

**AUTHORIZATION FOR OTHER PUBLIC SCHOOL AGENCIES
TO PURCHASE DIRECTLY FROM VENDOR
ACCORDING TO THE TERMS OF THIS CONTRACT**

Public Contract Code Sections 20118 and 20652 permit other school districts and community college district to authorize an awarding school district to lease data-processing equipment or purchase supplies, materials, equipment, and other personal property for the other school and community college districts under a contract entered into by the awarding school district. This process is commonly known as “piggybacking”. The Kern High School District, which is the awarding district under this contract, is willing to make this option available to school and community college district for the items that are the subject of this contract, provided the vendor indicates its agreement at the time it submits its bid to the Kern High School District.

THIS FORM MUST BE RETURNED AS PART OF THE BID PACKAGE, WHETHER OR NOT THE VENDOR AGREES TO PARTICIPATE IN THE PIGGYBACKING PROVISIONS. If the vendor indicates its agreement to the piggybacking arrangement, the following conditions will apply:

1. Vendor will have the option to lease data-processing equipment (if the subject of its bid is leased data-processing equipment) or sell supplies, materials, equipment, and other personal property (if that is the subject of its bid) directly to any of the other school and community college district in California that submit order request (in the form of purchase orders or such other documentation as the vendor may require) directly to the vendor.
2. By this agreement, vendor is not required to accept all or any such order requests and may impose reasonable limits on the quantities it is willing to provide to other school and community college districts.
3. If vendor agrees to lease or sell items to other district on a piggybacking arrangement, vendor agrees that all terms and conditions of its agreement with the Kern High School District including, but not limited to, specifications, price, and quality will apply to items leased or sold to other district, and such terms including all guarantees and warranties, will extend directly to the leasing or purchasing district. Vendor acknowledges that the Kern High School District will not be a party to any such lease or sales agreements and will not serve as an intermediary or assume any responsibility with respect to such transactions.
4. Payment for items leased or sold to other districts will be the responsibility of such districts and will be made directly to vendor. To this end, the Kern High School District, the vendor, and other districts waive any obligation of those other districts under the applicable status to make payments directly to the Kern High School District.
5. The decision of the vendor to make its product available to other district under this piggybacking arrangement shall not alter or affect its obligation of full performance to the Kern High School District.
6. Although the Kern High School District intends, by this provision, to make the piggybacking process available to other districts, subject to vendor’s approval, the Kern High School District makes no representation as to the ability of other districts to lease or purchase directly from the vendor without separate compliance with the competitive bidding statutes and vendor and all other districts participating in the process assume the responsibility to determine whether such compliance is excused by this provision and Public Contract Code Sections 20118 and 20652.

Vendor agrees to accept the piggybacking option:

(Please initial)

Vendor does not agree to accept the piggybacking option:

(Please initial)

VENDOR REFERENCES & QUESTIONNAIRE

THIS FORM MUST BE COMPLETED AND RETURNED WITH BID DOCUMENTS OR BID MAY BE FOUND NONRESPONSIVE.

Bidders are to complete the following information and return with the Bid Proposal.

1. Please submit three current school district references for similar items purchased and installed.

	<u>School District</u>	<u>Phone #</u>	<u>Contact Person</u>
a.	_____	_____	_____
b.	_____	_____	_____
c.	_____	_____	_____

2. Describe terms for payment. If a discount is offered, what are the terms and amount of discount. _____

SIGNATURE: _____

NAME & TITLE OF PREPARER: _____

COMPANY: _____

ADDRESS: _____

PHONE: _____

FAX: _____

EMAIL ADDRESS: _____

**NON-COLLUSION AFFIDAVIT TO BE EXECUTED BY BIDDER &
SUBMITTED WITH BID**

State of California)
) ss.
County of _____)

_____, being duly sworn, deposes and says:

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

Firm Name

Print Name – Authorized Agent

Signature – Authorized Agent

Project Identification & Name: **Bid No. 4129 - Del Oro High School: Spring Sports Uniforms and Equipment**

Subscribed and sworn to before me on _____, 20_____.

