

December 4, 2008

Page 2

responsive and/or responsible bidder; or (ii) establish different and/or additional qualifications for specific contracts." Accordingly, the City Code on its face provides the City with the authority and discretion to look beyond the initial information submitted by an applicant, and to request/require the submittal of additional information before determining whether a bidder is responsive to the project requirements.

This level of discretion afforded to the public agency has also long been recognized by the California Courts. The courts have consistently held that a government agency's award of a public contract is regarded as an exercise of discretion that should not be overturned unless the government's actions fail to be supported by substantial evidence. *Mike Moore's 24-Hour Towing v. City of San Diego* (1996) 45 Cal.App.4<sup>th</sup> 1294; *Old Town Dev. Corp. v. Urban Renewal Agency* (1967) 249 Cal.App.2d 313; *Baldwin-Lima-Hamilton Corp. v. Superior Court* (1962) 208 Cal.App.2d 803. While Madsen's general premise for their challenge that a bid must conform to the government's specifications is correct, Madsen either fails to recognize or fails to acknowledge the legal requirement "that a bid which substantially conforms to a call for bids, may though not strictly responsive, be accepted if the variance cannot have affected the amount of the bid or given a bidder an advantage or benefit not allowed other bidders". *National Identification Systems, Inc. v. State Board of Control* (1992) 11 Cal.App.4<sup>th</sup> 1446, 1453; *Konica Business Machines U.S.A., Inc. v. Regents of University of California* (1988) 206 Cal.App.3d 449, 454. In the same vein, California case law also holds that an inconsequential deviation in a bid proposal will not invalidate the bid if the deviation does not "give the bidder an unfair competitive advantage" and does not affect the amount of the bid. *Ghilotti Construction Co. v. City of Richmond* (1996) 45 Cal.App.4<sup>th</sup> 897, 907 & 911. Viewed under this complete standard; the City should determine that Madsen's protest has failed to meet the minimum threshold requirement of demonstrating that the challenged disparities to D7's bid proposal provided any competitive advantage or benefit afforded to D7 over other bidders. For these reasons, approval of D7's bid should not be subject to being overturned because Madsen has failed to demonstrate that the approval would be arbitrary, capricious or entirely lacking in evidentiary support.

For Madsen's claims to possess any merit, it must demonstrate that D7's variations in its bid proposal resulted in a competitive advantage over those of other competitors. The case of *Konica Business Machines U.S.A., Inc. v. Regents of University of California* (1988) 206 Cal.App.3d 449, is one example of the type of variation that would demonstrate a valid bid protest. In *Konica*, the University of California advertised a "Request for Quotation" on a contract for photocopy machines and service, including detailed performance specifications for various categories of copy machines. Konica was underbid by Copy-Line. The University awarded Copy-Line the contract even though the machines designated in its bid did not meet the required specifications in two categories, whereas Konica's bid met or surpassed all the performance specifications. (*Id.* at 451-453). The court examined the difference in the quoted prices for conforming and nonconforming machines and noted neither Copy-Line nor the University directly disputed the fact that strict adherence by Copy-Line to the performance specifications would have resulted in an *increased* bid. (*Id.* at 455). Because the deviation from

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December 4, 2008

Page 3

specifications gave Copy-Line a competitive advantage, the court concluded the contract had to be set aside. (*Id.* at 457).<sup>1</sup>

The *Konica* case stands in stark contrast to those cases that recognize that a bid variation need not invalidate a bid if the variation does not result in a competitive advantage to the bidder. For instance, the *Ghilotti Construction Co. v. City of Richmond* (1996) 45 Cal.App.4th 897 involved a city project for a major intersection whereby the city restricted bidders to limit of not permitting more-than 50 percent of the work from being subcontracted. (*Id.* at 900.) The face of the winning bidder's bid, however, showed it would be subcontracting 55.44 percent of the price, but that the winning bidder *could easily meet the requirement at no increase in price* by the simple expedient of buying supplies and materials itself, rather than having subcontractors buy them, and if it did so, could get the subcontracted percentage down to 43.3 percent. (*Id.* at 903). Since the winner's bid "could be brought into compliance with only slight alterations and *without affecting the amount of the bid,*" the runner-up could not show that the winner had been given an unfair competitive advantage. (*Id.* at 907).<sup>2</sup>

**Response To Claim #1 – Madsen Fails To Demonstrate a Competitive Disadvantage Through D7's Alleged Failure To Strictly Comply With Form Fm 440 Requirements:**

Madsen first contends that D7 failed to submit a properly completed Form FM 440 as required by the Project Manual. Specifically, Madsen alleges that D7 failed to specify the location of its subcontractors, to indicate the bid amount and failed to indicate that SF&A was designated as an "EBE" or "SBE". A review of the bid proposal demonstrates these claims to be without merit as the omitted material can be found in other portions of D7's bid proposal packet and therefore do not constitute a material deviation to the City's requirement that said information be submitted as part of the contractor's proposal.<sup>3</sup> Moreover, any validity to these challenges are immaterial as Madsen has failed to demonstrate that D7's variations, which fail to strictly comply with Madsen's interpretation of the bid proposal requirements, provided any competitive advantage to D7. Because Form FM 440 (as well as the accompanying additional forms and documents submitted by D7 in its bid proposal) included the proposed description of work to be performed and the estimated dollar value of said work of D7's subcontractors, Madsen is unable to claim that it suffered any competitive disadvantage from D7's failure to strictly comply with Form FM 440's instructions. Had this information been included in the exact manner demanded by

<sup>1</sup> As noted in further detail below, the *Konica* conclusion clearly are not applicable to the bid protest before the City because no evidence exists that strict adherence to the bid specifications would have resulted in an increased bid from D7.

<sup>2</sup> Although the deviations in *Ghilotti* are far greater than the deviations raised by Madsen's bid protest, *Ghilotti* is controlling in this matter as it demonstrates that deviations need not invalidate a bid, such as D7's, if they do not affect the ultimate bid price.

<sup>3</sup> See, for instance, *Menefee v. County of Fresno* (1985) 163 Cal.App.3d 1175, in which the lowest bidder's failure to sign the bid on the appropriate line of the proposal sheet was held not to invalidate the bid, because the bid was signed in other places and the accompanying bid bond was signed.

December 4, 2008

Page 4

Madsen, the result of D7's bid would have remained the same, as none this information would not have affected any material specifications of the project, namely D7's underlying bid amount and whether it is qualified under law to perform the contract work.

**Response to Claim #2 – D7 Received No Competitive Advantage By Failing to Submit ESBE Certification Immediately Following Bid Opening:** Madsen's second claim is that D7 failed to submit an ESBE Certification statement for SF&A as required by Form FM 440 within two days after bid opening, and therefore D7's bid should be rejected. This claim is equally without merit. The requirement that a contractor be held to submission of an ESBE certification within two days after bid opening is a discretionary act within the City's authority, and has in numerous instances been recognized by the City as unnecessary until after the City first determines which contractor is the low bidder. Important to note is that the ESBE certification for SF&A was provided to the City prior to November 25, 2008 as requested by the City. Additionally, prior to the receipt of Madsen's bid protest, the City had already determined that SF&A possessed a Small Business Enterprise Certification from the State, which qualified SF&A for ESBE participation at the City level. Madsen's challenge should be also rejected because it has failed to demonstrate that the D7's failure to file the ESBE Certification for SF&A within two days after bid opening provided D7 with a competitive advantage over Madsen. (See *Konica Business Machines U.S.A., Inc. v. Regents of University of California* (1988) 206 Cal.App.3d at 454). The ESBE Certification provided no benefit to D7 over the other bidders, because the amount of D7's bid was unaffected by the timing of the certification filing. For these reasons, Madsen's second challenge should be rejected.

**Response to Claim #3 – SF&A is a Certified ESBE Business and Serves a Useful Function for this Project:** Madsen's last claim is that D7 failed to meet ESBE's goal because SF&A is neither a supplier of roofing materials nor serves a useful function as required by ESBE's requirements. This last claim is equally without merit and should be rejected. Under the City's proposal, the City required at least 20% participation level from ESBEs on this contract. As the City is aware, the purpose of this requirement is to enhance opportunities for participation of small business enterprises and emerging business enterprises, which is met through D7's use of SF&A as supplier of the roofing materials for this project. SF&A is both designated as an SBE by the state of California and EBE certified by the City as required under the terms of the project proposal. Moreover, SF&A will be providing at least 20% of the participation level in the project by serving the useful function of purchasing and providing the roofing materials to D7. Madsen's claims are further disputed based on the fact that SF&A is actually performing the work of purchasing the materials from Tremco and providing them to D7 which is sufficient to satisfy the City's ESBE requirements for this proposal. Madsen's allegation that this represents a "sham" transaction is disingenuous because SF&A is not serving as merely a "pass through", but instead is receiving compensation for its valuable services as envisioned by the City's ESBE's program such that the cost of D7's bid to the City was increased because it was not purchasing the roofing materials directly through Tremco and will not be performing the services that will be contracted to SF&A. Contrary to Madsen's claims, SF&A is not acting as a "pass through" but instead is serving the useful function of purchasing the materials from Tremco,

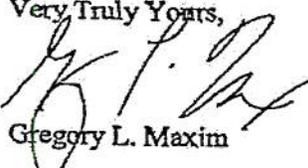
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December 4, 2008  
Page 5

coordinating delivery of materials to SF&A with Tremco, storing the materials so that they will not have to be stored on site, and coordinating and supervising delivery of the materials on site with the contractor. In other words, SF&A is directly benefiting and serving a useful function for D7 by assuming responsibility for the coordination, procurement, shipping and storage of these materials that would otherwise become the responsibility of D7 if D7 had chosen to contract directly with Tremco for these supplies. Lastly, irrespective of these positions, Madsen's claim is subject to dismissal because it has failed to offer any evidence as required under law that D7's use of SF&A somehow constituted an unfair competitive advantage over other bidders. As previously established, this is clearly not the case given the fact that those contractors who chose to purchase the roofing materials directly from Tremco likely paid less than D7 will be as a result of D7's decision to employ SF&A as the subcontractor who will directly responsible for procuring, management, coordination, storage and delivery of these items from Tremco.

