

# ORANGE COUNTY BOARD OF SUPERVISORS

## Agenda Revisions and Supplementals

Note: *This supplemental agenda is updated daily showing items that have been added, continued, deleted or modified.*

*No new supplemental items will be added to the agenda following close of business on Friday.*

February 5, 2013

### DISCUSSION

18. Continued to 2/26/13, 9:30 a.m.

**THE FOLLOWING AGENDA ITEMS HAVE HAD CHANGES TO THEIR RECOMMENDED ACTIONS SINCE RELEASE OF THE AGENDA TO THE PUBLIC:**

Item: None

### **S u p p l e m e n t a l I t e m ( s )**

- S29A. **OC Public Works – Acting as the Orange County Flood Control District** - Approve plans and specifications and award contract to SS Mechanical for construction of the Los Alamitos Pump Station Main Pump Replacement Project (\$2,967,000); and make California Environmental Quality Act findings – District 2
- SCS4. **Human Resource Services - CONFERENCE WITH LABOR NEGOTIATOR** - Pursuant to Government Code Section 54957.6:  
Agency Negotiator: Robert J. Franz  
Employee Organizations: Association of County Law Enforcement Management (ACLEM), American Federation of State, County and Municipal Employees (AFSCME), Association of Orange County Deputy Sheriffs (AOCDS), Alliance of Orange County Workers (AOCW), In-Home Supportive Services Provider Unit (IHSS) represented by United Domestic Workers of America (UDWA), International Union of Operating Engineers (IUOE), Orange County Attorneys Association (OCAA), Orange County Employees Association (OCEA) and other non-represented employees  
RE: Terms and Conditions of Employment
- SCS5. **County Counsel - CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION** - Pursuant to Government Code Section 54956.9(d)(1):  
Name of Case: California Department of Finance, et al. v. Jan Grimes, etc., OCSC Case No. 30-2012-00559592-CU-WM-CJC
- SCS6. **Chairman Nelson - PUBLIC EMPLOYEE APPOINTMENT** - Pursuant to Government Code Section 54957:  
Title: County Executive Officer
- SCS7. **County Executive Office - PUBLIC EMPLOYEE PERFORMANCE EVALUATION** - Pursuant to Government Code Section 54957:  
Title: County Counsel

**REVISIONS AND SUPPLEMENTALS TO FEBRUARY 5, 2013 AGENDA - PAGE 1 OF 1**

item #18

COUNTY OF ORANGE  
**DanaPointHarbor**  
Memorandum

*Brad Gross, Director*  
24650 Dana Point Harbor Drive  
Dana Point, CA 92629  
Telephone: (949) 923-2236  
Fax: (949) 923-3792

---

## Continuation-Deletion Memo

**Date:** January 31, 2013  
**To:** Susan Novak, Clerk of the Board of Supervisors  
**From:** Brad Gross, Director, OC Dana Point Harbor *BRG*  
**cc:** County Executive Office

**ASR Control #(s):** 13-000022 for the February 5, 2013 Board Meeting

**Subject:** Approve Amendment 5 to PDI Agreement for Revitalization Project Management

---

- Request to Continue agenda Item(s) to the February 26, 2013 Board Meeting  
Comments:
  
- Request deletion of Agenda Item(s)  
Comments:




County of Orange

# MEMO

2013 JAN 31 PM 3:37

2013 JAN 31 PM 3:37

**DATE:** January 31, 2013  
**TO:** Chairman Shawn Nelson, Board of Supervisors  
Supervisor, Fourth District  
**FROM:** Robert J. Franz, Interim County Executive Officer   
**SUBJECT:** Exception to the Rule 21

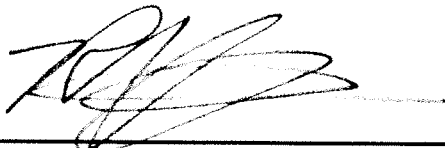
---

The County Executive Office is requesting a supplemental agenda item for the February 5, 2013 Board Hearing Meeting:

Board Meeting Date: February 5, 2013 # 529A  
Subject: Los Alamitos Pump Station Main Pump Replacement  
Calendar: Supplemental  
Districts: 2

**Reason for Supplemental:** To expedite the response to the Board from direction given on January 15, 2013. A construction contract approval will expedite the procurement of new storm water pumps at the Los Alamitos Pump Station project and avoid further delays in the overall project completion.

Concur:



---

**Shawn Nelson, Chairman, Board of Supervisors**

cc: Member, Board of Supervisors  
Rob Richardson, Assistant CEO  
Nicholas Chrisos, County Counsel  
Susan Novak, Clerk of the Board of Supervisors



Agenda Item

S29A

SUPPLEMENTAL AGENDA ITEM


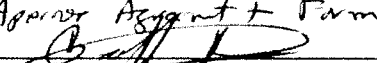
ASR Control

2013 JAN 31 11:31:33

MEETING DATE: 2/5/13  
 LEGAL ENTITY TAKING ACTION: Orange County Flood Control District  
 BOARD OF SUPERVISORS DISTRICT(S): 2  
 SUBMITTING AGENCY/DEPARTMENT: OC Public Works  
 DEPARTMENT CONTACT PERSON(S): Ignacio G. Ochoa (714) 667-3213  
 Tony Olmos (714) 667-3255