NOTARY SEAL:

Notary Public

State Allocation Board DVBE Policy

Adopted August 26, 1992

Definitions

The term "Disabled Veteran Business Enterprise" (DVBE) means a business concern that is certified as a DVBE by the Office of Small Business and Disabled Veteran Business Enterprise Services.

The term "contract" means any agreement awarded by a school district in which all or part of the funding is provided by the State Allocation Board (SAB) under either the Lease-Purchase or State Relocatable Classroom Programs.

The term "bidder" means any person or persons, firm, partnership, corporation or combination thereof who makes an offer, competitive or noncompetitive, with the intent of forming a contract with one or more school districts on a SAB funded project.

Disabled Veterans Business Enterprise Goals

In addition to the school districts contracting requirements, potential contractors seeking to enter into contracts with school districts on a SAB funded project under the Lease-Purchase and State Relocatable Classroom Program for labor, services, materials, supplies, equipment, construction, alteration, repair or improvement shall be required to meet a three percent participation goal for certified DVBEs or demonstrate that a good faith effort was made to meet the goal by submitting documentation of all actions to comply with California Code of Regulations, Title 2, Division 2, Chapter 3, Subchapter 10.5, Section 1896.63.

In order for any sole proprietorship, partnership, corporation or other enterprises to obtain certification or to be counted toward meeting the DVBE contract goals, such business concern must possess current and valid certification as a DVBE through the Office of Small Business and Disabled Veteran Business Enterprise Services.

For contracts awarded by competitive bid, a bidder must demonstrate fulfillment of this requirement at or prior to the time of bid opening in order to qualify as a responsive bidder. For contracts not awarded by competitive bid, a potential contractor must demonstrate fulfillment of this requirement prior to entering into the contract.

The DVBE participation goal shall apply to all SAB funded school district contracts over \$10,000 in the Lease-Purchase and certain contracts over \$10,000 in the State Relocatable Classroom Program (architectural, on-site inspections and utility hookups).

Any bidder meeting the three percent participation goal for DVBEs is eligible for award of a school district contract. If a bidder is unable to meet the three percent participation goal, the bidder shall demonstrate a good faith effort by submitting documentation of all the following actions:

- Contact was made with the school district to identify DVBEs;
- Contact was made with other State and federal agencies and with local DVBE organizations to identify DVBEs;
- Advertising was published in trade papers and papers focusing on DVBEs, unless time limits

imposed by the awarding department do not permit that advertising;

- Invitations to bid were submitted to potential DVBE contractors; available DVBEs were considered.

The school district shall evaluate the effort made by the bidder to seek out and consider DVBEs as potential subcontractors, and/or material or equipment suppliers. In evaluating such effort, the school district shall consider documentation of the actions specified above. Based on this evaluation, the school district may make a finding that the three percent DVBE participation goal or the good faith effort requirement has been met. The school district finding in this regard is subject to audit by OPSC. A bidder is eligible for award of a school district contract upon a finding by the school district that a three percent DVBE participation goal or good faith effort to meet the participation goal has been achieved.

If a bidder fails to meet either the goal or a good faith effort to meet the three percent goal, such bidder shall be deemed not to be a responsive bidder for purposes of the school district's evaluation of an award of contract and is thus ineligible for an award.

Substitutions

If awarded the contract(s), the successful bidder must use the DVBE subcontractor and/or supplier proposed in the final bid unless the contractor requested a substitution from the school district prior to the execution of the contract and the school district has approved such substitution. At a minimum, the request must include:

1. A written explanation of the reason for the substitution,
2. The identity of the person or firm substituted, and
3. Satisfactory evidence that the DVBE contract participation certified in the original bid will still be met after the substitution.

The school district's approval or disapproval of the substitution is not to be construed as an excuse for noncompliance with any other provision of law including, but not limited to, the Subletting and Subcontracting Fair Practices Act or any other contract requirements relating to substitution of subcontractors.