In conclusion, the City should find that Madsen's claims are without merit and that D7 substantially complied with both the state and local bidding requirements. Although attempting to split procedural hairs, Madsen has failed to satisfy the minimal legal requirements for a bid protest by failing to demonstrate that any of the alleged disparities to D7's bid proposal resulted in a competitive advantage to it above the other bidders on the project. As previously established, had D7 complied with providing a bid submittal of the degree demanded by Madsen in its protest, no material differences would have resulted to D7's bid proposal, including the underlying bid amount, D7's ability to perform the work or the sub-contractors employed on this project. Madsen has not offered any evidence that the City's approval D7's lowest bid under this competitive process would be arbitrary or capricious as required by law, because Madsen has failed to set forth any evidence of D7 receiving unfair competitive advantage resulting from any alleged disparities in D7's bid proposal.<sup>4</sup> For these reasons, we respectfully request that the City reject Madsen's bid protest.

Very Truly Yours,



Gregory L. Maxim

<sup>4</sup> Madsen should be further prohibited from offering additional evidence or claims as to these positions as Sacramento City Code Section 3.60.480 requires that all legal and factual grounds and written evidence to be considered were to be submitted as part of the underlying bid protest.



**OFFICE OF THE  
CITY ATTORNEY**

EILEEN M. TEICHERT  
CITY ATTORNEY

ASSISTANT CITY ATTORNEYS  
RICHARD E. ARCHIBALD  
SANDRA G. TALBOTT

SUPERVISING DEPUTY CITY ATTORNEYS  
GUSTAVO L. MARTINEZ  
MATTHEW D. RUYAK  
ROBERT D. TOKUNAGA  
BRETT M. WITTER

**CITY OF SACRAMENTO  
CALIFORNIA**

915 I STREET, FOURTH FLOOR  
SACRAMENTO, CA 95814-2604  
PH 916-808-5346  
FAX 916-808-7455

MAILING ADDRESS:  
P.O. BOX 1948  
SACRAMENTO, CA 95812-1948  
December 5, 2008

DEPUTY CITY ATTORNEYS  
MICHAEL J. BENNER  
ANGELA M. CASAGRANDA  
JOSEPH P. CERULLO  
SHERI M. CHAPMAN  
LAWRENCE J. DURAN  
MICHAEL A. FRY  
PAUL A. GALE  
SABINA D. GILBERT  
SUSAN E. HAYES  
JEFFREY C. HEEREN  
GERALD C. HICKS  
STEVEN Y. ITAGAKI  
MARCOS A. KROFF  
GARY P. LINDSEY, JR.  
SHERYL N. PATTERSON  
JOE ROBINSON  
KATHLEEN T. ROGAN  
JANETH D. SAN PEDRO  
MICHAEL T. SPARKS  
CHANCE L. TRIMM  
LAN WANG  
DAVID S. WOMACK

**Sent Via Facsimile Only ( 916) 783-6252**

Mr. Gregory Maxim  
Sproul Troust, LLC  
2424 Professional drive  
Roseville, California 95661

Re: *Bid Protest Relating to Sacramento Memorial Auditorium Roof Repair*  
Matter ID: 08-3855  
Document No.: 95905

Dear Mr. Maxim:

I represent the City of Sacramento in this matter. We have received D7's response to Madsen Roof Company's bid protest. However, the City did not receive any quotes provided to D7 from SF&A prior to October 29, 2008, as requested. Please provide copies of all such quotes, and the names of persons most knowledgeable at both D7 and SF&A about any quotes, whether oral or written, provided by SF&A to D7 prior to October 29, 2008 in connection with this contract. If you cannot produce any written quotes, please provide an explanation for your inability to do so and also provide all documents memorializing any oral quotes provided during the relevant time period. Please provide the requested information no later than the close of business on Monday, December 8<sup>th</sup>.

If you have any questions, please do not hesitate to contact me.

Very truly yours,

EILEEN M. TEICHERT  
City Attorney

  
ANGELA M. CASAGRANDA  
Senior Deputy City Attorney

AMC/cm

cc: Rebecca Bitter  
Dan Goodwater  
Tina McCarty

EXHIBIT F

Page 208  
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SPROUL  
TROST

REAL ESTATE & CORPORATE  
ATTORNEYS AT LAW  
A LIMITED LIABILITY PARTNERSHIP

Gregory L. Maxim  
gmaxim@sproullaw.com

December 8, 2008

*Via Overnight Mail and Facsimile*

Angela M. Casagrande  
City of Sacramento  
P.O. Box 1948  
Sacramento, CA 95812-1948

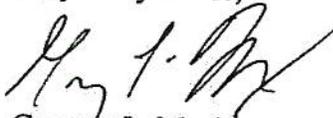
**Re: Bid Protest Relating to Sacramento Memorial Auditorium Roof Repair  
Matter ID: 08-3855**

Dear Ms. Casagrande:

This letter is in response to your correspondence dated December 5, 2008 relating to your request for further information in regards to our response to Madsen Roof Company's bid protest. Pursuant to your request, I have included the correspondence received by D7 from SF&A relating to their quote for the Memorial Auditorium re-roofing project. In addition, should you have any specific questions for D7 or SF&A, the person most knowledgeable regarding at D7 is Marty Jenkins at D7, and at SF&A the individual is Paul Salinas, Jr.

Please do not hesitate to contact me if you have any further questions.

Very Truly Yours,



Gregory L. Maxim

Enclosures

cc: R. Bitter

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EXHIBIT G

000001

# **SF&A**

**Salinas and Farías & Associates, Inc.**

**Providing Quality, Timely, Efficient Solutions**

October 28, 2008

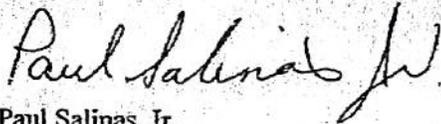
Marty Jenkins  
D7 Roofing Services, Inc  
205 23<sup>rd</sup> Street  
Sacramento, CA 95816

Attn: Marty

RE: Quote Request: Sacramento Memorial Auditorium

Attached is the requested quote for the Sacramento Memorial Auditorium roofing project. SF&A's Overhead and Profit costs of Sixteen Percent (16%) are included into each line item. Taxes, freight charges, and broken pallet charges have not been included. The quote expires 30 days from date of quote.

In lieu of the Sacramento City bid requirements of Five Percent (5%) minimum of Contract total to be provided by a Service Disable Veteran Enterprise (SDVE)...please provide us a copy of the contract to determine minimum amount of SDVE percentage and cost requirement for the project, if the contract is awarded to you. If you have any question please call me at 916 743 8612.



Paul Salinas, Jr.  
President/CEO  
Salinas and Farías & Associates

**SF&A**

**7508 South Land Park Drive  
Sacramento CA 95831**

**Tel and Fax 916.391.3705  
www.sfassociates.net**

# SF&A

**Salinas and Farías & Associates, Inc.**

*Providing Quality, Timely, Efficient Solutions*

October 28, 2008

RE: Price Quote\* - City of Sacramento Project, Memorial Auditorium Re-roof

Quote expires 30 days from date of quote

	PRODUCT	UNIT	COST/UNIT
1	Tremco "Waltite Coating"	5 Gal Pail	\$ 315.23
2	Tremco "SP Primer"	5 Gal Pail	\$ 133.40
3	Tremco "High Build Coating"	53 Gal Drum	\$ 2,738.93
4	Tremco "ELS Mastic Wintergrade"	5 Gal Pail	\$ 98.31
5	Tremco "Burmesh, 4"x300' "	Roll	\$ 45.76
6	Tremco Tremseal D" Polyurethane caulk	30 tube/Case	\$ 252.76
7	Tremco Trisotech" Polyisocyanurate insulation, 1.5" thick	SQ	\$ 74.82
8	Tremco GP 1/4" Dens Deck	SQ	\$ 41.76
9	Tremco Screw #1211, 2 7/8"	1K/Case	\$ 81.66
10	Tremco Screw #1211, 1 5/8"	1K/Case	\$ 62.87
11	Tremco plates/#1211 screws 3" dia. Steel	1K/Case	\$ 98.60
12	Tremco Screws, TPA Membran, #1410, 3" long	1K/Case	\$ 121.34
13	Tremco Screws, TPA Membran, #1410, 2" long	1K/Case	\$ 97.27
14	Tremco Plates/#1410 screws, extra Hvy Duty 228 Galv, barbed	1K/Case	\$ 149.87
15	Tremco TPA single-ply 60 mil perimeter sheet, 39'x90'	Roll	\$ 866.40
16	Tremco TPA single-ply 60 mil Field Sheet, 78"x90'	Roll	\$ 1,729.50
17	Tremco TPA 55 mil unreinforced, 24"x30'	Roll	\$ 397.94
18	Tremco Small Boots 1-4" O.D.	10/Case	\$ 511.44
19	Tremco Large Boots 4-8" O.D.	10/Case	\$ 582.61
20	Tremco TPA Universal Corners	20/Case	\$ 244.53
21	Tremco Sheeting Bond Adhesive	5 Gal Pail	\$ 276.66
22	Tremco TPA Walkway Mat, 3'x60' roll	Roll	\$ 711.14
23	Tremco TPA Coated Sheet Metal , 4'x10' sheets	Sheet	\$ 319.64

\* Following not included on above line items:

1. Freight Charge: Subject to volume, type of material, and stock item availability, per delivery. Fasters (\$250.00); Rolls (\$2,200.00); D-Deck (Free Freight if greater than 20,000 lbs) and Installation (Free Freight if greater than 22,578 lbs) charges will be applied if less than defined weight; Materials shipped from manufacturer is \$300.00; and other materials in stock is \$550.00. Cost of delivery is subject to change.