*Ignacio G. Ochoa*

SUBJECT: Los Alamitos Pump Station Main Pump Replacement

CEO CONCUR 	COUNTY COUNSEL REVIEW <i>Approve Agent + Form</i> 	CLERK OF THE BOARD Discussion Calendar 3 Votes Board Majority
---	--	---

Budgeted: No                      Current Year Cost: \$2,967,000                      Annual Cost: N/A

Staffing Impact: No                      # of Positions:                      Sole Source: N/A

Current Fiscal Year Revenue: N/A

Funding Source: Flood Fund 400: 100%

Prior Board Action: 01/15/2013 #22

RECOMMENDED ACTION(S):

1. Find that Mitigated Negative Declaration IP03-105, previously certified by the Board of Supervisors on March 6, 2007, for the Los Alamitos Pump Station Project reflects the independent judgment of the County of Orange and the Orange County Flood Control District, and satisfies the requirements of CEQA for the Los Alamitos Pump Station Project, which is a necessarily included element contemplated as part of that prior action for the Los Alamitos Pump Station Project, based on the following additional findings:
  - a. The circumstances of the project are substantially the same as the Los Alamitos Pump Station project and MND IP03-105, adequately addressed the effects of the proposed project. No substantial changes have been made in the project, no substantial changes in the circumstances under which the project is being undertaken, and no new information of substantial importance to the project which was not known or could not have been known when the previous MND IP03-105 was adopted has become known and no further environmental review is required.
  - b. MND IP03-105 is adequate to satisfy the requirements of CEQA for the Los Alamitos Pump Station Main Pump Replacement Project.
  - c. All mitigation measures are fully enforceable pursuant to CEQA (Public Resources Code) Section 21081.6(b) and have either been adopted as conditions, incorporated as part of the

project design, or included in the procedures of project implementation.

2. Approve Plans and Special Provisions; Form of Proposal; and Form of the Construction Agreement for the Los Alamitos Pump Station Main Pump Replacement.
3. Award contract to SS Mechanical for the replacement of the four main pumps in the amount of \$2,967,000.
4. Authorize the Chair of the Board to execute the contract when the required bonds and insurance certificates have been submitted and approved by County Executive Office Risk Management and County Counsel.

#### **SUMMARY:**

Awarding of the construction contract to SS Mechanical for the Los Alamitos Pump Station Main Pump Replacement Project will improve flood protection to the residents of Orange County.

#### **BACKGROUND INFORMATION:**

On June 26, 2007, your Board awarded a construction contract to SSC Construction, Inc. (SSC) for the construction of the Los Alamitos Pump Station Project (Project) in the amount of \$21,706,795. The contractor and the Orange County Flood Control District (District) are currently in litigation on various issues related to the project.

Morrison Pump Company, the manufacturer of the four main pumps for the Project, has asserted in writing that the pumps and/or their driveline components installed by SSC have a high probability of being damaged or failing during critical flood control pumping, and SSC has failed to present an acceptable plan to the District to verify that the pumps will function according to the Project specifications.

On January 15, 2013, your Board directed OC Public Works staff to prepare and finalize Plans and Special Provisions for the procurement and installation of four new pumps. OC Public Works was also directed to obtain a price from SS Mechanical and return to your Board for approval of a construction contract. As a result, OC Public Works recommends retaining SS Mechanical to furnish and install four new main pumps. A copy of the Plans and Special Provisions for this contract is on file with the Clerk of the Board.

**Compliance with CEQA:** This project is a necessarily included element of the projects considered in Mitigated Negative Declaration IP03-105, certified by the Board of Supervisors on March 6, 2007, for the Los Alamitos Pump Station Project which adequately addressed the effects of the proposed project. No substantial changes have been made in the project, no substantial changes in the circumstances under which the project is being undertaken and no new information of substantial importance to the project which was not known or could not have been known when the Mitigated Negative Declaration IP03-105 was certified has become known therefore no further environmental review is required.

#### **FINANCIAL IMPACT:**

Although this project was not specifically budgeted in FY 12-13, sufficient funds are available within the Flood Fund 400 to cover the appropriations needed for this project.