Failure to adhere to at least the DVBE participation proposed by the successful bidder may be cause for contract termination and recovery of damages under the rights and remedies due the school district/State under the default section of the contract.

Role of Construction Management

School Districts

Some school districts choose to contract with a Construction Management firm (CM) to perform certain functions of a project. Subcontractors working on these projects will contract directly with the school district and are treated as prime contractors for purposes of the Disabled Veteran Business Enterprise (DVBE) requirements. Each contract must either meet the participation goals or the good faith effort criteria in order to be eligible for an award. School districts and/or CM firms may assist the bidders that

are seeking to comply with the DVBE requirements by developing a list of subcontractors/suppliers that could be solicited for participation. This list of interested subcontractors/suppliers would then be passed on to the plan holding contractors. The CM may assist in the coordination of forms required for submittal by the contractor/subcontractor/supplier.

The CM firm may use Parts I and II of the Prime Bidder Good Faith Effort Worksheet, to develop a list of interested subcontractors/suppliers.

Part I—Contacts (Not Applicable to These Bids)

The CM firm may make the required contacts listed in this part to obtain lists of subcontractors/suppliers that may be solicited to participate.

Part II—Advertisements (Not Applicable to These Bids)

The CM firm may advertise in trade and focus papers. The advertisement must comply with the requirements listed in this part of the form and include a list of the plan holding contractors that will be using subcontractors/suppliers.

The CM firm must provide all “plan holding” contractors with the documentation of the above process to include on their Prime Bidder Good Faith Effort Worksheet.

Part III—Solicitations

This part must be independently performed by each plan holding contractor. The requirements of this part would include inviting subcontractors/suppliers to bid, listing each DVBE contacted and indicating if the firm will be used or why it is not being used.

Bidders Most Frequently Asked Questions

Q. What programs administered by the State Allocation Board must comply with Disabled Veteran Business Enterprise provisions?

All contracts over \$10,000 in the Lease-Purchase Program, and certain contracts over \$10,000 in the State Relocatable Classroom Program, (architectural, on-site inspections and utility hookups).

Q. Where can I get SAB Disabled Veteran Business Enterprise Forms?

Contact the school district advertising for bid/proposals. They will provide you with the most recent forms.

Q. I am an inspector, I do not subcontract, how do I comply?

You must complete the Prime Bidder Certification Of Disabled Veteran Business Enterprise Participation form, and the Prime Bidder Good Faith Effort Worksheet form. A business enterprise without any opportunity for subcontracting or purchasing of supplies, must provide a narrative on Prime Bidder Good Faith Effort Worksheet form explaining this and be able to demonstrate its inability to subcontract or purchase supplies if an audit occurs.

Q. Must a Disabled Veteran Business Enterprise be certified in order to participate in a

contract?

Yes, Disabled Veteran Business Enterprises must be certified by the Office of Small Business and Disabled Veteran Business Enterprise Services.

- Q.** Is there a minimum number of days prior to bid opening that primary bidders are required to place their advertisements in a publication focused toward DVBE and a trade paper for purposes of the “Good Faith Effort”?

The SAB recommends bidders comply with the Good Faith Effort requirements by advertising at least 14 calendar days prior to bid opening.

- Q.** What if a bidder does not have 14 days to advertise for the purposes of completing a Good Faith Effort?

You must advertise for as many days as possible before the bid opening date. The only exception to this requirement is if time constraints imposed by the school district prohibit the bidder from advertising. All bidders must be notified of this exception.

- Q.** Where do I find a list of Disabled Veteran Business Enterprises and list of advertising sources?

The Office of Small Business and Disabled Veteran Business Enterprise Services is located on the Internet and publishes a list of certified Disabled Veteran Business Enterprises and the State Contracting Resources Packet. Their telephone number is 916.375.4940 or 916.322.5060. The Internet address is:

<http://www.pd.dgs.ca.gov/smbus>.

- Q.** I am a distributor or sales representative of XYZ. I pick up the telephone and place the order. There isn't any installation required or the installation is completed by factory trained personnel. The delivery is arranged by the manufacturer. How do I comply with the Disabled Veteran Business Enterprise requirements?