2. Local Taxes: 7.75%

**SF&A**

**7508 South Land Park Drive  
Sacramento CA 95831**

**Tel and Fax 916.391.3505  
www.sfassociates.net**

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THE LAW OFFICES OF  
**DEON R. STEIN**

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885 UNIVERSITY AVENUE  
SACRAMENTO • CALIFORNIA 95825  
TEL • (916) 640-0102  
FAX • (916) 640-0103  
dstein@deonstein.com

December 10, 2008

*Via Hand Delivery*  
*Via Facsimile: (916) 808-7455*  
*Via First Class Mail*

Angela M. Casagrande, Esq.  
Office of the City Attorney  
City of Sacramento  
915 I Street, Fourth Floor  
Sacramento, CA 95814

**Re: Sacramento Memorial Auditorium Roof Repair (B09-17001111-001)  
Reply to D7 Roofing Services December 4, 2008 Opposition  
to Madsen Roof Company, Inc.'s Bid Protest**

Dear Ms. Casagrande,

This reply to D7 Roofing Services ("D7") December 4, 2008 Opposition to Madsen Roof Company, Inc.'s bid protest with respect to the above-referenced project (the "Opposition") is submitted pursuant to the instructions contained in your December 5, 2008 letter. Madsen Roof Company, Inc. ("Madsen") has carefully reviewed D7's arguments as set forth in the Opposition.<sup>1</sup> Having done so, Madsen concludes that they are substantially irrelevant, inconsistent with the City's bidding requirements and

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<sup>1</sup> I note that the Opposition is dated December 4, 2008, nine days after the November 25, 2008 deadline for its submission as indicated in your November 21, 2008 letter informing Madsen of the opportunity you afforded D7 to submit the same. I am not aware of any extension of this deadline.

ultimately unpersuasive. Accordingly, Madsen once again urges the City to conclude that D7's bid was not responsive and to reject the same.

#### **D7 MISSTATES THE STATUS OF THE CONTRACT AWARD**

The Opposition expounds on California law as it relates to the standard of review applied to contract award decisions made by California public entities. While the Opposition is instructive in this regard, it also completely misses the point. The Opposition's arguments are based on two inaccurate assumptions: First that Madsen is challenging an actual award of the contract by the City to D7, and Second that Madsen has requested a California court to review such an award.

Madsen notes that the contract has not been awarded. In its November 7, 2009 memorandum addressed to all project bidders, the staff of the City's Department of Convention, Culture and Leisure made a preliminary recommendation that the contract be awarded to D7. A recommendation by City staff is fundamentally different from an actual award of the contract by the City Council. Further, there is no pending court action in this matter. No court is being asked to evaluate whether the City has made a proper award of the contract for the seminal reason that the contract has not yet been awarded.

Thus, the standard of judicial discretion afforded public entities when awarding contracts has no application to the current matter. Moreover, as more fully discussed below, far from supporting D7's position, the discretion that D7 so enthusiastically urges the City to avail itself of should actually be exercised in support of Madsen's position that D7's bid be rejected as non-responsive.

#### **D7 SHOULD BE REQUIRED TO COMPLY WITH THE CITY'S BID REQUIREMENTS**

Madsen assumes that the City's bid requirements have been carefully crafted based on the experience that accompanies the City's many years of existence and countless projects. Accordingly, Madsen urges that the City exercise the discretion that

D7 so forcefully advances by insisting that D7 must have actually complied with the clear, unmistakable requirements of the City's bid process. This process included properly completing the required forms, submitting the required documentation and meeting the standards set forth in the City's ESBE program. Failure to insist on D7's adherence to the bid requirements, especially where there are multiple deficiencies as in D7's bid submittal, would undercut the bidding process, reward a lack of attention and compliance, punish bidders who carefully review and respond to the City's requirements and, most notably, defeat the goals of the ESBE program.

It is significant that at no point does the Opposition deny that D7 (1) failed to properly complete form FM 440, and (2) failed to submit the required ESBE certification statement within the two business day time frame.<sup>2</sup> Instead, D7 repeatedly requests that the City exercise its discretion to waive requirements that D7 concedes it simply did not meet. The Opposition also repeatedly suggests that Madsen is somehow holding D7 to onerous and unreasonable standards by respectfully requesting that the City insist on compliance with the City's own clear, straightforward bid requirements.<sup>3</sup> However, the requirements are the City's, not Madsen's. Madsen merely asks that D7 be required to play by the rules, like all the other bidders.

Further, D7's failure to meet the clear bidding requirements brings into question its basic ability to perform the work and comply with the City's procedures. Far from being a "splitting of procedural hairs" as the Opposition asserts, Madsen suggests that the City would be best served by exercising the very discretion advanced by the Opposition by rejecting D7's bid. The proper completion of the bid submittal should serve as a baseline demonstration of competence. Instead of simply excusing such errors because

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<sup>2</sup> D7 claims that the City has relaxed this requirement in "numerous instances" without citing any specific example or other evidence of any kind supporting this assertion.

<sup>3</sup> On page 3 of the Opposition, D7 asserts that D7 has failed "to strictly comply with Madsen's interpretation of the bid proposal requirements." Madsen suggests no such supposed "interpretation" of requirements that are plain and straightforward on their face.

D7 belatedly recognizes its failures and now pleads their supposed immateriality, the City should carefully consider what such failures suggest about D7's competence.

#### D7 HAS NOT MET THE ESBE REQUIREMENTS

1. SF&A Would Not be Providing a Commercially Useful Function. D7 is unconvincing in its after-the-fact efforts to explain exactly how SF&A's activities will be commercially useful to this project as required by the City's ESBE program requirements. The Opposition strains (but ultimately fails) to find a "commercially useful" function in a proposed pass through transaction by which D7 apparently intends to simply pay SF&A a fee for another layer of delivery and material handling on top of that provided by Tremco. Tremco's pricing included material handling rendering SF&A's activities duplicative and wasteful, the very antithesis of commercial usefulness.<sup>4</sup>

Madsen does not challenge the assertion that D7 (and SF&A for that matter) finds this arrangement eminently useful in that, unless the City recognizes SF&A for this purpose, D7 unquestionably submitted a non-responsive bid. Madsen simply reasserts its position that SF&A's proposed activity does not provide commercial usefulness to the actual project, but exists solely as an attempt to make responsive an otherwise non-responsive bid.

2. SF&A Is Not a Registered Materials Supplier ESBE. As pointed out above, D7 has failed to deny Madsen's factual contentions as contained in its protest. The most significant among those is the fact that SF&A is not a registered ESBE supplier of roofing materials, or any other construction materials. At no point does the Opposition assert or provide evidence that the State of California's Department of General Services

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<sup>4</sup> Even assuming SF&A is a qualified ESBE for the purposes designated by D7 (which Madsen disputes), by the most generous measure, SF&A's contribution would be the material handling function only. Thus, its value would be limited to that function alone, not the actual value of the materials themselves. SF&A would be providing no value whatsoever as it relates to the production of the actual materials since Tremco is the manufacturer and supplier of the same.

recognizes SF&A as such. Instead, the Opposition attempts to cloud and skirt the issue by pointing out generally that SF&A is a registered ESBE, without exploring the specific categories of activity for which it is registered.

D7's desire to avoid this subject is understandable since it is fatal to D7's argument. As Madsen pointed out in its protest, SF&A is registered as an ESBE with standard industrial classifications as a "general contractor" and as providing "engineering services" and "management consulting services." Most noteworthy is the complete absence of SF&A's registration as a supplier of roofing or any other construction materials. The Opposition implicitly suggests that the particular area of classification is unimportant; that the fact of SF&A's registration as an ESBE for any purpose is sufficient for all purposes.

D7's position is illogical and would render the entire classification scheme meaningless. By this reasoning, D7 could have designated any entity registered as an ESBE in any classification as its materials supplier for this project. The tortured nature of this approach is apparent on its face, since such a conclusion would allow accountants, plumbers, printers, electricians and countless other entities to serve as a "material supplier" for D7 by the mere expedient of being classified as a ESBE for any purpose at all by the State of California. The City should reject SF&A as a qualifying ESBE for this reason alone.

#### CONCLUSION

The Opposition is unpersuasive, and D7's bid remains non-responsive. The issues are simple: Will the City take this opportunity to demonstrate that its bid requirements must be taken seriously and fully complied with and will the City show its commitment to the laudable goals of its ESBE program requirements? Madsen urges that the City exercise the very discretion that D7 finds so compelling in answering both of these questions in the affirmative. D7's bid should be rejected as non-responsive.

Angela M. Casagrande, Esq.  
December 10, 2008  
Page 6

Thank you for the opportunity to submit this reply to the Opposition. Please let me know if you need additional information from Madsen.

Very truly yours,

THE LAW OFFICES OF DEON R. STEIN

*Deon R. Stein*

Deon R. Stein

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cc: Madsen Roof Company, Inc.

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THE LAW OFFICES OF  
DEON R. STEIN

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Page 217

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<input type="checkbox"/> CERT	FROM
<input type="checkbox"/> DEN	TO
S C N M	CO/DT

TYPE OR PRINT CLEARLY IN INK. USE ADDITIONAL PAPER IF NECESSARY.