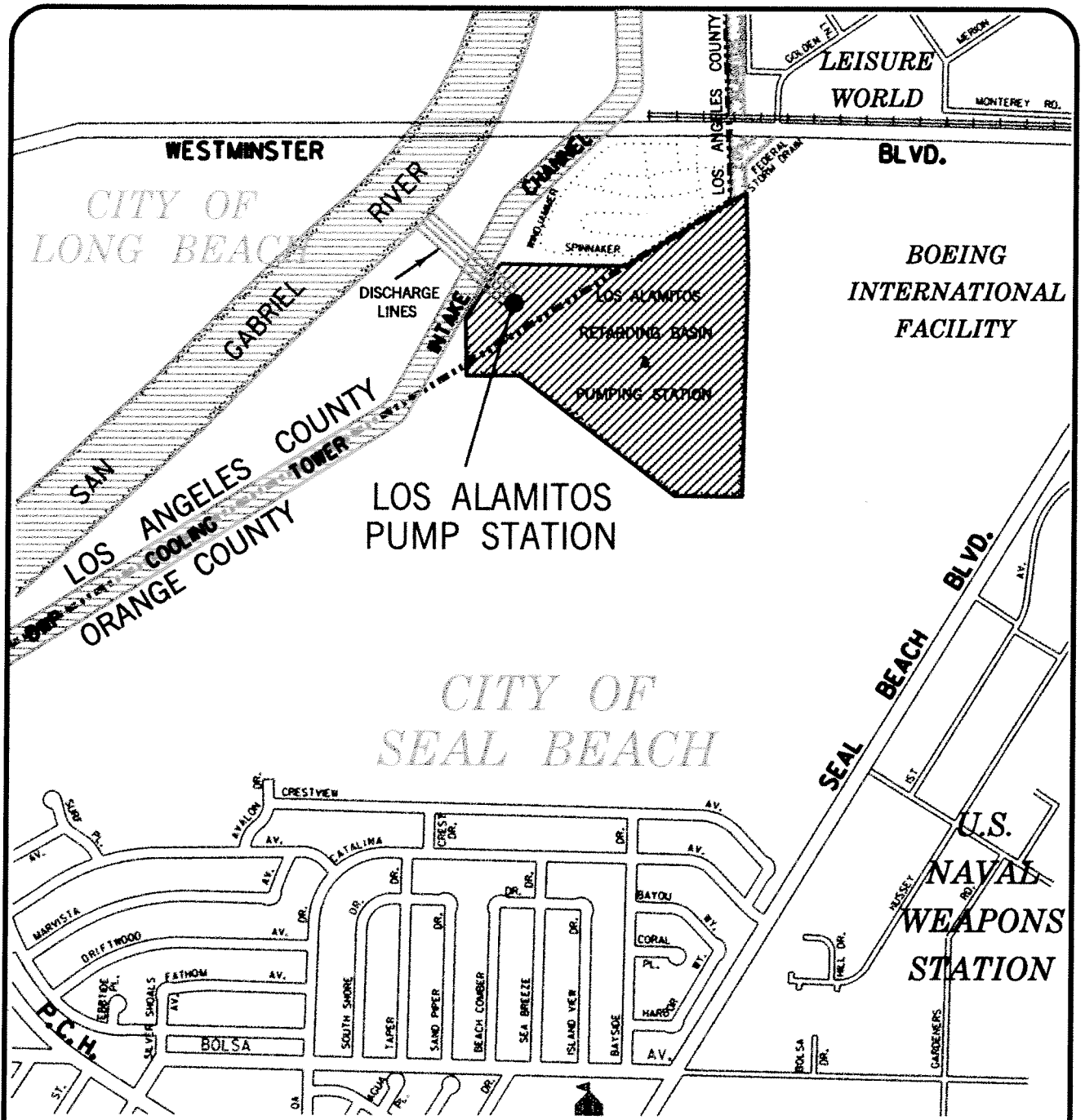
**STAFFING IMPACT:**

N/A

**EXHIBIT(S):**

Exhibit A: Location Map

Exhibit B: Proposal from SS Mechanical, Corp.



**LEGEND:**

 PROJECT SITE



ORANGE COUNTY  
PUBLIC FACILITIES & RESOURCES DEPARTMENT

**LOCATION MAP**  
(CO1PS1)

**LOS ALAMITOS PUMP STATION**

---

NOT TO SCALE | 8/8/01

# EXHIBIT B

## PROPOSAL

### FOR

#### LOS ALAMITOS PUMP STATION MAIN PUMP REPLACEMENT

Name of Bidder S.S. Mechanical Corp.

Business Address 17631 Metzler Lane Phone No. 714-847-1317

City/State Huntington Beach, CA Zip Code 92647

TO THE BOARD OF SUPERVISORS OF Orange County Flood Control District  
hereinafter referred to as, "DISTRICT."

The undersigned, as bidder, declares that the only persons or parties interested in this proposal as principals are those named herein; that this proposal is made without collusion with any other person, firm or corporation; that the bidder has carefully examined the location of the proposed work, the proposed form of CONSTRUCTION AGREEMENT, including all documents made a part thereof, and the plans herein referred to; and the bidder proposes and agrees if this proposal is accepted, that the bidder will enter into a contract with the DISTRICT, in the form set forth in said CONSTRUCTION AGREEMENT, to provide all the necessary labor, machinery, tools, apparatus and other means for construction, and to do all the work and furnish all the materials specified in the CONSTRUCTION AGREEMENT, in the manner and time therein prescribed, and according to the requirements of the ENGINEER as therein set forth, and that the bidder will accept in full payment therefor the following unit prices, to wit:

ALL PAGES OF THIS PROPOSAL MUST BE SUBMITTED AND THE LAST PAGE OF THIS PROPOSAL MUST BE SIGNED BY  
THE CONTRACTOR AND NOTARIAL ACKNOWLEDGEMENT ATTACHED OR BID MAY BE DISCARDED



## EXHIBIT B

CONTRACTOR shall place Lump Sum prices in the "Item Price" column and the "Total" column.

SCHEDULE OF WORK ITEMS					
Item No.	Estimated Quantity	Unit of Measure	Item Description	Item Price (in figures)	TOTAL (in figures)
1 (D).	1	LS	Maintain Dewatering	\$ 45,500	\$ 45,500. <sup>00</sup>
2 (D).	4	EA	Remove, Transport and Protect Main Pumps	\$ 47,500	\$ 190,000. <sup>00</sup>
3.	4	EA	Main Pumps	\$ 682,875	\$ 2,731,500. <sup>00</sup>
<b>TOTAL:</b> Two million, nine hundred sixty-seven thousand and <sup>00</sup> / <sub>100</sub>					<b>\$ 2,967,000.<sup>00</sup></b>

- (A) Additive Bid Item
- (D) Deletable Bid Item
- (F) Final Quantity Bid Item
- (P) Partial Payment Bid Item
- (S) Specialty Bid Item

**(A) Additive Bid Item** – shall be bid items that for bidding purposes are not considered part of the base bid but shall be added or subtracted from the total contract amount (based upon the bidder's proposed bid amounts and the Agency's available funding for the project) prior to award of the project per Section 20103.8 of the Public Contract Code.

