City of San Diego
PURCHASE ORDER

PO No. 4500106662

Ship To:

2411 Dairy Mart Rd.
San Diego CA 92154

Bill To:

PUD ACCOUNTS PAYABLE
9192 TOPAZ WAY
SAN DIEGO CA 92123

Billing Contact:
James N Massello Massello

Telephone:

E-Mail: JMassello@SANDIEGO.GOV

Vendor: Patriot Environmental Services
PO Box 1091
Long Beach CA 90801

Terms:
within 30 days Due net
Delivery Terms:
FOB Destination

Buyer: Michael Warner
Telephone: 619-236-6154

Vendor ID: 10001845   **Telephone:** 619-449-9014   **E-Mail:**   lklein@patriotenvironmental.com

E-Mail: MWarner@sandiego.gov

Line #	Item ID/Description / Serv # / Service Description	Del.Date	Quantity/Ord UoM	Unit Price/Prc UoM Conv Factor	Extended Price
1	**SBWRP - Sedimentation Basin**	11/16/2018	5 EA	4950.00 EA	USD 24,750.00
****	Item partially delivered				
2	**SBWRP - Grit Tanks**	11/16/2018	2 EA	8188.00 EA	USD 16,376.00
3	**SBWRP - As Needed Operator and Vactor Gu**	11/16/2018	30 EA	312.50 EA	USD 9,375.00
****	Item partially delivered				
4	**SBWRP - As Needed Tech**	11/16/2018	150 EA	81.00 EA	USD 12,150.00
****	Item partially delivered				
5	**SBWRP - As Needed Wet Well/Channel Svs**	11/16/2018	150 EA	81.00 EA	USD 12,150.00

Notes: PO released NTE purchase order value or as may be modified by the City.
Update Insurance and Business Tax Certificate as required.

DIR Project ID: 148358

WAGE REQUIREMENTS: PURCHASE ORDERS EXECUTED ON OR AFTER JANUARY 1, 2015

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

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IMPORTANT!

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Rev 04 - 16

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	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
the prevailing rate of per diem wages also may be found at
http://www.dir.ca.gov/OPRL/DPreWageDetermination.htm. Contractor 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
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
such wage rate shall apply to the balance of the Contract.
2. Penalties for Violations. Contractor and its subcontractors shall
comply with California Labor Code section 1775 in the event a worker is
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 responsible
for ensuring its subcontractors submit certified payroll records to the
City. Contractor and its subcontractors shall also furnish the records
specified in Labor Code section 1776 directly to the Labor Commissioner
in the manner required in Labor Code section 1771.4.
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.

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Rev 04 - 16

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	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 the basic rate of pay; and (ii) specify penalties to be imposed on design professionals and subcontractors of $25 per worker per day for each day the worker works more than 8 hours per day and 40 hours per week in violation of California Labor Code sections1810 through 1815.				

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 the basic rate of pay; and (ii) specify penalties to be imposed on design professionals and subcontractors of $25 per worker per day for each day 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 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 against liability for workers' compensation or to undertake self-insurance in accordance with the provisions of that code, and I will comply with such provisions before commencing the performance of the work of this Contract."

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 established after an investigation by the City or other governmental 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 pursuant to Section 1725.5. In accordance with Labor Code section 1771.1.(a), "[i]t 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 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 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 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

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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 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 its subcontractor(s) engaging in the
performance of any public work contract without having been registered
in violation of Labor Code sections 1725.5 or 1771.1, the Labor
Commissioner shall issue and serve a stop order prohibiting the use of
the unregistered Contractor or unregistered subcontractor(s) on ALL
public works until the unregistered Contractor or unregistered
subcontractor(s) is registered. Failure to observe a stop order is a
misdemeanor.

11. List of all Subcontractors. The City may ask Contractor for the most
current list of subcontractors (regardless of tier), along with their
DIR registration numbers, utilized on this contract at any time during
performance of this contract, and Contractor shall provide the list
within ten (10) working days of the City's request. Additionally,
Contractor shall provide the City with a complete list of all
subcontractors utilized on this contract (regardless of tier), within
ten working days of the completion of the contract, along with their DIR
registration numbers. The City shall withhold final payment to
Contractor until at least 30 days after this information is provided to
the City.

