

City of San Diego **PURCHASE ORDER**

PO No. | 4500103044

Page 1 of 4 Date: 08/06/2018

Ship To:

City of San Diego Billing Contact for Delivery Address Bill To:

PUD ACCOUNTS PAYABLE 9192 TOPAZ WAY SAN DIEGO CA 92123

Billing Contact: LECIA FULLER

Telephone:

E-Mail: Ifuller@sandiego.gov

Vendor:

Merkel and Associates Inc

5434 Ruffin Road

San Diego CA 92123-1313

Terms:

within 30 days Due net

Delivery Terms: FOB Destination

Buyer: TanyaRadomyshelsky

Telephone: 619-235-5855

Vendor ID: 10005744 **Telephone:**858-560-5465 **E-Mail:** jrogers@merkelinc.com

E-Mail: TRadomyshels@sandiego.gov

ine # Serv #	Item ID/Description Service Description	Del.Date	Quantity/Ord	I UoM	Unit Price/Pr Conv Fac		Exte	nded Price
1 CONTR FY19 LA	ANDSCAPE/MAINT ROSE CANYON	06/30/2019	31,638.44 E	ĒΑ	1.00	EA	USD	31,638.4
RESTORATION	CONTRACTUAL FY19 MERKEL - 25 MONTHS OF LANDSCAPE MAINTENANCE FOR THE RESTORATION FOR THE ROSE CANYON EMERGENCY SEWER POINT REPAIR PROJECT QUOTE: 18-013-01							
THIS PO REPLA	ACES PO4500099030							
TO MOVE THE PO	TO MOVE THE REMAINING BALANCE FROM PO4500099030 TO THE NEW REPLACEMENT PO							
DEPARTMENT	CONTACT: LINDSEY FRICK @ 858-292-64	59						
WAGE REQUIR	EMENTS: PURCHASE ORDERS EXECUTE	D ON OR AFTER JANUAI	RY 1, 2015					
is entering into a or she is aware with such provis A. PREVAILING 22.3019, construently work performed laws. For construenced laws. For construenced laws. For construenced laws. For construenced in the second sec	By performing the services detailed in this purchase order, Contractor is entering into a contract with the City. Contractor certifies that he or she is aware of the wage provisions described herein and shall comply with such provisions before commencing services. A. PREVAILING WAGES. Pursuant to San Diego Municipal Code section 22.3019, construction, alteration, demolition, repair and maintenance work performed under this Contract is subject to State prevailing wage laws. For construction work performed under this Contract cumulatively exceeding \$25,000 and for alteration, demolition, repair and maintenance work performed under this Contract cumulatively exceeding \$15,000, Contractor and its subcontractors shall comply with State prevailing wage laws including, but not limited to, the requirements listed below. This requirement is in addition to the requirement to pay Living Wage pursuant to San Diego Municipal Code sections 22.4201 through 22.4245. Contractor must determine which per diem rate is highest for each classification of work (i.e. Prevailing Wage Rate or Living Wage Rate), and pay the highest of the two rates to their employees. Living Wage applies to workers who are not subject to Prevailing Wage Rates. 1. Compliance with Prevailing Wage Requirements. Pursuant to sections 1720 through 1861 of the California Labor Code, Contractor and its subcontractors shall ensure that all workers who perform work under this Contract are paid not less than the prevailing rate of per diem wages as determined by the Director of the California Department of Industrial Relations (DIR). This includes work performed during the design and preconstruction phases of construction including, but not limited to, inspection and land surveying work. 1.1. Copies of such prevailing rate of per diem wages are on file at the City of San Diego's Equal Opportunity Contracting Department and are available for inspection to any interested party on request. Copies of							

IMPORTANT!

To ensure prompt payments, PO # must appear on all shipments and invoices; all invoices must be directed to 'Billing Contact person at Bill-To address listed above