**(D) Deletable Bid Item** – shall be bid items that are considered part of the bidder's base bid but are items of work that may or may not be deleted from the total contract amount awarded as progression of the work proceeds for the project. A deletable bid item should not be confused with a deductive bid item per Section 20103.8 of the Public Contract Code, but deletable bid items will be subject to Section 3-2.2.1, "Contract Unit Prices," of the Standard Specifications for Public Works Construction as Published by Building News, Inc. (STANDARD SPECIFICATIONS) as modified by Section B, of these Special provisions.

**(F) Final Quantity Bid Item** – are bid items as described in Section C, "Final Pay Quantities," of these Special Provisions.

**(P) Partial Payment Bid Item** – are bid items as described in Section B, Section 9-3.2, "Partial and Final Payment," of these Special Provisions.

ALL PAGES OF THIS PROPOSAL MUST BE SUBMITTED AND THE LAST PAGE OF THIS PROPOSAL MUST BE SIGNED BY THE CONTRACTOR AND NOTARIAL ACKNOWLEDGEMENT ATTACHED OR BID MAY BE DISCARDED

## EXHIBIT B

**(S) Specialty Bid Item** – are bid items that are considered part of the total base bid but are not considered part of the contractor's obligation to perform at least fifty percent (50%) of the work as specified in Section 2-3.2, "Additional Responsibility," of the STANDARD SPECIFICATIONS.

It is understood that the approximate quantities shown in the foregoing schedule are solely for the purpose of facilitating the comparison of bids, and that the CONTRACTOR's compensation will be computed upon the basis of the actual quantities in the completed work, whether they be more or less than those shown herein.

The bidder shall set forth for each item of work, in clearly legible figures, an item price and a total for the item in the respective spaces provided for this purpose. In the case of unit basis items, the amount set forth under the "Total" column shall be the extension of the item price bid on the basis of the estimated quantity for the item, unless otherwise indicated elsewhere in the AGREEMENT documents or specifications (e.g., items stated as "final Payment" or "lump sum").

In the case of discrepancy between the item price and the total set forth for the item, the item price shall prevail, provided, however, if the amount set forth as an item price is ambiguous, unintelligible or uncertain for any cause, or is omitted, or in the case of unit basis items, is the same amount as the entry in the "Total" column, then the amount set forth in the "Total" column for the item shall prevail in accordance with the following:

1. For lump sum items, the amount set forth in the "Total" column shall be the item price.
2. For unit basis items, the amount set forth in the "Total" column shall be divided by the estimated quantity for the item and the price thus obtained shall be the item price.

Notwithstanding the above, it is within the DISTRICT's sole and absolute discretion whether or not to waive an irregularity and recalculate the bid. The DISTRICT will not recalculate the bid if doing so would result in a material change or give the bidder an advantage not afforded to the other bidders.

Information regarding award of contract, if a contract is awarded, will be available the week prior to a Board meeting through the DISTRICT's Agenda and Meeting Information Website.

Apparent bid results will be available through the Orange County World Wide Web site at <http://ocinspection.ocpublicworks.com/sections/contracts/bids/> typically one day after opening of bids.

In case of discrepancy between the correct sum of the individual items and the total written, the correct sum shall prevail.

The cost of all work shown in the Plans and Special Provisions shall be included in related bid items. There shall be no compensation except for the bid items specified in the Proposal, and no

ALL PAGES OF THIS PROPOSAL MUST BE SUBMITTED AND THE LAST PAGE OF THIS PROPOSAL MUST BE SIGNED BY THE CONTRACTOR AND NOTARIAL ACKNOWLEDGEMENT ATTACHED OR BID MAY BE DISCARDED

## EXHIBIT B

additional compensation shall become due the CONTRACTOR by nature of compliance with the Plans and Special Provisions.

**ALL PAGES OF THIS PROPOSAL MUST BE SUBMITTED AND THE LAST PAGE OF THIS PROPOSAL MUST BE SIGNED BY THE CONTRACTOR AND NOTARIAL ACKNOWLEDGEMENT ATTACHED OR BID MAY BE DISCARDED**

# EXHIBIT B

The names of all persons interested in the foregoing proposal as principals are as follows:

**(IMPORTANT NOTICE: If bidder or other interested person is a corporation, state legal name of corporation, also names of the president, secretary, treasurer, and manager thereof; if a co-partnership, state true name of firm, also names of all individual co-partners composing firm; if bidder or other interested person is an individual, state first and last names in full.)**

S.S. Mechancial Corp.

Steven Stump - President, Secretary, Treasurer and Manager



NOTE: If bidder is a corporation, the legal name of the corporation shall be set forth above with the signature of the officer or officers authorized to sign contracts on behalf of the corporation; if bidder is a co-partnership, the true name of the firm shall be set forth above together with the signature of the partner or partners authorized to sign contracts in behalf of the co-partnership, and if bidder is an individual, his signature shall be placed above. If signature is by an agent other than an officer of a corporation or a member of a partnership, a Power of Attorney must be on file with the DISTRICT prior to opening bids or submitted with the bid; otherwise, the bid will be disregarded as irregular and unauthorized.

