

PO No. 4500107202

Date: 12/17/2018 Page 1 of 5

Ship To:

City of San Diego Billing Contact for Delivery Address 92101 Bill To:

REAL ESTATE ASSETS DEPARTMENT STE 1700 1200 THIRD AVE SAN DIEGO CA 92101 **Billing Contact:** Denise Amavizca

Telephone:

E-Mail: DAMAVIZCA@SANDIEGO.GOV

Vendor:

Vendor ID: 10037977

Newport Pacific Capital Company Inc

17300 Red Hill Ave #280

Irvine CA 92614

Terms:

within 30 days Due net

**Delivery Terms:** 

FOB Destination

Buyer: Janet Polite

**Telephone:** 619-236-7017

**Telephone**:949-852-5575 **E-Mail**: deede@newportpacific.com

E-Mail: JPolite@sandiego.gov

Line#	Item ID/Description Serv # Service Description	Del.Date	Quantity/Ord UoM	Unit Price/Prc UoM Conv Factor	Extended Price
1	MANAGEMENT FEES	06/30/2019	551,125 EA	1.00 EA	USD 551,125.00
	MANAGEMENT FEES AND OPERATING EXPENSE FEES FO IN MISSION BAY PARK FOR THE PERIOD OF SEPTEMBER		OME PARK		
	LEASE ID: 086 BUILDING ADDRESS: 2727 DE ANZA RD DEPARTMENT CONTACT: JEFFREY WALLACE, JJWALLACI ASSETS DEPT. 1200 THIRD AVE, 17TH FLOOR SAN DIEGO		EAL ESTATE		
***	BILLING CONTACT: DENISE AMAVIZCA <damavizca@sai MATERIAL GROUP: 80131500 (EXEMPT)</damavizca@sai 	NDIEGO.GOV>			
****	Item partially delivered				
Notes:	OA 4600003310 (DIR PROJECT ID 268879)				
	INSURANCE AND BUSINESS TAX CERTIFICATE TO BE UPI	DATED AS REQUIRED.			
	WAGE REQUIREMENTS:				
	By performing the services detailed in this purchase order, Con is entering into a contract with the City. Contractor certifies that or she is aware of the wage provisions described herein and sh with such provisions before commencing services.  A. PREVAILING WAGES. Pursuant to San Diego Municipal Co 22.3019, construction, alteration, demolition, repair and mainter work performed under this Contract is subject to State prevailin laws. For construction work performed under this Contract commexceeding \$25,000 and for alteration, demolition, repair and ma work performed under this Contract cumulatively exceeding \$15 Contractor and its subcontractors shall comply with State prevawage laws including, but not limited to, the requirements listed In This requirement is in addition to the requirement to pay Living pursuant to San Diego Municipal Code sections 22.4201 throug Contractor must determine which per diem rate is highest for eaclassification of work (i.e. Prevailing Wage Rate or Living Wage and pay the highest of the two rates to their employees. Living applies to workers who are not subject to Prevailing Wage Rate 1. Compliance with Prevailing Wage Requirements. Pursuant to 1720 through 1861 of the California Labor Code, Contractor and subcontractors shall ensure that all workers who perform work is	he all comply  de section nance g wage ulatively intenance 5,000, iiling pelow. Wage th 22.4245. ach Rate), Wage es. p sections d its			
The Term	 ns and Conditions of this Purchase Order are available at h	nttp://www.sandiego.g	ov/purchasing/vendor	SEFIA	ST PAGE