Transfer the burden of compliance to the manufacturer. Ask your manufacturer:

1. What opportunities do you have to subcontract (delivery, bookkeeping, etc.)?
2. What components of the product do you purchase (nuts, bolts, plastic, wood, cardboard boxes, pallets, etc.)?
3. Is equipment purchased to produce the product (safety glasses, hammer, nail gun, etc.)?
4. Are any of the items identified in questions 1 through 3 currently being provided by DVBEs? If yes, prorate the amount of their participation in the product(s) to be bid and include a copy of their DVBE letter from OSD.
5. Use the Prime Bidder's Good Faith Effort Worksheet to increase your manufacturer's DVBE participation as follows:

Part I—Contacts

Make a contact in each of the three categories. Request DVBE contacts in the subcontracting or purchasing opportunities you have identified (see questions 1 through 3 above). If you have an out-of state manufacturer ask for contacts in your manufacturer's state.

Part II—Advertisements

Place your advertisements and list your manufacturer's subcontracting or purchasing opportunities. If you have an out-of-state manufacturer you may advertise in their state as long as all of the requirements listed on the Prime Bidder's Good Faith Effort Worksheet are met.

Part III—Solicitations

List DVBE subcontractors and/or suppliers that you or your manufacturer considered for participation in this bid (i.e., those you contacted from the lists provided by the contacts you make in Part I and those who responded to your advertisement in Part II). Indicate if the subcontractor/supplier was selected, a reason if not selected or check "No Response" (if applicable).

Forms

- **Prime Bidder Certification of Disabled Veteran**
- **Prime Bidder Good Faith Effort Worksheet**

**PRIME BIDDER CERTIFICATION OF DISABLED VETERAN
BUSINESS ENTERPRISE PARTICIPATION**

To be completed by the prime Bidder.

GENERAL INSTRUCTIONS

All or part of the funding for the proposed work/services/equipment/supplies for which your firm is bidding has been made available by the State Allocation Board (SAB) through the Lease-Purchase Program or the State Relocatable Classroom Program and as a result, the contract award must be made in accordance with the SAB participation requirements for Disabled Veterans Business Enterprises (DVBE). The SAB requires that all contracts over \$10,000 awarded must meet a DVBE participation goal of not less than three percent of the contract amount. *If your firm cannot meet the three percent DVBE participation goal, you must demonstrate a good faith effort to attempt to meet the three percent participation.* The school district issuing this solicitation document, not the SAB/OPSC, is responsible to assure compliance with the DVBE program.

PART I—IDENTIFICATION INFORMATION

BIDDER'S NAME		TELEPHONE
BUSINESS ADDRESS		
SCHOOL DISTRICT Kern High School District	COUNTY Kern	APPLICATION NUMBER Not Applicable

PART II—METHOD OF COMPLIANCE WITH DVBE PARTICIPATION GOALS

Include this form and any other applicable documents listed in this table with your bid/proposal. Read the three columns in the table below as sentences from left to right. Check the appropriate box to indicate your method of committing the contract dollar amount. If no box can be checked, your bid/proposal will be deemed non-responsive and disqualified.

Important note

Architectural, engineering, environmental, land surveying or construction management firms must indicate their method of compliance by marking the appropriate box A, B, C, or D after selection by the district and before the contract is signed.

YOUR BUSINESS ENTERPRISE...	AND YOU...	AND YOU...
A. <input type="checkbox"/> is Disabled Veteran owned and your forces will perform at least three percent of this contract	will include a copy of your DVBE letter from the Office of Small Business and Disabled Veteran Business Enterprise Services (OSDS).	
B. <input type="checkbox"/> is Disabled Veteran owned but is unable to perform the three percent of this contract with your forces	will use DVBE subcontractors/suppliers to bring the contract participation to at least three percent	will include a copy of each DVBE letter from OSDS (including yours, if applicable).
C. <input type="checkbox"/> is not Disabled Veteran owned	will use DVBE subcontractors/suppliers for at least three percent of this contract	
D. <input type="checkbox"/> is unable to meet the required participation goals	will complete a Good Faith effort to obtain DVBE participation	will include the Prime Bidder's Good Faith effort Worksheet.