Accompanying this proposal is Bidder's Bond

NOTE: Insert the words "Cash (\$\_\_\_\_\_)," "Cashier's Check," "Certified Check" or "Bidder's Bond," as the case may be, in amount equal to at least ten percent of the total of the bid.

The CONTRACTOR shall be licensed in accordance with the act providing for the registration of CONTRACTOR.

License number: 686371

License classification: A HAZ

License Expiration Date: 03-31-14

Any bid not containing the above license information, or a bid which is subsequently proven false, shall be considered nonresponsive and shall be rejected.

ALL PAGES OF THIS PROPOSAL MUST BE SUBMITTED AND THE LAST PAGE OF THIS PROPOSAL MUST BE SIGNED BY THE CONTRACTOR AND NOTARIAL ACKNOWLEDGEMENT ATTACHED OR BID MAY BE DISCARDED



# EXHIBIT B

By notarized signature, bidder also acknowledges receipt of:

*Addenda Nos.	_____	*Bulletin Nos.	_____
	_____		_____
	_____		_____
	_____		_____
	_____		_____
	_____		_____

\* - Bidder shall contact the OC Public Works Cashier at (714)667-9780 or e-mail at [CentralFiles@ocpw.ocgov.com](mailto:CentralFiles@ocpw.ocgov.com) in order to verify that all Bulletins and/or Addenda issued for this PROJECT have been fully reviewed and considered by Bidder prior to submission of a formal notarized bid to the County of Orange, Clerk of the Board. Bidder, by submitting a formal notarized bid, acknowledges that he is solely responsible for acquiring, verifying, and considering all Bulletins and/or Addenda issued by the Orange County Flood Control District prior to submitting a formal notarized bid for this PROJECT.

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

Subscribed at: Hunt . Beach , Orange , CA on Jan . 30 , 2013.  
(City) (County) (State) (Date)



\_\_\_\_\_  
(Signature of Contractor) Steven Stump, President  
S.S. Mechanical Corp.

17631 Metzler Lane  
Huntington Beach, CA 92647  
(Address – City, State, Zip Code)

**NOTARY TO AFFIX SEAL  
AND CERTIFICATE OF  
ACKNOWLEDGMENT**

714-847-1317  
(Telephone)

ALL PAGES OF THIS PROPOSAL MUST BE SUBMITTED AND THE LAST PAGE OF THIS PROPOSAL MUST BE SIGNED BY THE CONTRACTOR AND NOTARIAL ACKNOWLEDGEMENT ATTACHED OR BID MAY BE DISCARDED

# EXHIBIT B

## ACKNOWLEDGMENT

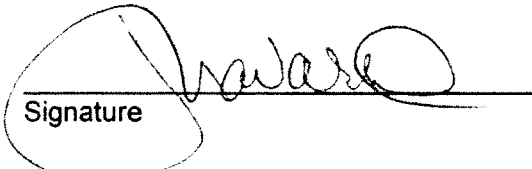
State of California  
County of Orange } ss.

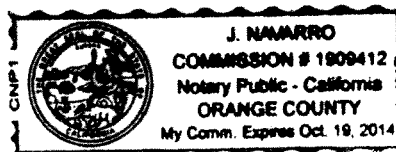
On January 30, 2013 before me, J. Navarro,  
Notary Public, personally appeared Steven Stump

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are ~~not~~ subscribed to the within instrument and acknowledged to me that he/~~she/it~~ executed the same in his/~~her/its~~ authorized capacity(ies), and that by his/~~her/its~~ 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)

### OPTIONAL INFORMATION

Date of Document January 30, 2013 Thumbprint of Signer  
Type or Title of Document Proposal  
Number of Pages in Document 8  
Document in a Foreign Language No

#### Type of Satisfactory Evidence:

Personally Known with Paper Identification  
 Paper Identification  
 Credible Witness(es)

#### Capacity of Signer:

Trustee  
 Power of Attorney  
 CEO / CFO / COO  
 President / Vice-President / Secretary / Treasurer  
 Other: \_\_\_\_\_

Check here if no thumbprint or fingerprint is available.

Other Information: \_\_\_\_\_

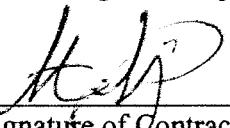
# EXHIBIT B

## NONCOLLUSION AFFIDAVIT

The party making the foregoing bid affirms that the bid is not made in the interest of, or on behalf of, any undisclosed person, partnership, company, association, organization, or corporation; that the bid is genuine and not collusive or sham; that the bidder has not directly or indirectly induced or solicited any other bidder to put in a false or sham bid, and has not directly or indirectly colluded, conspired, connived or agreed with any bidder or anyone else to put in sham bid, or that anyone shall refrain from bidding, that the bidder has not in any manner, directly or indirectly, sought by agreement, communication or conference with anyone to fix the bid price or of that of any other bidder, or to fix any overhead, profit or cost element of the bid price or of that of any other bidder, or to secure any advantage against the public body awarding the contract of anyone interested in the proposed contract; that all statements contained in the bid are true; and further, that the bidder has not, directly or indirectly, submitted his or her bid price or any breakdown thereof, or the contents thereof, or divulged information or data relative thereto, or paid, and will not pay, any fee to any person, corporation, partnership, company, association, organization, bid depository, or to any member or agent thereof, to effectuate a collusive or sham bid.

By notarized signature, bidder acknowledges compliance of the "NONCOLLUSION AFFIDAVIT" of this Proposal.