**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



PO No. | 4500107202

**FOR TOTAL** 

Date: 12/17/2018

Page 2 of 5

Service point or best than the Service Description  description (DIR). This includes work performed during the design and preconstruction phases of construction in holding, but not limited to, inspection and strain surveying work.  1.1. Cope of such prevailing rate of per deem wages are on file at the City of San Degy's Equal Opportunity Contracting Department and are variable for inspection or surjiverset gard pay on expect. Copies of the prevailing rate of per deem wages are on the at the City of San Degy's Equal Opportunity Contracting Department and are variable for inspection or surjiverset gard pay on expect. Copies of the prevailing rate of per dem wages also may be found at http://www.dr. ca.gov/CPR/Live/Devileage/Determination than Contractor and its subcontractors shall post a copy of the prevailing rate of per dem wages also may be found at http://www.dr. ca.gov/CPR/Live/Devileage/Determination than Contract or dem wage determination are not pick to a predeferment of the published them available to any entersted party upon request.  1.1. The published wage rate as one refer to a predeferment vage rate to be paid after the expiration date. then the published rate of wage that be come effective upon expiration of the published wage rate as the come of the come of the company of the published wage rate in the published rate of wage that the prodeferment wage rate shall become effective on the date following the oppication and the prodeferment wage rate was to not or more additional expiration dates with additional prodeferment wage rate shall apply to this Contract on the date following the contract or the date following t	Line#	Item ID/Description	Del.Date	Quantity/Ord UoM	Unit Price/Prc Uom	Extended Price
determined by the Director of the California Department of Inclusinal 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 vages are on file at the City of San Diego's Equal Opportunity Contrincting Department and are available for inspection to any interested party on request. Copies of the prevailing rate of per deem vages also may be found at Intpi/liwww.dir.ca.pov/DPIL/DPIPV/RagDelmermination him. Contractor and its subcontractors shall part a copy of the prevailing rate of per deem varieties of the provision of the prevailing rate of per deem of the prevailing rate of per deem of the provision of the prevailing rate of per deem of the published vage rate is confined to the published vage rate is confined or perfect or predetermined vage rate is confined to the published vage rate is confined to the provision of the published vage rate is confined to the provision of the published vage rate is confined to the provision of the published vage rate is confined to the provision of the published vage rate for the value of the published vage rate is confined to the publi			s as		CONV FACTOR	
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PO No. | 4500107202

**FOR TOTAL** 

Date: 12/17/2018

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Line#	Item ID/Description	Del.Date	Quantity/Ord UoM	Unit Price/Prc Uom	Extended Price
	Serv# Service Description minimum a copy of the following provisions in any contract they en	ter		Conv Factor	
	into with a subcontractor: California Labor Code sections 1771, 17				
	1775, 1776, 1777.5, 1810, 1813, 1815, 1860 and 1861.				
	7. Labor Code Section 1861 Certification. Contractor in accordance	e with			
	California Labor Code section 3700 is required to secure the paym	ent of			
	compensation of its employees and by signing this Contract, Contr	actor			
	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	ı			
	accordance with the provisions of that code, and I will comply with	such			
	provisions before commencing the performance of the work of this				
	Contract."				
	Labor Compliance Program. The City has its own Labor Compliance	ance			
	Program authorized in August 2011 by the DIR. The City will withh	old			
	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 governmenta				
	entity that underpayment(s) have occurred. For questions or assist	ance,			
	please contact the City of San Diego's Equal Opportunity Contracti	ing			
	Department at 619-236-6000.				
	9. Contractor and Subcontractor Registration Requirements. This p	-			
	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	ed			
	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 violati	on			
	of this section for an unregistered contractor to submit a bid that is				
	authorized by Section 7029.1 of the Business and Professions Cod				
	Section 10164 or 20103.5 of the Public Contract Code, provided the	е			
	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				
	not registered pursuant to Labor Code section 1725.5 in a respons	e 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 fe	е			
	specified in Labor Code section 1725.5; or (3) the subcontractor is				
	replaced by another registered contractor pursuant to Public Contra	act			
	Code section 4107.	_			
	9.2. A Contract entered into with any Contractor or subcontractor in	1			
	violation of Labor Code section 1771.1(a) shall be subject to c		-611-66 4- 46-		
	ancellation, provided that a Contract for public work shall not be un		able 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	_			
	certifying that he or she has verified that all subcontractors used or				
	this public works project are registered with the DIR in compliance				
	Labor Code sections 1771.1 and 1725.5, and Contractor shall prov	ride			
	proof of registration for themselves and all listed subcontractors to				
	the City at the time of bid or proposal due date or upon request.	lh a			
	10. Stop Order. For Contractor or its subcontractor(s) engaging in the state of the				
	performance of any public work contract without having been regis	terea			
	in violation of Labor Code sections 1725.5 or 1771.1, the Labor				
	Commissioner shall issue and serve a stop order prohibiting the us				
	the unregistered Contractor or unregistered subcontractor(s) on AL	.L			
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PO No. | 4500107202