CERTIFICATION TYPE (CHECK ONE)

- SMALL BUSINESS (SB) ONLY** (Complete entire application except Section 8)  
 **DISABLED VETERAN BUSINESS ENTERPRISE (DVBE) ONLY** (Complete entire application except Section 4)  
 **BOTH SB & DVBE** (Complete entire application)

**1. APPLICANT'S BUSINESS INFORMATION (ALL APPLICANTS MUST COMPLETE SECTION 1)**

A. APPLICANT'S LEGAL BUSINESS NAME		B. APPLICANT'S FICTITIOUS OR "DOING BUSINESS AS" (DBA) NAME (AS IT WILL APPEAR ON A STATE CONTRACT)	
C. APPLICANT'S MAILING ADDRESS (STREET ADDRESS OR P.O. BOX)		CITY	STATE ZIP CODE
D. APPLICANT'S PHYSICAL ADDRESS OF PRINCIPAL OFFICE (DO NOT USE P.O. BOX) DO NOT LEAVE BLANK		CITY	STATE ZIP CODE
E. FEDERAL EMPLOYER ID NUMBER (FEIN)	F. SOCIAL SECURITY NUMBER	G. DUN & BRADSTREET (DUNS) NUMBER	H. DATE BUSINESS STARTED
I. PHONE NUMBER	J. FAX NUMBER	K. E-MAIL ADDRESS	L. INTERNET HOMEPAGE ADDRESS
M. IS YOUR FIRM INDEPENDENTLY OWNED AND OPERATED? <input type="checkbox"/> YES <input type="checkbox"/> NO		N. IS YOUR FIRM DOMINANT IN ITS FIELD OF OPERATION? <input type="checkbox"/> YES <input type="checkbox"/> NO	
O. ENTER THE APPLICANT FIRM'S AVERAGE NUMBER OF EMPLOYEES FOR THE LAST FOUR QUARTERS, INCLUDING ALL EMPLOYEES THAT ARE IN CALIFORNIA, OUT-OF-STATE AND/OR OUT OF THE COUNTRY. IF YOU HAVE BEEN IN BUSINESS FOR LESS THAN A YEAR, ENTER THE NUMBER OF EMPLOYEES AVERAGED OVER THE NUMBER OF QUARTERS THAT YOU WERE IN BUSINESS.			NUMBER OF EMPLOYEES
P. OWNERSHIP TYPE (CHECK ONE) <input type="checkbox"/> SOLE PROPRIETORSHIP <input type="checkbox"/> PARTNERSHIP <input type="checkbox"/> CORPORATION <input type="checkbox"/> LIMITED LIABILITY CO. <input type="checkbox"/> LIMITED LIABILITY PARTNERSHIP <input type="checkbox"/> JT. VENTURE			
Q. DID YOUR OWNERSHIP STRUCTURE CHANGE WITHIN THE LAST 3 YEARS? <input type="checkbox"/> YES <input type="checkbox"/> NO IF YES, COMPLETE Q1 AND Q2		1. ENTER THE PREVIOUS OWNERSHIP TYPE (USE TYPES IN SECTION P ABOVE)	2. ENTER THE DATE THE CHANGE OCCURRED
R. IF YOU CHECKED "CORPORATION" OR "LIMITED LIABILITY CO." IN SECTION "P," ENTER YOUR CALIFORNIA SECRETARY OF STATE NUMBER.	SECRETARY OF STATE NUMBER	S. IF YOU ARE BIDDING ON A STATE CONTRACT WITHIN THE NEXT THIRTY DAYS, ENTER THE BID DUE DATE AND CONTRACT NUMBER.	1. BID DUE DATE 2. CONTRACT NUMBER
T. BUSINESS TYPE (CHECK ALL THAT APPLY) <input type="checkbox"/> SERVICE <input type="checkbox"/> CONSTRUCTION (SEE "U" BELOW) <input type="checkbox"/> MANUFACTURER (TRANSFORMS MATERIALS INTO NEW PRODUCTS—SEE "V" BELOW) <input type="checkbox"/> NON-MANUFACTURER (RESELLER, WHOLESALER, DISTRIBUTOR, OR RETAILER OF GOODS)			
U. IF YOU CHECKED "CONSTRUCTION" IN SECTION "T," COMPLETE U1 AND U2.		1. CONTRACTOR'S LICENSE NUMBER	2. LICENSE CLASSIFICATION CODES
V. IF YOU CHECKED "MANUFACTURER" IN SECTION "T," CHECK THE APPROPRIATE "YES" OR "NO" ANSWERS IN V1, V2, AND V3.			YES NO
1. ARE YOU PRIMARILY ENGAGED IN THE CHEMICAL OR MECHANICAL TRANSFORMATION OF RAW MATERIALS OR PROCESSED SUBSTANCES INTO NEW PRODUCTS?			
2. DO YOU USE YOUR OWN FACILITIES TO MANUFACTURE YOUR PRODUCTS?			
3. DOES 50% OR MORE OF YOUR GROSS ANNUAL RECEIPTS COME FROM THE SALE OF PRODUCTS MANUFACTURED BY YOUR BUSINESS?			

**2. CALIFORNIA COUNTIES WHERE THE APPLICANT FIRM CAN PROVIDE ITS GOODS OR SERVICE (ALL APPLICANTS)**

CHECK THE CALIFORNIA COUNTY BOX(ES) WHERE THE APPLICANT FIRM CAN PROVIDE ITS SERVICE OR GOODS. CHECK "STATEWIDE" FOR ALL COUNTIES.

<input type="checkbox"/> STATEWIDE	<input type="checkbox"/> DEL NORTE	<input type="checkbox"/> LAKE	<input type="checkbox"/> MONO	<input type="checkbox"/> SAN BENITO	<input type="checkbox"/> SANTA CLARA	<input type="checkbox"/> SUTTER
<input type="checkbox"/> ALAMEDA	<input type="checkbox"/> EL DORADO	<input type="checkbox"/> LASSEN	<input type="checkbox"/> MONTEREY	<input type="checkbox"/> SAN BERNARDINO	<input type="checkbox"/> SANTA CRUZ	<input type="checkbox"/> TEHAMA
<input type="checkbox"/> ALPINE	<input type="checkbox"/> FRESNO	<input type="checkbox"/> LOS ANGELES	<input type="checkbox"/> NAPA	<input type="checkbox"/> SAN DIEGO	<input type="checkbox"/> SHASTA	<input type="checkbox"/> TRINITY
<input type="checkbox"/> AMADOR	<input type="checkbox"/> GLENN	<input type="checkbox"/> MADERA	<input type="checkbox"/> NEVADA	<input type="checkbox"/> SAN FRANCISCO	<input type="checkbox"/> SIERRA	<input type="checkbox"/> TULARE
<input type="checkbox"/> BUTTE	<input type="checkbox"/> HUMBOLDT	<input type="checkbox"/> MARIN	<input type="checkbox"/> ORANGE	<input type="checkbox"/> SAN JOAQUIN	<input type="checkbox"/> SISKIYOU	<input type="checkbox"/> TUOLUMNE
<input type="checkbox"/> CALAVERAS	<input type="checkbox"/> IMPERIAL	<input type="checkbox"/> MARIPOSA	<input type="checkbox"/> PLACER	<input type="checkbox"/> SAN LUIS OBISPO	<input type="checkbox"/> SOLANO	<input type="checkbox"/> VENTURA
<input type="checkbox"/> COLUSA	<input type="checkbox"/> INYO	<input type="checkbox"/> MENDOCINO	<input type="checkbox"/> PLUMAS	<input type="checkbox"/> SAN MATEO	<input type="checkbox"/> SONOMA	<input type="checkbox"/> YOLO
<input type="checkbox"/> CONTRA COSTA	<input type="checkbox"/> KERN	<input type="checkbox"/> MERCED	<input type="checkbox"/> RIVERSIDE	<input type="checkbox"/> SANTA BARBARA	<input type="checkbox"/> STANISLAUS	<input type="checkbox"/> YUBA
	<input type="checkbox"/> KINGS	<input type="checkbox"/> MODOC	<input type="checkbox"/> SACRAMENTO			

**3. APPLICANT'S OWNERSHIP (ALL APPLICANTS MUST COMPLETE SECTION 3) ATTACH ADDITIONAL PAPER IF NECESSARY**

**ALL APPLICANTS:** IN THE BOXES BELOW, ENTER THE NAMES OF ALL OWNERS/SHAREHOLDERS OF THE APPLICANT BUSINESS. YOU MUST ENTER THE COMPLETE HOME ADDRESS FOR ALL INDIVIDUAL OWNERS/SHAREHOLDERS. WHEN ANOTHER BUSINESS OWNS THE APPLICANT BUSINESS IN PART OR IN WHOLE, ENTER THE BUSINESS' COMPLETE PRINCIPAL OFFICE ADDRESS IN THE "HOME ADDRESS" BOX. THE APPLICANT'S OWNERSHIP INTEREST MUST TOTAL 100%.

**ALL CORPORATIONS:** CORPORATIONS MUST ALSO IDENTIFY ALL OF THEIR CORPORATE OFFICERS (PRESIDENT, VICE PRESIDENT (VP), SECRETARY, AND TREASURER) WHETHER THEY HAVE OWNERSHIP IN THE BUSINESS OR NOT. AN OMISSION OF ANY OF THESE FOUR OFFICERS WILL DELAY YOUR CERTIFICATION RESULTS. IF YOU DON'T HAVE A VICE PRESIDENT, ENTER "NO VP" IN THE "INDIVIDUAL'S TITLE" COLUMN. IF AN INDIVIDUAL HOLDS MULTIPLE TITLES, LIST ALL TITLES FOR THAT PERSON.

**ALL LIMITED LIABILITY COMPANIES:** IN ADDITION TO THE APPLICANT'S LLC MEMBERS, YOU MUST ENTER THE LLC MANAGER(S) AND/OR OFFICER(S).

**A DVBE LLC MUST BE (100%) WHOLLY OWNED BY ONE OR MORE DISABLED VETERAN(S).**

**\*\*\*ALL DVBE APPLICANTS:** DVBES MUST ALSO CHECK THE "DV" BOX NEXT TO EACH OF YOUR QUALIFYING DISABLED VETERAN(S).

NAME OF INDIVIDUAL OWNER(S), SHAREHOLDER(S), AND/OR CORP. OFFICERS	INDIVIDUAL'S TITLE (DO NOT LEAVE BLANK CORPS. MUST SPECIFY ALL 4 CORP. OFFICERS)	INDIVIDUAL'S OWNERSHIP % (MUST TOTAL 100%)	HOME ADDRESS (STREET ADDRESS-NO P.O. BOX) THIS IS A CERTIFICATION REQUIREMENT DO NOT LEAVE BLANK OR ENTER A NON-HOME ADDRESS	CITY	STATE	ZIP	***DV?