S.S. Mechanical Corp.  
(Print Name of Contractor)

  
(Signature of Contractor)

01/30/13  
(Date)

Steven Stump, President

State of California  
County of Orange

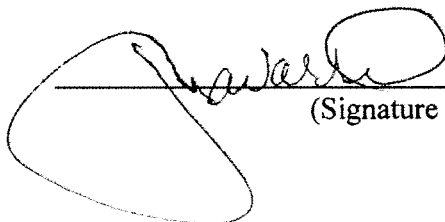
Subscribed and sworn to (or affirmed) before me on

This 30th day of January, 20 13,

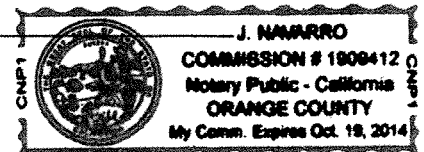
by Steven Stump,

proved to me on the basis of satisfactory evidence to be the person(s)  
who appeared before me.

(seal)



(Signature of Notary Public)



ALL PAGES OF THIS PROPOSAL MUST BE SUBMITTED AND THE LAST PAGE OF THIS PROPOSAL MUST BE SIGNED BY  
THE CONTRACTOR AND NOTARIAL ACKNOWLEDGEMENT ATTACHED OR BID MAY BE DISCARDED



# EXHIBIT B



## BID BOND

**CONTRACTOR:**

*(Name, legal status and address)*  
S.S. MECHANICAL CORP.  
17631 METZLER LANE  
HUNTINGTON BEACH, CA 92647

**SURETY:**

Washington International Insurance Company  
475 N. Martingale Road, Suite 850  
Schaumburg, IL 60173

**OWNER:**

*(Name, legal status and address)*  
ORANGE COUNTY FLOOD CONTROL DISTRICT  
300 NORTH FLOWER STREET  
SANTA ANA, CA 92703-5000

**BOND AMOUNT:** TEN PERCENT OF THE TOTAL AMOUNT BID (10%)

This document has important legal consequences. Consultation with an attorney is encouraged with respect to its completion or modification.

Any singular reference to Contractor, Surety, Owner or other party shall be considered plural where applicable.

**PROJECT:**

*(Name, location or address, and Project number, if any)*  
LOS ALAMITOS PUMP STATION  
MAIN PUMP REPLACEMENT  
OCFCD FACILITY C01PS1/C01B01

The Contractor and Surety are bound to the Owner in the amount set forth above, for the payment of which the Contractor and Surety bind themselves, their heirs, executors, administrators, successors and assigns, jointly and severally, as provided herein. The conditions of this Bond are such that if the Owner accepts the bid of the Contractor within the time specified in the bid documents, or within such time period as may be agreed to by the Owner and Contractor, and the Contractor either (1) enters into a contract with the Owner in accordance with the terms of such bid, and gives such bond or bonds as may be specified in the bidding or Contract Documents, with a surety admitted in the jurisdiction of the Project and otherwise acceptable to the Owner, for the faithful performance of such Contract and for the prompt payment of labor and material furnished in the prosecution thereof; or (2) pays to the Owner the difference, not to exceed the amount of this Bond, between the amount specified in said bid and such larger amount for which the Owner may in good faith contract with another party to perform the work covered by said bid, then this obligation shall be null and void, otherwise to remain in full force and effect. The Surety hereby waives any notice of an agreement between the Owner and Contractor to extend the time in which the Owner may accept the bid. Waiver of notice by the Surety shall not apply to any extension exceeding sixty (60) days in the aggregate beyond the time for acceptance of bids specified in the bid documents, and the Owner and Contractor shall obtain the Surety's consent for an extension beyond sixty (60) days.

If this Bond is issued in connection with a subcontractor's bid to a Contractor, the term Contractor in this Bond shall be deemed to be Subcontractor and the term Owner shall be deemed to be Contractor.

When this Bond has been furnished to comply with a statutory or other legal requirement in the location of the Project, any provision in this Bond conflicting with said statutory or legal requirement shall be deemed deleted herefrom and provisions conforming to such statutory or other legal requirement shall be deemed incorporated herein. When so furnished, the intent is that this Bond shall be construed as a statutory bond and not as a common law bond.

Signed and sealed this 25TH day of JANUARY, 2013 .

*(Witness)*

S.S. MECHANICAL CORP.

*(Principal)*

*(Seal)*

*(Title)* STEVEN STUMP, PRESIDENT

*(Witness)*

Washington International Insurance Company

*(Surety)*

*(Seal)*

*(Title)* D.J. PICARD, ATTORNEY-IN-FACT

EXHIBIT B

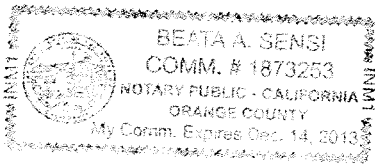
CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

STATE OF CALIFORNIA

County of ORANGE

On JANUARY 25, 2013 before me, BEATA A. SENSI, NOTARY PUBLIC

personally appeared D.J. PICARD Name(s) of Signer(s)



who proved to me on the basis of satisfactory evidence to be the person(x) whose name(x) is subscribed to the within instrument and acknowledged to me that he/~~she~~/executed the same in his/~~her~~/authorized capacity(x), and that by his/~~her~~/signature(x) on the instrument the person(x), or the entity upon behalf of which the person(x) 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 [Handwritten Signature] Signature of Notary Public