SEE LAST PAGE FOR TOTAL



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Line#	Item ID/Description Serv# Service Description	Del.Date	Quantity/Ord UoM	Unit Price/Prc Uom Conv Factor	Extended Price
	http://www.dir.ca.gov/OPRL/DPreWageDetermination.htm. Contractor a	and its			
	subcontractors shall post a copy of the prevailing rate of per diem				
	wages determination at each job site and shall make them available to				
	any interested party upon request.				
	1.2. The wage rates determined by the DIR refer to expiration dates. If				
	the published wage rate does not refer to a predetermined wage rate to be paid after the expiration date, then the published rate of wage shall				
	be in effect for the life of this Contract. If the published wage rate				
	refers to a predetermined wage rate to become effective upon expiration	n			
	of the published wage rate and the predetermined wage rate is on file				
	with the DIR, such predetermined wage rate shall become effective on	the			
	date following the expiration date and shall apply to this Contract in				
	the same manner as if it had been published in said publication. If the				
	predetermined wage rate refers to one or more additional expiration				
	dates with additional predetermined wage rates, which expiration dates				
	occur during the life of this Contract, each successive predetermined				
	wage rate shall apply to this Contract on the date following the e xpiration date of the previous wage rate. If the last of such				
	predetermined wage rates expires during the life of this Contract, such				
	wage rate shall apply to the balance of the Contract.				
	Penalties for Violations. Contractor and its subcontractors shall				
	comply with California Labor Code section 1775 in the event a worker is	3			
	paid less than the prevailing wage rate for the work or craft in which				
	the worker is employed. This shall be in addition to any other				
	applicable penalties allowed under Labor Code sections 1720 – 1861.				
	3. Payroll Records. Contractor and its subcontractors shall comply with				
	California Labor Code section 1776, which generally requires keeping				
	accurate payroll records, verifying and certifying payroll records, and				
	making them available for inspection. Contractor shall require its				
	subcontractors to also comply with section 1776. Contractor and its subcontractors shall submit weekly certified payroll records online via				
	the City's web-based Labor Compliance Program. Contractor is response	sihle			
	for ensuring its subcontractors submit certified payroll records to the	31010			
	City. Contractor and its subcontractors shall also furnish the records				
	specified in Labor Code section 1776 directly to the Labor Commissione	er			
	in the manner required in Labor Code section 1771.4.				
	Apprentices. Contractor and its subcontractors shall comply with				
	California Labor Code sections 1777.5, 1777.6 and 1777.7 concerning	the			
	employment and wages of apprentices. Contractor shall be held				
	responsible for their compliance as well as the compliance of their				
	subcontractors with sections 1777.5, 1777.6 and 1777.7. 5. Working Hours. Contractor and its subcontractors shall comply with				
	California Labor Code sections 1810 through 1815, including but not				
	limited to: (i) restrict working hours on public works contracts to				
	eight hours a day and forty hours a week, unless all hours worked in				
	excess of 8 hours per day are compensated at not less than 1½ times t	he			
	basic rate of pay; and (ii) specify penalties to be imposed on design				
	professionals and subcontractors of \$25 per worker per day for each da	ıy			
	the worker works more than 8 hours per day and 40 hours per week in				
	violation of California Labor Code sections1810 through 1815.				
	6. Required Provisions for Subcontracts. Contractor shall include at a				
	minimum a copy of the following provisions in any contract they enter				
	into with a subcontractor: California Labor Code sections 1771, 1771.1, 1775, 1776, 1777.5, 1810, 1813, 1815, 1860 and 1861.				
	7. Labor Code Section 1861 Certification. Contractor in accordance with	1			
	California Labor Code section 3700 is required to secure the payment of				
	compensation of its employees and by signing this Contract, Contractor				
	certifies that "I am aware of the provisions of Section 3700 of the				
	California Labor Code which require every employer to be insured again	nst			
	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."				
	8. Labor Compliance Program. The City has its own Labor Compliance				
	Program authorized in August 2011 by the DIR. The City will withhold				
	contract payments when payroll records are delinquent or deemed				
	inadequate by the City or other governmental entity, or it has been				
- Tern	ns and Conditions of this Purchase Order are available at http://ww	vw.sandiego g	ov/purchasing/vendor		
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established after an investigation by the City or other governmental entity that underpayment(s) have occurred. For questions or assistance, pleasiment at 613-23-600 Diago Se Equal Coportunity Contracting 1900 Diago Security of the City of the Ci	Line#	Serv#	Item ID/Description Service Description	Del.Date	Quantity/Ord UoM	Unit Price/Prc Uom Cony Factor	Extended Price
entity that underpayment(s) have occurred. For questions or assistance, please contact the City of San Diego's Equal Opportunity Contracting Department at 619-236-6000. 9. Contractor and Subcontractor Registration Requirements. This project is subject to compliance monitoring and enforcement by the DIR. A contractor or subcontractor shall not be qualified to bid on, be listed in a bid proposal, subject to the requirements of Section 4104 of the Public Contract Code, or enter into any contract for public work, as defined in this chapter of the Labor Code unless currently registered and qualified to perform the work prusuant to Section 1725.5. In accordance with Labor Code section 1771.1.(a), "[i] it is not a violation of this section for an unregistered contractor to submit a bid that is authorized by Section 7025.1 of the Business and Professions Code or by contractor is registered to perform public work pursuant to Section 1725.5 in accordance with the contract of a swarded." 9.1. A Contractor's indeventent error in Biding a subcontractor who is not registered pursuant to Labor Code section 1725.5 in a response to a solicitation shall not be grounds for filing abl dip rotes or grounds for considering the bid non-responsive provided that any of the following apply." (1) the subcontractor is registered prior to bid opening; (2) within twenty-four hours after the bid opening, the subcontractor is registered and has paid in the penalty registration fee specified in Labor Code section 1725.5; or (3) the subcontractor is registered by another registered on an accordance of the penalty registration fee specified in Labor Code section 1725.5; or (3) the subcontractor is registered by another registered on an accordance of the penalty registration for specified by another registered on an accordance of the penalty registration for specified by another registered on accordance on a contract or accordance on			•	al			