**4. AFFILIATE BUSINESS RELATIONSHIPS** ALL SMALL BUSINESS APPLICANTS MUST COMPLETE SECTION 4. DO NOT LEAVE BLANK OR ENTER "N/A"

**PART A—ALL SMALL BUSINESS APPLICANTS MUST ANSWER EACH OF THE 8 QUESTIONS BELOW TO IDENTIFY POTENTIAL AFFILIATE BUSINESSES. ALL BUSINESS RELATIONSHIPS MEETING ANY OR ALL OF THE FOLLOWING 8 CRITERIA MAY BE CONSIDERED TO BE AFFILIATED EVEN IF NO BUSINESS INCOME WAS GENERATED.**

DURING ANY ONE (OR ALL) OF THE PREVIOUS THREE TAX YEARS, DID THE APPLICANT OR ITS INDIVIDUAL OWNERS/OFFICERS:	YES	NO	DURING ANY ONE (OR ALL) OF THE PREVIOUS THREE TAX YEARS, DID THE APPLICANT OR ITS INDIVIDUAL OWNERS/OFFICERS:	YES	NO
	1. HAVE A CONTROLLING OWNERSHIP INTEREST IN ANOTHER BUSINESS?				2. SHARE OR HAVE COMMON OWNERS WITH ANOTHER BUSINESS?
3. SHARE OR HAVE COMMON MANAGEMENT WITH ANOTHER BUSINESS? ("MANAGEMENT" REFERS TO THE OWNERS/OFFICERS THAT CONTROL THE BUSINESS' DECISIONS AND DAY-TO-DAY OPERATIONS.)			4. HAVE A FAMILY MEMBER(S) ENGAGED IN A SIMILARLY OR COMMONLY RELATED BUSINESS ACTIVITY AS THE APPLICANT?		
5. HAVE A FINANCIAL RELATIONSHIP WITH ANOTHER BUSINESS, CONSISTING OF LOANS AND/OR ASSISTANCE TO MEET BOND/SECURITY OR CREDIT REQUIREMENTS? (EXCLUDE THOSE WITH PUBLIC FINANCIAL INSTITUTIONS.)			6. HAVE A CONTRACTUAL RELATIONSHIP BETWEEN THE APPLICANT FIRM AND ANOTHER COMPANY CONSISTING OF ASSIGNMENTS, AND/OR TRANSFER OF TITLE(S)?		
7. SHARE FACILITIES, EQUIPMENT OR SYSTEMS WITH ANOTHER BUSINESS?			8. SHARE EMPLOYEES WITH ANOTHER BUSINESS?		

**PART B—IF YOU CHECKED "SOLE PROPRIETORSHIP" IN SECTION 1P, YOU MUST ANSWER THE FOLLOWING QUESTION.**

DID THE APPLICANT'S OWNER HAVE OTHER SOLE PROPRIETORSHIPS (BESIDES THE APPLICANT FIRM) DURING ANY ONE (OR ALL) OF THE THREE PREVIOUS TAX YEARS?

YES	NO

**PART C—IF YOU ANSWERED "YES" TO ANY OF THE QUESTIONS IN 4A AND/OR 4B, YOU MUST COMPLETE THIS SECTION. (ATTACH ADDITIONAL PAPER IF NECESSARY)**

YOU MUST IDENTIFY EACH BUSINESS THAT APPLIES TO YOUR "YES" RESPONSE IN SECTION 4A AND/OR 4B ABOVE. YOU ONLY HAVE TO LIST THE BUSINESS ONCE IF THERE ARE MULTIPLE REASONS AND/OR PERSONS THAT ESTABLISH THE RELATIONSHIP.

ENTER THE NAME AND ADDRESS OF EACH BUSINESS ASSOCIATED WITH EACH OF YOUR "YES" ANSWERS IN 4A OR 4B ABOVE	ENTER THE NAME(S) OF THE OWNER(S) OR OFFICER(S) IN THE APPLICANT FIRM THAT IS ASSOCIATED WITH THE BUSINESS LISTED BELOW	RELATIONSHIP OR TITLE THIS OWNER/OFFICER HAS WITH THE BUSINESS LISTED BELOW	OWNERSHIP % THAT THIS OWNER/OFFICER HOLDS IN THE BUSINESS BELOW	RELATIONSHIP		ENTER THE LISTED BUSINESS' AVERAGE # OF EMPLOYEES OVER THE LAST 4 QTRS
				START DATE	END DATE	
1 BUSINESS NAME BUSINESS ADDRESS						
2 BUSINESS NAME BUSINESS ADDRESS						

### GROSS ANNUAL RECEIPTS TABLE

USE THIS TABLE TO LOCATE THE GROSS ANNUAL RECEIPTS ON A FEDERAL TAX RETURN AS REQUIRED IN SECTION 5 BELOW

IF YOUR FIRM OWNERSHIP TYPE IS A:	YOUR GROSS ANNUAL RECEIPTS LESS RETURNS & ALLOWANCES ARE LOCATED ON:
SOLE PROPRIETORSHIP	SCHEDULE C (FORM 1040), SECTION A, LINE 3
PARTNERSHIP OR S-CORPORATION (RENTAL OR LEASING BUSINESS)	FORM 8825, TOTAL OF LINE 3 COMBINED
PARTNERSHIP (ALL OTHER BUSINESS TYPES)	FORM 1065, LINE 1C
S-CORPORATION (ALL OTHER BUSINESS TYPES)	FORM 1120S, LINE 1C
C-CORPORATION	FORM 1120 OR 1120A, LINE 1C
LIMITED LIABILITY COMPANY - SINGLE MEMBER/MANAGER	FORM 1040, SCHEDULE C, LINE 3 OR FORM 1120 OR 1120A, LINE 1C
LIMITED LIABILITY COMPANY - MULTIPLE MEMBERS/MANAGERS WITH PARTNERSHIP TAX STRUCTURE	FORM 1065, LINE 1C
LIMITED LIABILITY COMPANY - MULTIPLE MEMBERS/MANAGERS WITH S-CORP TAX STRUCTURE	FORM 1120S, LINE 1C
LIMITED LIABILITY COMPANY - MULTIPLE MEMBERS/MANAGERS WITH C-CORP TAX STRUCTURE	FORM 1120 OR 1120A, LINE 1C
LIMITED LIABILITY PARTNERSHIP	FORM 1065, LINE 1C

**5. GROSS ANNUAL RECEIPTS (ALL APPLICANTS MUST COMPLETE SECTION 5) (ATTACH ADDITIONAL PAPER IF NECESSARY)**

FOR EACH OF THE THREE MOST RECENTLY COMPLETED TAX YEARS, BEGINNING WITH THE MOST CURRENT YEAR IN ROW 1, ENTER YOUR FIRM'S "GROSS ANNUAL RECEIPTS LESS RETURNS AND ALLOWANCES" AS REPORTED ON YOUR BUSINESS' FEDERAL INCOME TAX RETURN. (SEE "GROSS ANNUAL RECEIPTS TABLE" ABOVE.) ADDITIONALLY, IF YOU HAVE AFFILIATES (AS IDENTIFIED IN SECTION 4), YOU MUST ENTER THEIR GROSS ANNUAL RECEIPTS IN THE "AFFILIATE" SPACE(S) PROVIDED BELOW. IF THE APPLICANT OR AFFILIATE IS LESS THAN THREE YEARS OLD, ENTER THE RECEIPTS ONLY FOR THOSE YEARS THAT THEY WERE IN BUSINESS.

**APPLICANT**

TAX YEAR	FROM TAX YEAR START (MMDDYY)	TO TAX YEAR END (MMDDYY)	GROSS ANNUAL RECEIPTS LESS RETURNS AND ALLOWANCES (SEE "ANNUAL GROSS RECEIPTS" TABLE ABOVE)
1.	/ /	/ /	\$
2.	/ /	/ /	\$
3.	/ /	/ /	\$

**AFFILIATE 1 – ENTER YOUR FIRST AFFILIATE'S NAME FROM SECTION 4 HERE (IF ANY)→**

TAX YEAR	FROM TAX YEAR START (MMDDYY)	TO TAX YEAR END (MMDDYY)	GROSS ANNUAL RECEIPTS LESS RETURNS AND ALLOWANCES (SEE "ANNUAL GROSS RECEIPTS" TABLE ABOVE)
1.	/ /	/ /	\$
2.	/ /	/ /	\$
3.	/ /	/ /	\$

**AFFILIATE 2 – ENTER YOUR SECOND AFFILIATE'S NAME FROM SECTION 4 HERE (IF ANY)→**

TAX YEAR	FROM TAX YEAR START (MMDDYY)	TO TAX YEAR END (MMDDYY)	GROSS ANNUAL RECEIPTS LESS RETURNS AND ALLOWANCES (SEE "ANNUAL GROSS RECEIPTS" TABLE ABOVE)
1.	/ /	/ /	\$
2.	/ /	/ /	\$
3.	/ /	/ /	\$

**6. BUSINESS CLASSIFICATION CODES AND DESCRIPTION KEYWORDS (ALL APPLICANTS MUST COMPLETE SECTION 6)**

A. IF YOU ARE A "SERVICE," "NON-MANUFACTURER," OR "MANUFACTURER," USE THE LIST OF SIC AND NAICS CLASSIFICATION CODES LOCATED ON THE INTERNET AT [WWW.PD.DGS.CA.GOV/SMBUS](http://WWW.PD.DGS.CA.GOV/SMBUS). ENTER UP TO THREE SIC AND THREE CORRESPONDING NAICS CODES WHICH BEST CLASSIFY YOUR LINE OF BUSINESS.