Place Notary Seal Above

OPTIONAL

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

Description of Attached Document

Title or Type of Document: BID BOND

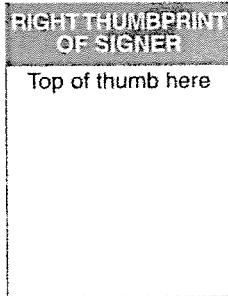
Document Date: JANUARY 25, 2013 Number of Pages: 1

Signer(s) Other Than Named Above:

Capacity(ies) Claimed by Signer(s)

Signer's Name: D.J. PICARD

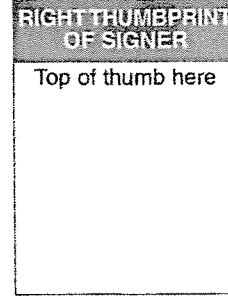
- Individual
Corporate Officer — Title(s):
Partner — Limited General
Attorney in Fact
Trustee
Guardian or Conservator
Other:



Signer is Representing: WASHINGTON INTERNATIONAL INSURANCE COMPANY

Signer's Name:

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



Signer Is Representing:

EXHIBIT B

NAS SURETY GROUP

NORTH AMERICAN SPECIALTY INSURANCE COMPANY
WASHINGTON INTERNATIONAL INSURANCE COMPANY

GENERAL POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS, THAT North American Specialty Insurance Company, a corporation duly organized and existing under laws of the State of New Hampshire, and having its principal office in the City of Manchester, New Hampshire, and Washington International Insurance Company, a corporation organized and existing under the laws of the State of New Hampshire and having its principal office in the City of Schaumburg, Illinois, each does hereby make, constitute and appoint:

D.J. PICARD, TODD M. ROHM, CATHY S. KENNEDY,

BEATA A. SENSI and CHERYL L. THOMAS

JOINTLY OR SEVERALLY

Its true and lawful Attorney(s)-in-Fact, to make, execute, seal and deliver, for and on its behalf and as its act and deed, bonds or other writings obligatory in the nature of a bond on behalf of each of said Companies, as surety, on contracts of suretyship as are or may be required or permitted by law, regulation, contract or otherwise, provided that no bond or undertaking or contract or suretyship executed under this authority shall exceed the amount of:

FIFTY MILLION (\$50,000,000.00) DOLLARS

This Power of Attorney is granted and is signed by facsimile under and by the authority of the following Resolutions adopted by the Boards of Directors of both North American Specialty Insurance Company and Washington International Insurance Company at meetings duly called and held on the 9th of May, 2012:

"RESOLVED, that any two of the Presidents, any Managing Director, any Senior Vice President, any Vice President, any Assistant Vice President, the Secretary or any Assistant Secretary be, and each or any of them hereby is authorized to execute a Power of Attorney qualifying the attorney named in the given POWER of Attorney to execute on behalf of the Company bonds, undertakings and all contracts of surety, and that each or any of them hereby is authorized to attest to the execution of any such Power of Attorney and to attach therein the seal of the Company; and it is

FURTHER RESOLVED, that the signature of such officers and the seal of the Company may be affixed to any such Power of Attorney or to any certificate relating thereto by facsimile, and any such Power of Attorney or certificate bearing such facsimile signatures or facsimile seal shall be binding upon the Company when so affixed and in the future with regard to any bond, undertaking or contract of surety to which it is attached."



By Steven P. Anderson, Senior Vice President of Washington International Insurance Company & Senior Vice President of North American Specialty Insurance Company



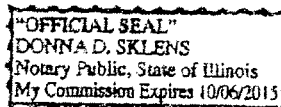
By David M. Layman, Vice President of Washington International Insurance Company & Vice President of North American Specialty Insurance Company

IN WITNESS WHEREOF, North American Specialty Insurance Company and Washington International Insurance Company have caused their official seals to be hereunto affixed, and these presents to be signed by their authorized officers this 26th day of June, 2012.

North American Specialty Insurance Company
Washington International Insurance Company

State of Illinois
County of Cook ss:

On this 26th day of June, 2012, before me, a Notary Public personally appeared Steven P. Anderson, Senior Vice President of Washington International Insurance Company and Senior Vice President of North American Specialty Insurance Company and David M. Layman, Vice President of Washington International Insurance Company and Vice President of North American Specialty Insurance Company, personally known to me, who being by me duly sworn, acknowledged that they signed the above Power of Attorney as officers of and acknowledged said instrument to be the voluntary act and deed of their respective companies.



Donna D. Sklens, Notary Public

I, Jeffrey Goldberg, the duly elected Assistant Secretary of North American Specialty Insurance Company and Washington International Insurance Company, do hereby certify that the above and foregoing is a true and correct copy of a Power of Attorney given by said North American Specialty Insurance Company and Washington International Insurance Company, which is still in full force and effect.

IN WITNESS WHEREOF, I have set my hand and affixed the seals of the Companies this 25 day of JANUARY, 2013.