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9. Contractor and Subcontractor Registration Requirements. This project is subject to compliance monitoring and enforcement by the DIR. A contractor or subcontractor shall not be qualified to bid on, be listed in a bid proposal, subject to the requirements of Section 4146 of the Public Contract Code, or enter into any contract for public work, as defined in this chapter of the Labor Code unless currently registered and qualified to perform the work pursuant to Section 1725.5. In accordance with Labor Code section 1771.1.(a), filtip is not a violation of this section for an unregistered contractor to submit a bid that is authorized by Section 7029.1 of the Business and Professions Code or by Section 10164 or 20103.5 of the Public Contract Code, provided the contractor is registered to perform public work pursuant to Section 1725.5 at the time the contract is awarded. 9.1. A Contractor's inadvertent error in Isiting a subcontractor who is not registered pursuant to Labor Code section 1725.5 in a response to a solicitation shall not be grounds for filing a bid protest or grounds for considering the bid non-responsive provided that any of the following apply: (1) the subcontractor is registered or to toid opening, the subcontractor is registered and has paid the penalty registration fee specified in Labor Code section 1725.5; or (3) the subcontractor is registered and has paid the penalty registration fee specified in Labor Code section 1725.5; or (3) the subcontractor is replaced by another registered contractor pursuant to Public Contract Code section 4107. 9.2. A Contract entered into with any Contractor or subcontractor in violation of Labor Code section 1771.1(a) shall be subject to c ancellation, provided that a Contract for public work shall not be unlawful, void, or voidable solely due to the failure of the awarding body, Contractor, or any subcontractor to comply with the requirements of section 1725.5 of this section. 9.3. By submitting a bid or proposal to the City, Contractor shall provide prof or fe				y			
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Public Contract Code, or enter into any contract for public work, as defined in this chapter of the Labor Code unless currently registered and qualified to perform the work pursuant to Section 1725.5. In accordance with Labor Code section 1771.1(a), "Ijli is not a violation of this section for an unregistered contractor to submit a bid that is authorized by Section 7029.1 of the Business and Professions Code or by Section 10164 or 20103.5 of the Public Contract Code, provided the contractor is registered to perform public work pursuant to Section 1725.5 at the time the contract is awarded." 3.1. A Contractor's inadvertent error in Ising a subcontractor who is not registered pursuant to Labor Code section 1725.5 in a response to a solicitation shall not be grounds for filing a bid protest or grounds for considering the bid non-responsive provided that any of the following apply: (1) the subcontractor is registered prior to bid opening; (2) within twenty-four hours after the bid opening, the subcontractor is registered and has paid the penalty registration fee specified in Labor Code section 1725.5 or (3) the subcontractor is replaced by another registered contractor prusuant to Public Contract Code section 1725.5 or (3) the subcontractor in violation of Labor Code section 1725.5 or (3) the subcontractor in violation of Labor Code section 1725.5 or (3) the subcontractor in violation of Labor Code section 1725.5 or (3) the subcontractor in violation of Labor Code section 1725.5 or (3) the subcontractor in violation of Labor Code section 1725.5 or (3) the subcontractor is entitying that he or she has verified that all subcontractors is entitying that he or she has verified that all subcontractors is entitying that he or she has verified that all subcontractors to the City Contractor shall provide proof of registration for themselves and all listed subcontractors to the City at the time of bid or proposal due date or upon request. 10. Stop Order. For Contractor or the subcontractors to the City at the time of bid							
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and qualified to perform the work pursuant to Section 1725.5. In accordance with Labor Code section 1771.1(a), "Ijl is not a violation of this section for an unregistered contractor to submit a bid that is authorized by Section 7029.1 of the Business and Professions Code or by Section 10164 or 20103.5 of the Public Contract Code, provided the contractor is registered to perform public work pursuant to Section 1725.5 at the time the contract is awarded." 3.1. A Contractor's inadvertent error in Isiting a subcontractor who is not registered pursuant to Labor Code section 1725.5 in a response to a solicitation shall not be grounds for filing a bid protest or grounds for considering the bid non-responsive provided that any of the following apply: (1) the subcontractor is registered prior to bid opening; (2) within twenty-four hours after the bid opening, the subcontractor is registered and has paid the penalty registration fee specified in Labor Code section 1725.5 or (3) the subcontractor is replaced by another registered contractor pursuant to Public Contract Code section 1725.5 or (3) the subcontractor in violation of Labor Code section 1725.5 or (3) the subcontractor in violation of Labor Code section 1725.5 or (3) the subcontractor in violation of Labor Code section 1725.5 or (3) the subcontractor in violation of Labor Code section 1725.5 or (3) the subcontractor in violation of Labor Code section 1725.5 or (3) the subcontractor in violation of Labor Code section 1725.5 or (3) the subcontractor is enriphing to the or shall not be unlawful, void, or voidable solely due to the failure of the awarding body. Contractor, or any subcontractor to comply with the requirements of section 1725.5 or this section. 9.3. By submitting a bid or proposal to the City, Contractor is enriphying that he or she has verified that all subcontractors used on this public works project are registered with the DIR in compliance with Labor Code sections 1771.1 and 1725.5 and Contractor shall provide provide provide the City at the time							
accordance with Labor Code section 1771-1.(a). "[I]It is not a violation of this section for an unregistered contractor to submit a bid that is authorized by Section 7029.1 of the Business and Professions Code or by Section 10164 or 20103.5 of the Public Contract Code, provided the contractor is registered to perform public work pursuant to Section 1725.5 at the time the contract is awarded." 9.1. A Contractor's inadvertent error in listing a subcontractor who is not registered pursuant to Labor Code section 1725.5 in a response to a solicitation shall not be grounds for filing a bid protest or grounds for considering the bid non-responsive provided that any of the following apply: (1) the subcontractor is registered and has paid the penalty registration fee specified in Labor Code section 1725.5; or (3) the subcontractor is resplaced by another registered and has paid the penalty registration fee specified in Labor Code section 1725.5; or (3) the subcontractor is replaced by another registered contractor pursuant to Public Contract Code section 4107. 9.2. A Contract entered into with any Contractor or subcontractor in violation of Labor Code section 1771.1(a) shall be subject to c ancellation, provided that a Contract for public work shall not be unlawful, void, or voidable solely due to the failure of the awarding body, Contractor, or any subcontractor to comply with the requirements of section 1725.5 of this section. 9.3. By submitting a bid or proposal to the City, Contractor is certifying that he or she has verified that all subcontractors used on this public works project are registered with the DIR in compliance with Labor Code sections 1771.1 and 1725.5, and Contractor shall provide proof or registration for themselves and all listed subcontractors to the City at the time of bid or proposal due date or upon request. 10. Stop Order. For Contractor or its subcontractors or provide the list within ten (10) working days of the City's request. Additionally, Contractor of Labor Code sections 1725.5 or 177			,	red			
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			•			SEE LA	ST DAG