Note

An Office of Small Business and Disabled Veteran Business Enterprise Services (OSDS) letter must be attached for each DVBE participating in the contract. The DVBE letter is obtained from the participating DVBE. If the letter is not provided, the bid may be deemed nonresponsive and may be ineligible for award of the contract.

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**PRIME BIDDER CERTIFICATION OF DISABLED VETERAN
BUSINESS ENTERPRISE PARTICIPATION**

PART III—DVBE DOLLAR PARTICIPATION OF BID/PROPOSAL

Architectural, engineering, environmental, land surveying or construction management firms complete this part after selection by the district and before the contract is signed. All others must complete this section and include it with the bid.

Show deductive alternate(s) in parenthesis. For more alternates/base bids, use a separate page to show items.

- A. If your business enterprise is a DVBE, list in the appropriate column the total dollar amount of your bid to be performed by your own participation.
- B. List all your DVBE subcontractors/suppliers. Enter in the appropriate column the dollar amount for each of your subcontractors/suppliers.
- C. Enter the total of Lines A and B for each column.
- D. Enter the dollar amount of the bid/proposal to be performed by non-DVBE firms. Note: This line is the sum of the prime and subcontractor(s) non-DVBE dollar participation.
- E. Enter the sum of the column totals from Line C and Line D. Note: Please be aware that the final determination of DVBE compliance is made based on the contract amount resulting from the district’s acceptance or rejection or alternates.

	Base Bid/Proposal	Alternate No. 1	Alternate No. 2	Alternate No. 3 or Base Bid B	Alternate No. 4 or Base Bid C	Alternate No. 5 (Modernization or Reconstruction Only)
A. Prime Bidder, if DVBE (own participation)	\$	\$	\$	\$	\$	\$
B. DVBE Subcontractor or Supplier						
1.						
2.						
3.						
4.						
C. Subtotal (A and B)						
D. Non-DVBE						
E. Total Bid						

PRIME BIDDER GOOD FAITH EFFORT WORKSHEET

This worksheet is to be used to assist the Prime Builder in meeting the three percent DVBE participation goal for project funded through the Lease-Purchase Program or the State Relocatable Classroom Program.

Bidder Name	Contact Person
Business Address	Telephone
School District Kern High School District	County Kern

GENERAL INSTRUCTIONS

If specific information is not provided for Parts I through III, you do not meet the test of the "Good Faith Effort" and cannot so certify. If you are qualifying based on a "Good Faith Effort" you must include this form with your bid/proposal to the district.

PART I—CONTACTS

To identify DVBE sub-contractors/suppliers for participation in your bid/proposal, contact must be made with each of the following categories. It is recommended that you contact several DVBE organizations.

CATEGORY	TELEPHONE NUMBER	DATE CONTACTED	PERSON CONTACTED*
1. School District - Kern High School District	661.827.3122		
2. Office of Small Business and Disabled Veteran Business Enterprise Services (OSDS). OSDS publishes a list of Disabled Veteran Business Enterprises at http://www.pd.dgs.ca.gov/smbus/	916.375.4940 916.322.5060 (24 hrs)		
3. DVBE Organizations (List):			

*Write "recorded message" in this column, if applicable.

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PRIME BIDDER GOOD FAITH EFFORT WORKSHEET

PART II—ADVERTISEMENTS

You must make at least two (2) advertisements, one (1) in a paper that focuses on DVBE and one (1) in a trade paper. Advertisements must be published at least 14 days prior to bid/proposal opening; if you cannot advertise 14 days prior, advertise as soon as possible and provide an explanation. (advertisements must be published in time to allow for a reasonable response.) Advertisements must include that your firm is seeking DVBE participation, the project name and location, your firm's name, your firm's contact person, and phone number.

Attach copies of advertisements to this form.