\*\*\*\*"CONSTRUCTION" FIRMS ARE CLASSIFIED BY THEIR CONTRACTORS STATE LICENSE BOARD CLASSIFICATION CODES. DO NOT SELECT SIC OR NAICS CODES.

SIC 1	SIC 2	SIC 3	NAICS 1	NAICS 2	NAICS 3

B. ALL FIRMS (INCLUDING CONSTRUCTION FIRMS) ENTER THE INDIVIDUAL KEYWORDS (DESCRIPTIVE TERMS) WHICH BEST DESCRIBE YOUR BUSINESS AND ITS OFFERINGS. CONSIDER USING TERMS THAT WILL HELP STATE BUYERS AND POTENTIAL BUSINESS PARTNERS LOCATE YOUR BUSINESS WHEN THEY USE THE STATE'S "ONLINE CERTIFIED SMALL BUSINESS AND/OR DVBE SEARCH ENGINE." YOUR KEYWORDS WILL BE TRUNCATED TO 255 CHARACTERS. ONCE YOU ARE CERTIFIED, YOU CAN UPDATE YOUR KEYWORDS ONLINE.

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**7. COMMERCIALLY USEFUL FUNCTION (CUF) (ALL APPLICANTS MUST COMPLETE SECTION 7)**

ANSWER THE FOLLOWING QUESTIONS AS THEY APPLY TO THE APPLICANT FIRM WHEN FULFILLING A CONTRACT OR PURCHASE ORDER.		
	YES	NO
A. IS THE APPLICANT FIRM RESPONSIBLE FOR THE EXECUTION OF A DISTINCT ELEMENT OF THE WORK OF THE CONTRACT OR PURCHASE ORDER?		
B. WILL THE APPLICANT FIRM CARRY OUT ITS OBLIGATION ON A CONTRACT OR PURCHASE ORDER BY ACTUALLY PERFORMING, MANAGING, OR SUPERVISING THE WORK INVOLVED?		
C. WILL THE APPLICANT FIRM PERFORM WORK ON A CONTRACT OR PURCHASE ORDER THAT IS NORMAL FOR ITS BUSINESS SERVICES AND FUNCTIONS?		
D. DOES THE APPLICANT FIRM PERFORM WORK THEMSELVES, RATHER THAN FURTHER SUBCONTRACTING A PORTION OF THE WORK THAT IS GREATER THAN WOULD BE EXPECTED BY NORMAL INDUSTRY PRACTICES?		
E. DOES THE APPLICANT FIRM ADD VALUE BY PERFORMING WORK THEMSELVES, RATHER THAN BEING AN EXTRA PARTICIPANT IN A TRANSACTION, CONTRACT, OR PROJECT THROUGH WHICH FUNDS ARE PASSED IN ORDER TO ACHIEVE THE APPEARANCE OF SMALL BUSINESS AND/OR DVBE PARTICIPATION?		

**8. DVBE MANAGEMENT AND CONTROL (ALL DVBE APPLICANTS MUST COMPLETE SECTION 8)**

A. ANSWER THE FOLLOWING QUESTIONS AS THEY APPLY TO THE MANAGERIAL CONTROL OF THE APPLICANT FIRM.		
	YES	NO
1. IS THE DISABLED VETERAN (DV) OWNER(S) OR DV MANAGER(S) RESPONSIBLE FOR THE NEGOTIATIONS, EXECUTION, AND SIGNATURE OF CONTRACTS?		
2. IS THE DV OWNER(S) OR DV MANAGER(S) RESPONSIBLE FOR THE EXECUTION (SIGNING) OF FINANCIAL TRANSACTIONS AND AGREEMENTS (CREDIT, BANKING, BONDING)?		
B. ANSWER THE FOLLOWING QUESTIONS AS THEY APPLY TO THE OPERATIONAL CONTROL OF THE APPLICANT FIRM.		
	YES	NO
1. ARE THERE ANY FORMAL OR INFORMAL RESTRICTIONS LIMITING THE VOTING POWER OR CONTROL OF THE DV OWNER(S) AND/OR DV MANAGER(S)?		
2. ARE THERE ANY THIRD PARTY AGREEMENTS RESTRICTING THE CONTROL OF THE DV OWNER(S) AND/OR DV MANAGER(S)?		
3. DOES THE DV OWNER(S) OR DV MANAGER(S) POSSESS THE REQUISITE EXPERIENCE, EDUCATION, KNOWLEDGE, AND QUALIFICATIONS IN THE APPLICANT FIRM'S FIELD OF OPERATIONS?		
4. ARE THE SALARY/PROFITS OF THE DV OWNER(S) AND DV MANAGER(S) COMMENSURATE (PROPORTIONATE) WITH THEIR OWNERSHIP INTEREST?		
5. DOES THE DV OWNER(S) OR DV MANAGER(S) HAVE DIRECT RESPONSIBILITY FOR SUBORDINATES, IF ANY?		
6. DOES THE DV OWNER(S) OR DV MANAGER(S) HAVE DIRECT RESPONSIBILITY FOR SUBCONTRACTORS, IF ANY?		
7. DOES THE DV OWNER(S) OR DV MANAGER(S) HAVE DIRECT RESPONSIBILITY FOR THE APPLICANT FIRM'S EQUIPMENT?		
8. DOES THE DV OWNER(S) OR DV MANAGER(S) HAVE DIRECT RESPONSIBILITY FOR THE APPLICANT FIRM'S MATERIALS?		
9. DOES THE DV OWNER(S) OR DV MANAGER(S) HAVE DIRECT RESPONSIBILITY FOR THE APPLICANT FIRM'S FACILITIES (OFFICE/YARD)?		
C. IF YOU ARE A DVBE APPLICANT AND CHECKED "CORPORATION" IN SECTION 1P, YOU MUST ALSO ANSWER THE QUESTIONS IN SECTION 8C.		
	YES	NO
1. DOES THE DV OWNER(S) RECEIVE AT LEAST 51% OF ANY DIVIDENDS PAID BY THE FIRM, INCLUDING DISTRIBUTION UPON LIQUIDATION?		
2. DOES THE DV OWNER(S) HAVE THE ABILITY TO APPOINT OR ELECT AND TO REMOVE THE MAJORITY OF THE BOARD OF DIRECTORS?		
3. ARE THE DV OWNER(S) ENTITLED TO 100% OF THE VALUE OF EACH SHARE OF STOCK THEY HOLD?		

Pursuant to the Federal Privacy Act (P.L. 93-579) of 1974 and the California Information Practices Act (IPA) of 1977 (California Civil Code Sections 1798, et seq.), notice is hereby given for the request of personal information by this application. The requested personal information is mandatory. The principal purpose of this mandatory information is to determine eligibility for Small Business and/or DVBE Certification. Failure to provide all or any part of the requested information may delay processing of this application. No disclosure of personal information will be made unless permissible under Article 6, Section 1798.24 of the IPA of 1977. Each individual has the right, upon request and proper identification, to inspect all personal information in any record maintained on the individual by an identifying particular. Direct any inquiries on information maintenance to the appropriate IPA Officer in the Department of General Services, Office of Small Business and DVBE Services.

**9. REQUIRED SIGNATURE (ALL APPLICANTS MUST SIGN THE APPLICATION)**

Any person that willfully provides false information is subject to serious penalties. The signatory of this document must be the applicant firm's owner (or officer, in the case of a corporation) and hereby certifies that he/she has read and understands that the applicant meets the applicable Small Business and/or DVBE certification requirements under Government Code Section 14835 et seq., and/or Military and Veterans Code Section 999 et seq., and California Code of Regulations, Title 2, Section 1896 et seq., and that the foregoing statement and all information herein are truthful and accurate. I declare under penalty of perjury under the laws of the state of California that the foregoing is true and correct.

OWNER'S OR CORPORATE OFFICER'S SIGNATURE	OWNER'S OR CORPORATE OFFICER'S PRINTED NAME	DATE
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**Important Note:** All applicants are subject to verification or reverification of status at any time. Failure by a business to provide requested information that supports its eligibility, by the date and time specified by the OSDS, shall be grounds for denial or decertification. Please also note that sanctions may be imposed for certification program misuse. (See Title 2, California Code of Regulations, Sections 1896.14, 1896.16, and 1896.70. See also Government Code, Sections 14842 and 14842.5; and Military and Veterans Code, Section 999.9; available at [www.leginfo.ca.gov](http://www.leginfo.ca.gov).)

**REQUIRED SUPPORT DOCUMENTATION THAT MUST ACCOMPANY YOUR SMALL BUSINESS CERTIFICATION APPLICATION**

If you are bidding on a state contract within the next 30 days and require expedited processing of your application, submit a copy of the bid solicitation document showing the state agency, title of contract opportunity, and the "Bid Due Date."

If you meet any of the following:

- You are a Limited Liability Company, or
- You are a "Manufacturer" **and** you answered "No" to one or more questions in Section 1V, or
- You selected three or more Business Types (in Section 1T), or
- An owner/officer of the applicant is a business, trust, holding company or parent company (in Section 3), or
- You have three or more affiliates (in Section 4C), or
- The combined gross annual receipts of the applicant and affiliates (entered in 4C) averages \$9 million or more over the previous three tax years, or
- The combined number of employees of the applicant and affiliates (entered in 4C) averages 75 or more over the previous four quarters, or
- You answered "No" to one or more questions in Section 7, or
- Your previous certification application was denied or revoked.

You must provide a copy of:

1. The entire **Federal Income Tax Returns** for the applicant business and each affiliate business (listed in Section 4C, if any) for the three most recently completed tax years (or for the years that you or your affiliate were in business if you have been in business for less than three years);

**AND**

2. The "**Quarterly Wage and Withholding Report**" (Form DE 6) for the applicant business and each affiliate business (listed in Section 4C, if any) for the four most recently completed quarters. If the applicant and/or any affiliates have any out-of-state employees and/or employees that are out of the country, submit a copy of the out-of-state document equivalent to the Form DE 6 for the same previous four quarters.