Jeffrey Goldberg, Vice President & Assistant Secretary of Washington International Insurance Company & North American Specialty Insurance Company



**County Executive Office**

**Memorandum**

January 29, 2013

**To:** Susan Novak, Clerk of the Board  
**From:** Robert J. Franz, Interim County Executive Officer  
**Subject:** Request for Closed Session for February 5, 2013

SCS-4

RECEIVED  
2013 JAN 30 AM 8:15  
CLERK OF THE BOARD  
ORANGE COUNTY  
BOARD OF SUPERVISORS

The Human Resource Services department requests a Closed Session on February 5, 2013 with the County's designated negotiating representative, Robert J. Franz, to discuss terms and conditions of employment for employees represented by the Association of County Law Enforcement Management (ACLEM), American Federation of State, County and Municipal Employees (AFSCME), Association of Orange County Deputy Sheriffs (AOCDS), Alliance of Orange County Workers (AOCW), In-Home Supportive Services Provider Unit (IHSS) represented by United Domestic Workers of America (UDWA); International Union of Operating Engineers (IUOE), Orange County Attorneys Association (OCAA), Orange County Employees Association (OCEA), and other non-represented employees pursuant to Government Code Section 54957.6.

Accordingly, please prepare the Agenda item to read:

The Human Resource Services department requests a Closed Session on February 5, 2013 with the County's designated negotiating representative, Robert J. Franz, to discuss terms and conditions of employment for employees represented by the Association of County Law Enforcement Management (ACLEM), American Federation of State, County and Municipal Employees (AFSCME), Association of Orange County Deputy Sheriffs (AOCDS), Alliance of Orange County Workers (AOCW), In-Home Supportive Services Provider Unit (IHSS) represented by United Domestic Workers of America (UDWA); International Union of Operating Engineers (IUOE), Orange County Attorneys Association (OCAA), Orange County Employees Association (OCEA), and other non-represented employees pursuant to Government Code Section 54957.6.

RECOMMENDED ACTION: Conduct Closed Session."

Thank you.

cc: Members, Board of Supervisors  
Steve Danley, Human Resource Director  
Nicholas S. Chrisos, County Counsel



OFFICE OF THE COUNTY COUNSEL  
COUNTY OF ORANGE

333 W. Santa Ana Blvd., Suite 407  
Santa Ana, California 92701  
Direct No.: (714) 834-3357  
E-Mail: jack.golden@coco.ocgov.com

NICHOLAS S. CHRISOS  
COUNTY COUNSEL

Agenda Item No. SCS-5  
February 5, 2013

MEMORANDUM

January 30, 2013

TO: Susan Novak, Clerk of the Board of Supervisors  
FROM: Jack W. Golden, Chief Assistant County Counsel  
SUBJECT: Request for Supplemental Closed Session

I am requesting a supplemental closed session on Tuesday, February 5, 2013, to discuss with the Board the status of pending litigation, pursuant to Government Code section 54956.9(d)(1).

Accordingly, please prepare the Agenda Item to read:

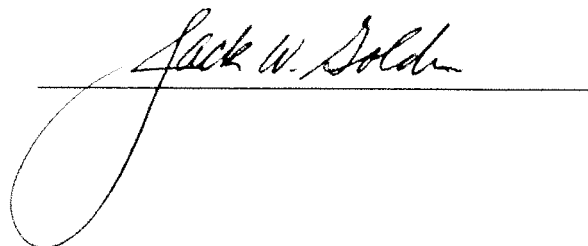
“CONFERENCE WITH LEGAL COUNSEL --  
EXISTING LITIGATION Pursuant to Government Code Section  
54956.9(d)(1).  
Name of Case: *California Department of Finance, et al. v. Jan Grimes, etc.*,  
OCSC Case No. 30-2012-00559592-CU-WM-CJC.

RECOMMENDED ACTION: Conduct Closed Session.”

Thank you.

MDS:nr

cc: Members of the Board of Supervisors  
Robert J. Franz, Interim CEO

  
\_\_\_\_\_  
Jack W. Golden



Memorandum

---

January 30, 2013

**To:** Susan Novak, Clerk of the Board

**From:** Chairman Shawn Nelson, Supervisor, Fourth District *DB for SN*

**Subject:** Request for Closed Session for February 5, 2013

2013 JAN 30 PM 5:08  
CLERK OF THE BOARD  
SUSAN NOVAK  
COUNTY OF ORANGE  
CALIFORNIA

*SCSL*

---

I am requesting a Closed Session for Tuesday, February 5, 2013, Board of Supervisors Meeting pursuant to Government Code Section 54957 regarding Public Employee Appointment.

Accordingly, please prepare the Agenda Item to read:

“PUBLIC EMPLOYEE APPOINTMENT” – Pursuant to Government Code Section 54957.

Title: County Executive Officer

Recommended Action: Conduct Closed Session.

Thank you.

cc: Members, Board of Supervisors  
Robert J. Franz, Interim County Executive Officer  
Nicholas S. Chrisos, County Counsel



*County Executive Office*

**Memorandum**

February 1, 2013

**To:** Susan Novak, Clerk of the Board  
**From:** Robert J. Franz, Interim Chief Executive Officer

**Subject:** Supplemental Request for Closed Session for February 5, 2013

RECEIVED  
2013 FEB - 1 PM 1:53  
CLERK OF THE BOARD  
OF ALIEN CONTROL  
BOARD OF SUPERVISORS

SCS 7

I am requesting a Closed Session for Tuesday, February 5, 2013, Board of Supervisors Meeting pursuant to Government Code Section 54957 regarding Public Employee Performance Evaluation.

Accordingly, please prepare the Agenda Item to read:

“PUBLIC EMPLOYEE PERFORMANCE EVALUATION” – Pursuant to Government Code Section 54957.

Title: County Counsel

Recommended Action: Conduct Closed Session.

Thank You.

cc: Members, Board of Supervisors  
Nicholas Chrisos, County Counsel  
Steve Danley, Human Resource Services Director