FOCUS/TRADE PAPER NAME	CHECK ONE		DATE OF ADVERTISEMENT
	FOCUS	TRADE	
The Kern High School District, as awarding agency, has chosen to waive the			November 7, 2022 and
advertising requirements. The District will complete the advertising			November 14, 2022
requirements for this bid and make the results available to all			
Bidders. Call the Business Services office at (661) 827-3122 for			
the results.			

PART III—DVBE SOLICITATIONS

List DVBE subcontractors/suppliers that were invited to bid. Use the following instructions to complete the remainder of this section (read the three columns as a sentence from left to right). If you need additional space to list DVBE solicitations, please use a separate page and attach to this form.

- | | | |
|-----------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------|
| <p>IF THE DVBE...</p> <p>was selected to participate</p> <p>was not selected to participate</p> <p>did not respond to solicitation</p> | <p>THEN...</p> <p>check "YES" in the "SELECTED" column, include the applicable dollar amount in Part III of the "Prime Bidder Certification of Disabled Veteran" form.</p> <p>check "NO" in the "SELECTED" column.</p> <p>check the "NO RESPONSE" column.</p> | <p>AND...</p> <p>include a copy of their DVBE letter from OSD.</p> <p>State why in the "REASON NOT SELECTED" column.</p> |
|-----------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------|

DISABLED VETERANS BUSINESS ENTERPRISES CONTACTED	SELECTED		REASON NOT SELECTED THIS SECTION MUST BE COMPLETED	NO RESPONSE
	YES	NO		

IMPORTANT NOTE

Please be aware that certification of the "Good Faith Effort" may only be made if you fully complete Parts I, II, and III on both sides of this form. A copy of this form must be retained by you and may be subject to a future audit.

Certification

I, _____ certify that I am the bidder's Chief executive officer and that I have made a diligent effort to ascertain the facts with regard to the representations made herein. In making this certification, I am aware of section 12650 et seq. of the Government Code providing for the imposition of treble damages for making false claims.

SIGNATURE OF CHIEF EXECUTIVE OFFICER	DATE
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DVBE STATE, FEDERAL, AND LOCAL CONTACTS

Information Sources

State Contacts

- **California Department of General Services
Procurement Division**
707 Third Street, 1st Floor, Room 400, West Sacramento, CA 95605
Receptionist: (916) 375-4940 / 24-Hour Recording: (916) 322-5060
Fax: (916) 375-4950
Internet:
<https://caleprocure.ca.gov/pages/PublicSearch/supplier-search.aspx>
- **The Elite SDVOB Network**
Tel: (619) 284-9922
Internet:
<https://www.elitesdvo.org/index.php/component/mtree/california/san-diego/all>
Click on "Find a SDVOB/DVBE" to do a search.
- **California Department of Transportation (CALTRANS)**
Headquarters, 1120 N Street, Sacramento, CA 95814
Tel: (916) 654-2852
Internet:
<https://dot.ca.gov/programs/business-and-economic-opportunity>
- **DBE/DVBE Resource Center**
11 S. Termino Avenue, Suite 214, Long Beach, CA 90803
Tel: (800) 599-6996 ext. 1 / Fax: (562) 439-1398
Internet: <http://www.compliancenews.com>

DVBE STATE, FEDERAL, AND LOCAL CONTACTS (CONT.)

Federal Contacts

- **U.S. Small Business Administration (SBA)
Central Contractor Registration (CCR)**
 - Internet: <http://www.sba.gov>
Follow screen prompts.

Local Contacts

- **Valley Small Business & Construction Report**
Albert Prince
albert@vsbcr.com
website: www.vsbcr.com
661-332-3216

Advertising Sources

- **California Daily Bid Advisor** (408) 998-0241
- **Challenge News** (800) 298-0240 or (408) 998-0241
- **McGraw-Hill Construction** (626) 932-6161/ (212) 904-4376
- **Kern County Builders Exchange** (661) 324-4921
- **Sacramento Builders Exchange** (916) 442-8991