Date: 12/17/2018

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Line#	Item ID/Description Serv# Service Description	Del.Date	Quantity/Ord UoM	Unit Price/Prc Uom Conv Factor	Extended Price
	public works until the unregistered Contractor or unregistered			JJ. 18 1 UULUI	
	subcontractor(s) is registered. Failure to observe a stop order is a	1			
	misdemeanor.				
	11. List of all Subcontractors. The City may ask Contractor for the	e most			
	current list of subcontractors (regardless of tier), along with their				
	DIR registration numbers, utilized on this contract at any time dur	<del>-</del>			
	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 the	ir DIR			
	registration numbers. The City shall withhold final payment to	II DIIK			
	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				
	\$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 Co	de			
	section 1776 shall be required to be kept and submitted to the Cit	ty of			
	San Diego, but will not be required to be submitted online with the	e DIR			
	directly. Contractor will need to keep those records for at least thi	ree			
	years following the completion of the contract. (Labor Code section	on			
	1771.4).				
	12.3. List of all Subcontractors. Contractor shall not be required to				
	hire only registered subcontractors and is exempt from submitting				
	list of all subcontractors that is required in section 11 above. (Lab	or			
	Code section 1773.3).				
	B. Living Wages. This Contract is subject to the City's Living Wag				
	Ordinance (LWO), codified in San Diego Municipal Code Chapter				
	<ol> <li>Division 42. Contractor agrees to require all of its subcontracto sublessees, and concessionaires subject to the LWO to comply v</li> </ol>				
	LWO and all applicable regulations and rules.	viui uie			
	Payment of Living Wages. Pursuant to San Diego Municipal Co	nde section			
	22.4220(a), Contractor and its subcontractors shall ensure that all				
	workers who perform work under this Contract are paid not less the				
	required minimum hourly wage rates and health benefits rate unle				
	exemption applies.				
	1.1 Copies of such living wage rates are available on the City wel	osite			
	at https://www.sandiego.gov/purchasing/programs/livingwage/. C	ontractor			
	and its subcontractors shall post a notice informing workers of the	eir			
	rights at each job site or a site frequently accessed by covered				
	employees in a prominent and accessible place in accordance wi	th 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				
	the Consumer Price Index. Service contracts, financial assistance				
	agreements, and City facilities agreements must include this upw				
	adjustment of wage rates to covered employees on July 1 of each	-			
	2. Compensated Leave. Pursuant to San Diego Municipal Code s				
	22.4220(c), Contractor and its subcontractors shall provide a min				
	eighty (80) hours per year of compensated leave. Part-time emplo	-			
	must accrue compensated leave at a rate proportional to full-time	l.			
	employees.	t alaa			
	3. Uncompensated Leave. Contractor and its subcontractors mus				
	permit workers to take a minimum of eighty (80) hours of uncomp				
	leave per year to be used for the illness of the worker or a member	zı Ul			
The Term	ns and Conditions of this Purchase Order are available at htt	p://www.sandiego.ç	gov/purchasing/vendor	SEE LA	ST PAGE
	IMPORTANT!				TOTAL
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PO No. 4500107202

Date: 12/17/2018

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.ine#	Item ID/Description	Del.Date	Quantity/Ord UoM	Unit Price/Prc Uom	Extended Price
$\longrightarrow$	Serv# Service Description his or her immediate family when the worker has exhausted all accrue	ed .		Conv Factor	
	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				
	an annual report documenting compliance with the LWO pursuant to				
	Diego Municipal Code section 22.4225(d). Records documenting commute the maintained for a minimum of three (2) years after the City's	piiance			
	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	ie			
	LWO. For a determination on this exemption, Contractor must comple				
	the Living Wage Ordinance Application for Exemption.				
	C. Highest Wage Rate Applies. Contractor is required to pay the high	est			
	applicable wage rate where more than one wage rate applies.				
e Terms	s and Conditions of this Purchase Order are available at http://v	/ww.sandiego.g	ov/purchasing/vendor	<b></b>	
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	IMPORTANT!			Tax \$	0.
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	prompt payments, PO # must appear on all shipments billing Contact person at Bill-To address listed above		all facial		551,125.