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**ADDITIONALLY**, if you meet any of the nine bulleted items above, you must also submit:

**Small Business Limited Liability Companies**

1. Your firm's current Articles of Organization as filed with the California Secretary of State.
2. Your firm's most recent "Statement of Information" as filed with the California Secretary of State.
3. Your firm's current Operating Agreement.

**Small Business Corporations**

1. The corporate meeting minutes showing the most recent election of all current corporate officers and director, or
2. The last "Statement of Information" (as filed with the California Secretary of State) that lists the current corporate officers.

**Small Business Joint Ventures** must comply with the following:

1. Each Joint Venture application is certified on a bid-by-bid basis.
2. Each co-venturer must be certified as a Small Business.
3. Provide a copy of the Joint Venture agreement relating to the specific project that this Joint Venture is bidding on.

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**DVBE APPLICANTS**, please see page 6 for your support documentation requirements. →

**REQUIRED SUPPORT DOCUMENTATION THAT MUST ACCOMPANY YOUR DVBE CERTIFICATION APPLICATION**

If you are bidding on a state contract within the next 30 days and require expedited processing of your application, submit a copy of the bid solicitation document showing the state agency, title of contract opportunity, and the "Bid Due Date."

**ALL DVBE APPLICANTS** must submit a copy of:

1. The entire **Federal Income Tax Returns** for the applicant business for the three most recently completed tax years.
  - **Partnerships**—In addition to the business' federal tax return, you must also provide the federal tax returns for each of the partners.
  - **All DVBEs**—If you rent equipment, you must also provide a copy of the federal tax returns for each disabled veteran(s) that own the equipment.
2. Current business license.
3. For each disabled veteran owner and/or manager, an Award of Entitlement letter:
  - From the U.S. Department of Veterans Affairs or Department of Defense.
  - Must be dated within six months of the OSDS receiving your submitted DVBE Certification Application.
  - The letter must certify or declare a "service-connected" disability rating of at least 10%.
  - To obtain an Award of Entitlement Letter, call the U.S. Department of Veterans Affairs at 1-800-827-1000.

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**ADDITIONALLY:**

DVBE Partnerships must submit a copy of:

1. Your firm's partnership agreement.

DVBE Limited Liability Partnerships must submit a copy of:

1. Your firm's current partnership agreement.
2. Your firm's most recent "Limited Liability Partnership Registration" (LLP-1) as filed with the California Secretary of State.

DVBE Limited Liability Companies must submit a copy of:

1. Your firm's current Articles of Organization as filed with the California Secretary of State.
2. Your firm's most recent "Statement of Information" as filed with the California Secretary of State.
3. Your firm's current Operating Agreement.

DVBE Corporations must submit a copy of:

1. Your firm's corporate meeting minutes showing the most recent election of all current corporate officers and directors, or the last "Statement of Information" (as filed with the California Secretary of State) that reflects the current corporate officers.
2. Your firm's most recent corporate bylaws.

DVBE Joint Venture Applicants must comply with the following:

1. Each Joint Venture application is certified on a bid-by-bid basis.
2. Each co-venturer must be certified as a DVBE.
3. Provide a copy of the Joint Venture agreement relating to the specific project that this Joint Venture is bidding on.

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← **SMALL BUSINESS APPLICANTS, please see page 5 for your support documentation requirements.**

**CONTRACTOR NAME:** Madsen Roof Company, Inc.

TO THE HONORABLE CITY COUNCIL  
SACRAMENTO, CALIFORNIA:

In compliance with the Contract Documents, the undersigned hereby proposes to furnish all required labor, materials, supervision, transportation, equipment, services, taxes and incidentals required for:

**SACRAMENTO MEMORIAL AUDITORIUM ROOF REPAIR  
(B09-17001111-001)**

in the City and County of Sacramento, California.

The Work is to be done in strict conformity with the Contract Documents now on file in the Office of the City Clerk, for the following sum:

Item No.	Item	Estimated Quantity	Unit	Unit Price	Total
1.	Roof Repair	1	LS	\$	\$ 519,883.00

**CONTRACTOR NAME:** Madsen Roof Company, Inc. **TOTAL \$** 519,883.00

If awarded the Agreement, the undersigned agrees to sign said Agreement and furnish the necessary surety bonds and insurance certificates within ten (10) days after receipt of the notice of award of Agreement, and to begin work within fifteen (15) days after receipt of the Notice to Proceed by the City.

It is understood that this Bid Proposal is based upon completion of the Work within a period of **SIXTY (60) CALENDAR DAYS**. The Contractor shall coordinate activities with the Convention Center staff prior to start of work. It may be necessary for the Contractor to schedule elements of the work around existing booked events in the Auditorium. A schedule of booked events is located in Section A of the Specifications.

The City's order of preference will be as follows: base bid first, followed by additive alternates in chronological order, based on funds available.

In determining the amount bid by each bidder, the City shall disregard mathematical errors in addition, subtraction, multiplication, and division that appear obvious on the face of the Proposal. When such a mathematical error appears on the face of the Proposal, the City shall have the right to correct such error and to compute the total amount bid by said bidder on the basis of the corrected figure or figures.

When an item price is required to be set forth in the Proposal, and the total for the item set forth separately does not agree with a figure which is derived by multiplying the item price times the Engineer's estimate of the quantity of work to be performed for said item, the item price shall

L:\Convention Center\Bid Documents 9-27-07\I-Bid Proposal.doc

**Bid Bond Security**

Properly Signed  Improperly Signed  
 Not Included  Not Required

**Type of Deposit**

Bid Bond  Cashier/Certified Check  
 Other \_\_\_\_\_ Initial: V.E.

**EXHIBIT J**  
Page 224  
**000001**

prevail over the sum set forth as the total for the item unless, in the sole discretion of the City, such a procedure would be inconsistent with the policy of the bidding procedure. The total paid for each such item of work shall be based upon the item price and not the total price. Should the Proposal contain only total price for the item and the item price is omitted, the City shall determine the item price by dividing the total price for the item by the Engineer's estimate of the estimated quantities of work to be performed as items of work.

If the Proposal contains neither the item price nor the total price for the item, then it shall be deemed incomplete and the Proposal shall be disregarded.

The undersigned has examined the location of the proposed Work, the local conditions at the place where the Work is to be done, is familiar with the Contract Documents and is familiar and expressly agrees to the liquidated damages provision of the Contract Documents. The undersigned has checked carefully all of the foregoing figures and understands that the City of Sacramento will not be responsible for any errors or omissions on the part of the undersigned in making up this Bid Proposal.

Enclosed is Bid Proposal Guarantee, as required, consisting of a bidder's bond or other acceptable security for not less than ten percent (10%) of the amount Bid Proposal.

The undersigned agrees that all addenda received and acknowledged herein shall become a part of and be included in this Bid Proposal. This Bid Proposal includes the following addenda:

Add. #	<u>1</u>	DATE	<u>October 23, 2008</u>
Add. #	<u>          </u>	DATE	<u>                                  </u>
Add. #	<u>          </u>	DATE	<u>                                  </u>

NOTE: State whether your concern is a corporation, a co-partnership, private individual, or individuals doing business under a firm name.

If the Bidder is a corporation, the Bid Proposal must be executed in the name of the corporation and must be signed by a duly authorized officer of the corporation.

If the Bidder is a partnership, the Bid Proposal must be executed in the name of the partnership and one of the partners must subscribe their signature thereto as the authorized representative of the partnership.

AMOUNT OF BID PROPOSAL GUARANTEE ENCLOSED:

(\$ 10% of Bid ) not less than ten percent (10%) of amount Bid Proposal

<u>          </u>	CERTIFIED CHECK
<u>          </u>	CASHIER'S CHECK
<u>  X  </u>	BID BOND
<u>          </u>	MONEY ORDER
<u>          </u>	OTHER SECURITY

CONTRACTOR:

By Christian Wadson  
(Signature)

Christian Madsen  
(Print or Type)  
Title Vice President  
Address 5960 Bradshaw Road  
Sacramento, CA 95829  
Telephone No. (916) 361-3327  
Fax No. (916) 361-3370  
EMAIL ADDRESS christian@madsenroof.com  
Date October 29, 2008

Contractor's License No. 519488 Type C39 / B / ASB  
Expiration Date 10/31/2009  
Tax I.D. Nos.- Fed. 68-0129681 State 1198019  
City of Sacramento Business Operation Tax Certificate No. 143881  
(City will not award contract if Certificate Number is missing.)

## MINIMUM QUALIFICATIONS QUESTIONNAIRE

Sacramento City Code section 3.60.020 authorizes the Sacramento City Council to adopt standard minimum qualifications for bidders on competitively bid public works construction projects, and requires, among other provisions, that a bidder meet such minimum qualifications at the time of bid opening to be considered responsible. On June 8, 2004, the City Council adopted Resolution No. 2004-433 establishing these standard minimum qualifications. Pursuant to City Code section 3.60.020, a bidder failing to meet these minimum qualifications at the time of bid opening shall not be considered a responsible bidder.

All bidders must demonstrate compliance with the minimum qualifications established by Resolution No. 2004-433 by completing all of the questions contained in this questionnaire. If a bidder answers "yes" to any single question, fails to submit a fully completed questionnaire, or submits false information, this will result in a determination that the minimum qualifications are not met, and the bidder shall not be considered a responsible bidder for purposes of bidding on this contract. If two or more entities submit a bid on a contract as a Joint Venture, each entity within the Joint Venture must separately meet these minimum qualifications for the Joint Venture to be considered a responsible bidder.

The City of Sacramento ("City") shall make its determination on the basis of the submitted questionnaire, as well as any relevant information that is obtained from others or as a result of investigation by the City. While it is the intent of this questionnaire to assist the City in determining whether bidders possess the minimum qualifications necessary to submit bids on the City's competitively bid public works construction contracts, the fact that a bidder submits a questionnaire demonstrating that it meets these minimum qualifications shall not in any way limit or affect the City's ability to: (1) review other information contained in the bid submitted by the bidder, and additional relevant information, and determine whether the contractor is a responsive and/or responsible bidder; or (2) establish pre-qualification requirements for a specific contract or contracts.

