56:52



1910 W. McKinley, Suite 110, Fresno, CA 93726 FAX (559) 268-8174 - (800) 228-9896 - (559) 233-6129



Rosenbalm Rockery Inc. 1745 N Hughes Ave

Fresno

CA 93705

15785 09

6040 Mix

ID:

Lab No. 291358 Sampled Date 3/26/2019 Submitted Date 3/27/2019 Submitted by Rick Reported Date 4/2/2019

Location/Project Copy To

Sandy Loam

Fax (559) 256-3907

E-mail Todd@therockery.com

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