IMPORTANT!

To ensure prompt payments, PO # must appear on all shipments and invoices; all invoices must be directed to *Billing* Contact person at *Bill-To* address listed above



City of San Diego PURCHASE ORDER

PO No. 4500103044

Date: 08/06/2018

Page 4 of 4

_ine#	Serv#	Item ID/Description Service Description	Del.Date	Quantity/Ord UoM	Unit Price/Prc Uom Conv Factor	Extended Price
	years following 1771.4). 12.3. List of all hire only regist list of all subco Code section? B. Living Wage Ordinance (LW LWO requires unless an exer Contractor to foily Manager and health ber section 22.422 contracts, final agreements memployees on require all of its subject to the land rules. 1.1. Exemption 22.4215, this con this exempl Application for C. Highest Waapplicable wage	es. This Contract is subject to the City's Living Wag /O), codified at SDMC sections 22.4201 through 22 payment of minimum hourly wage rates and other I mption applies. SDMC section 22.4225 requires ear ill out and file a living wage certification with the within thirty (30) days of Award of the Contract. LW refit rates are adjusted annually in accordance with 0(b) to reflect the Consumer Price Index. Service incial assistance agreements, and City facilities ust include this upward adjustment of wage rates to July 1 of each year. In addition, Contractor agrees is subcontractors, sublessees, and concessionaires LWO to comply with the LWO and all applicable regulatorized the complex of the Living Wage Ordinance. Pursuant to SDMC Contract may be exempt from the LWO. For a detection, Contractor must complete the Living Wage Ordinance of the Living W	the or e4245. The penefits ch			
**	Item partially d	elivered				
he Term	s and Condition	ns of this Purchase Order are available at http	o://www.sandiego.g	ov/purchasing/vendor	Line Item Total \$	31,638.4
		IMPORTANT!			Tax \$	