By submitting this questionnaire, the bidder consents to the disclosure of its questionnaire answers: (i) to third parties for purposes of verification and investigation; (ii) in connection with any protest, challenge or appeal of any action taken by the City; and (iii) as required by any law or regulation, including without limitation the California Public Records Act (Calif. Gov't Code sections 6250 et seq.). Each questionnaire must be signed under penalty of perjury in the manner designated at the end of the form, by an individual who has the legal authority to bind the bidder submitting the questionnaire. If any information provided by a bidder becomes inaccurate, the bidder shall immediately notify the City and provide updated accurate information in writing, under penalty of perjury.

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FOR CITY CLERK USE ONLY

RESOLUTION NO.: 2004-433

DATE ADOPTED: June 8, 2004

Minimum Qualifications Questionnaire  
Page 1 of 6

000004  
Page 227

QUESTIONNAIRE

**NOTICE:** All of the following questions regarding "your firm" refer to the firm (corporation, partnership or sole proprietor) submitting this questionnaire, as well as any firm(s) with which any of your firm's owners, officers, or partners are or have been associated as an owner, officer, partner or similar position within the last five years.

The firm submitting this questionnaire shall not be considered a responsible bidder if the answer to any of these questions is "yes", or if the firm submits a questionnaire that is not fully completed or contains false information.

1. Classification & Expiration Date(s) of California Contractor's License Number(s) held by firm:

C39 / B / ASB - 10/31/2009

2. Has a contractor's license held by your firm and/or any owner, officer or partner of your firm been revoked at anytime in the last five years?

Yes  No

3. Within the last five years, has a surety firm completed a contract on your firm's behalf, or paid for completion of a contract to which your firm was a party, because your firm was considered to be in default or was terminated for cause by the project owner?

Yes  No

4. At the time of submitting this minimum qualifications questionnaire, is your firm ineligible to bid on or be awarded a public works contract, or perform as a subcontractor on a public works contract, pursuant to either California Labor Code section 1777.1 (prevailing wage violations) or Labor Code section 1777.7 (apprenticeship violations)?

Yes  No

5. At any time during the last five years, has your firm, or any of its owners, officers or partners been convicted of a crime involving the awarding of a contract for a government construction project, or the bidding or performance of a government contract?

Yes  No

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FOR CITY CLERK USE ONLY

RESOLUTION NO.: 2004-433

DATE ADOPTED: June 8, 2004

6. Answer either subsection A or B, as applicable:

A. Your firm has completed three or more government construction contracts in Sacramento County within the last five years: Within those five years, has your firm been assessed liquidated damages on three or more government construction contracts in Sacramento County for failure to complete contract work on time?

**NOTE:** If there is a pending administrative or court action challenging the assessment of liquidated damages on a government contract within the last five years, you need not include that contract in responding to this question.

Yes                       No                       Not applicable

**OR**

B. Your firm has not completed at least three government construction contracts in Sacramento County within the last five years: Within the last three years, has your firm been assessed liquidated damages on three or more government construction contracts for failure to complete contract work on time?

**NOTE:** If there is a pending administrative or court action challenging an assessment of liquidated damages on a government contract within the last three years, you need not include that contract in responding to this question.

Yes                       No                       Not applicable

7. In the last three years has your firm been debarred from bidding on, or completing, any government agency or public works construction contract for any reason?

**NOTE:** If there is a pending administrative or court action challenging a debarment, you need not include that debarment in responding to this question.

Yes                       No

8. Has CAL OSHA assessed a total of three or more penalties against your firm for any "serious" or "willful" violation occurring on construction projects performed in Sacramento County at any time within the last three years?

**NOTE:** If there is a pending administrative or court action appealing a penalty assessment, you need not include that penalty assessment in responding to this question.

Yes                       No

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FOR CITY CLERK USE ONLY

RESOLUTION NO.: 2004-433

DATE ADOPTED: June 8, 2004

9. Answer either subsection A or B, as preferred:

A. In the last three years has your firm had a three year average Workers' Compensation experience modification rate exceeding 1.1?

Yes  No

**OR**

B. In the last three years has your firm had a three-year average incident rate for total lost workday cases exceeding 10?

**NOTE:** Incident rates represent the number of lost workday cases per 100 full-time workers and is to be calculated as:  $(N/EH) \times 200,000$ , where

N = number of lost workday cases (as defined by the U.S. Dept. of Labor, Bureau of Labor Statistics)  
EH = total hours worked by all employees during the calendar year  
200,000 = base for 100 equivalent full-time working (working 40 hours per week, 50 weeks per year)

Yes  No

10. In the past three years, has the federal EPA, Region IX or a California Air Quality Management District or Regional Water Quality Control Board assessed penalties three or more times, either against your firm, or against an owner for a violation resulting in whole or in part from any action or omission by your firm on a project on which your firm was a contractor?

**NOTE:** If there is a pending administrative or court action appealing a penalty assessment, you need not include that penalty assessment in responding to this question.

Yes  No

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**FOR CITY CLERK USE ONLY**

RESOLUTION NO.: 2004-433

DATE ADOPTED: June 8, 2004

11. In the past three years, has the federal EPA, Region IX or a California Air Quality Management District or Regional Water Quality Control Board assessed a single penalty of \$100,000 or more, either against your firm, or against an owner for a violation resulting in whole or in part from any action or omission by your firm on a project on which your firm was the contractor?

**NOTE:** If there is a pending administrative or court action appealing a penalty assessment, you need not include that penalty assessment in responding to this question.

Yes  No

12. In the past three years, have civil penalties been assessed against your firm pursuant to California Labor Code 1777.7 for violation of California public works apprenticeship requirements, three or more times?

**NOTE:** If there is a pending administrative or court action appealing a penalty assessment, you need not include that penalty assessment in responding to this question.

Yes  No

13. In the past three years, has a public agency in California withheld contract payments or assessed penalties against your firm for violation of public works prevailing wage requirements, three or more times?

**NOTE:** If there is a pending administrative or court action appealing a withholding or penalty assessment, you need not include that withholding or penalty assessment in responding to this question.

Yes  No

14. Has your firm been assessed penalties for violation of public works prevailing wage requirements in California, in an aggregate amount for the past three years of \$50,000 or more?

**NOTE:** If there is a pending administrative or court action appealing a penalty assessment, you need not include that penalty assessment in responding to this question.

Yes  No

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FOR CITY CLERK USE ONLY

RESOLUTION NO.: 2004-433

DATE ADOPTED: June 8, 2004

**VERIFICATION AND SIGNATURE**

I, the undersigned, certify and declare that I have read all the foregoing answers to this Minimum Qualifications Questionnaire, and know their contents. The matters stated in these Questionnaire answers are true of my own knowledge and belief, except as to those matters stated on information and belief, and as to those matters I believe them to be true. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Signed at Sacramento, California, on October 29, 2008.  
(Location) (Date)

Signature: Christian Madsen

Print name: Christian Madsen

Title: Vice President

NOTE: If two or more entities submit a bid on a contract as a Joint Venture, each entity within the Joint Venture must submit a separate Minimum Qualifications Questionnaire.

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**FOR CITY CLERK USE ONLY**

RESOLUTION NO.: 2004-433

DATE ADOPTED: June 8, 2004







# Procurement

## Firm Detail

MADSEN ROOF COMPANY INC  
 P O BOX 277730  
 SACRAMENTO, CA 95827  
 Email: [rosemary@madsenroof.com](mailto:rosemary@madsenroof.com)  
 Web Page: [www.madsenroof.com](http://www.madsenroof.com)

OSDS Ref# 39013  
 Phone: (916) 361-3327  
 FAX: (916) 361-3370

### AKA Names

Service Area(s): 1, 2, 3, 4, 5, 10,

Keywords:

Construction - GENERAL BUILDING CONTRACTOR ROOFING

### Current Certification Status

Business Type	Certification Type	Status	From Date	To Date
CONSTRUCTION	SMALL BUSINESS	Approved	2/27/2008 12:00:00 AM	2/28/2009 12:00:00 AM
Standard Industrial Classifications (SIC) registered by this firm				
SIC Code	SIC Description			
ASB	Asbestos Removal Certification			

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DEPARTMENT OF FINANCE  
PROCUREMENT SERVICES DIVISION

**CITY OF SACRAMENTO**  
CALIFORNIA

915 - I STREET  
2nd FLOOR  
SACRAMENTO, CA 95814

CENTRAL SERVICES  
CONTRACT SERVICES  
OFFICE OF SMALL BUSINESS DEVELOPMENT  
PURCHASING

PHONE: 916-808-6240  
FAX: 916-808-5747

September 21, 2006

MADSEN ROOF CO. INC.  
P.O. BOX 277730  
SACRAMENTO CA 95829

**Subject: Emerging and Small Business Enterprise Certification**

**Congratulations!** The City of Sacramento Office of Small Business Development (OSBD) has determined that your firm meets the criteria for certification under the **Emerging and Small Business Development Program (ESBD)**.

Effective this day, your firm has been certified as a **Small Business Enterprise**. This certificate will expire **October 31, 2008**. It is your responsibility to notify this office, within thirty (30) days, of any change in certification status of your firm. Failure to do so will result in revocation of this certification issued by this office. The City's Office of Small Business Development reserves the right to review the certification at any time for purposes of certification compliance.

Your vendor code number is **MAR5475000P**. It may be used when working with any City of Sacramento procurement or contracting project. You must notify this office within (30) days if there is a change of ownership, business name, or address. It will also be your responsibility to contact our office prior to your expiration date for a recertification application.

**Keep this letter as proof of ESBD certification.** Thank you for joining the City of Sacramento ESBD Program family. If you have any questions about your certification, please call our new number (916) 808-6747.

Sincerely,

Trevor Walton  
Program Specialist