12. Exemptions for Small Projects. There are limited exemptions for
installation, alteration, demolition, or repair work done on projects of
$25,000 or less. The Contractor shall still comply with Labor Code
sections 1720 et. seq. The only recognized exemptions are listed below:

12.1. Registration. Contractor will not be required to register with the
DIR for small projects. (Labor Code section 1771.1).

12.2. Certified Payroll Records. The records required in Labor Code
section 1776 shall be required to be kept and submitted to the City of
San Diego, but will not be required to be submitted online with the DIR
directly. Contractor will need to keep those records for at least three
years following the completion of the contract. (Labor Code section
1771.4).

12.3. List of all Subcontractors. Contractor shall not be required to
hire only registered subcontractors and is exempt from submitting the
list of all subcontractors that is required in section 11 above. (Labor
Code section 1773.3).

B. Living Wages. This Contract is subject to the City's Living Wage
Ordinance (LWO), codified in San Diego Municipal Code Chapter 2, Article
2, Division 42. Contractor agrees to require all of its subcontractors,
sublessees, and concessionaires subject to the LWO to comply with the
LWO and all applicable regulations and rules.

1. Payment of Living Wages. Pursuant to San Diego Municipal Code section
22.4220(a), Contractor and its subcontractors shall ensure that all
workers who perform work under this Contract are paid not less than the
required minimum hourly wage rates and health benefits rate unless an
exemption applies.

1.1 Copies of such living wage rates are available on the City website
at https://www.sandiego.gov/purchasing/programs/livingwage/. Contractor
and its subcontractors shall post a notice informing workers of their
rights at each job site or a site frequently accessed by covered
employees in a prominent and accessible place in accordance with San
Diego Municipal Code section 22.4225(e).

1.2 LWO wage and health benefit rates are adjusted annually in
accordance with San Diego Municipal Code section 22.4220(b) to reflect
the Consumer Price Index. Service contracts, financial assistance

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agreements, and City facilities agreements must include this upward adjustment of wage rates to covered employees on July 1 of each year.

2. Compensated Leave. Pursuant to San Diego Municipal Code section 22.4220(c), Contractor and its subcontractors shall provide a minimum of eighty (80) hours per year of compensated leave. Part-time employees must accrue compensated leave at a rate proportional to full-time employees.

3. Uncompensated Leave. Contractor and its subcontractors must also permit workers to take a minimum of eighty (80) hours of uncompensated leave per year to be used for the illness of the worker or a member of his or her immediate family when the worker has exhausted all accrued compensated leave.

4. Enforcement and Remedies. City will take any one or more of the actions listed in San Diego Municipal Code section 22.4230 should Contractor or its subcontractors are found to be in violation of any of the provisions of the LWO.

5. Payroll Records. Contractor and its subcontractors shall submit weekly certified payroll records online via the City's web-based Labor Compliance Program. Contractor is responsible for ensuring its subcontractors submit certified payroll records to the City.

5.1 For contracts subject to both living wage and prevailing wage requirements, only one submittal will be required. Submittals by a Contractor and all subcontractors must comply with both ordinance requirements.

6. Certification of Compliance. San Diego Municipal Code section 22.4225 requires each Contractor to fill out and file a living wage certification with the Living Wage Program Manager within thirty (30) days of Award of the Contract.

7. Annual Compliance Report. Contractor and its subcontractors must file an annual report documenting compliance with the LWO pursuant to San Diego Municipal Code section 22.4225(d). Records documenting compliance must be maintained for a minimum of three (3) years after the City's final payment on the service contract or agreement.

1.3. Exemption from Living Wage Ordinance. Pursuant to San Diego Municipal Code section 22.4215, this Contract may be exempt from the LWO. For a determination on this exemption, Contractor must complete the Living Wage Ordinance Application for Exemption.

C. Highest Wage Rate Applies. Contractor is required to pay the highest applicable wage rate where more than one wage rate applies.

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Line Item Total $	74,801.00
Tax $	0.00

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PO Total **$** **74,801.00**