

Board of Trustees Agenda Item

Board Meeting Date: February 1, 2010

Title of Item: Award a contract pursuant to Bid Document 1235-130 – Utility Lids – Phase 2, Foothill College

Background and Analysis:

The project consists of, but is not limited to the removal and disposal of broken utility lids currently stored at Foothill College Parking Lot #3, the replacement of old concrete utility lids that are on the campus utility tunnel with existing owner-furnished and new contractor furnished concrete utility lids, the demolition and replacement of damaged concrete walkways adjacent to the utility tunnel, the removal and replacement of damaged concrete at faculty office courtyards at Foothill College Bldg. 6000 and other work as described in the construction documents prepared by Sandis. The contractor is also contracted to provide eight (8) concrete utility lids for the District's future use. A complete set of all bid documents are on file in the Purchasing Services Department.

Bid 1235-130 was legally advertised on November 10 and November 17, 2009. The "Invitation to Bid" was also sent to nine (9) builder's exchanges, and advertised in the Daily Pacific Builder, as well as posted on "BidNet" at www.govbids.com. Bids were publicly opened and read on December 22, 2009 at 2PM in Purchasing Services. Seven (7) contractors submitted bids. Bid results are below:

BID RESULTS

General Contractors	Base Bid Proposal Amount
<i>Bugler Construction</i>	<i>\$184,500</i>
Redwood Engineering Construction	\$194,444
Kingdom Pipelines, Inc.	\$209,460
AJ Vasconi, Inc.	\$212,475
Kinetics Mechanical Service	\$239,215
Rodan Builders, Inc.	\$240,000
Valentine Corporation	\$277,369

Bugler Construction is the lowest bidder. The bid documents provided that bidders submit the signed Appendix A and Appendix C of the Project Stabilization Agreement with their bid proposal at the time when the bids were publicly opened. Bugler Construction did not include the signed documents as required, however upon consultation with legal counsel Phil Jaret, it was determined that the Board of Trustees could waive this as a minor irregularity if the bidder could immediately produce the required documents. Upon request, Bugler Construction promptly submitted those required documents.

Bugler Construction has successfully completed many public works projects for other public agencies including San Jose Redevelopment Agency, Caltrans, and the Santa Clara County Department of Roads and Airports.

The bid price of \$184,500 submitted by Bugler Construction is well within the construction estimate of \$225,000. The project will be funded through Measure C.

Recommendation:

Waive it a minor irregularity that Appendix A and Appendix C were not initially included with the bid proposal submitted by Bugler Construction; and authorize the Director of Purchasing Services, Carmen Redmond, to award a contract pursuant to 1235-130 – Utility Lids – Phase 2, Foothill College in the amount of \$184,500 to Bugler Construction.

Submitted by:	Carmen Redmond, Director of Purchasing Services
Additional contact names:	Charles Allen, Art Heinrich, Gina Bailey
Is backup provided?	Yes

SECTION 00 41 13

BID PROPOSAL

TO: **FOOTHILL-DE ANZA COMMUNITY COLLEGE DISTRICT**, a California Community College District, acting by and through its Board of Trustees ("the District").

FROM:

BUGER CONSTRUCTION
(Name of Bidder)
4847 HAWAII RD, Suite 4 #395
(Address)
PLEASANTON CA 94588
(City, State, Zip Code)
94 327 3442
(Federal Tax I. D.)
925/4160700
(Telephone/Telecopier)
BUGERCONST@COMCAST.NET
(E-Mail Address of Bidder's Representative(s))
GLENN BUGER
(Name(s) of Bidder's Authorized Representative(s))

1. Bid Proposal

- 1.1 Base Bid Proposal Amount.** The undersigned Bidder proposes and agrees to perform the Contract including, without limitation, providing and furnishing any and all of the labor, materials, tools, equipment and services necessary to perform the Contract and complete Utility Lids - Phase 2 for the sum of THIRTY-FOUR THOUSAND ONE HUNDRED EIGHTY-FOUR Dollars (\$ 34,184.00). The Bidder confirms that it has checked all of the above figures and understands that neither the District nor any of its agents, employees or representatives shall be responsible for any errors or omissions on the part of the undersigned Bidder in preparing and submitting this Bid Proposal.

- 1.2 Acknowledgment of Bid Amendments.** The Bidder confirms that this Bid Proposal incorporates and is inclusive of, all items or other matters contained in Bid Amendments issued by or on behalf of the District.

Amendment to Bid Document 1235-130 has been received and acknowledged and incorporated the following Amendment No's. 1 into the Bid Documents.

GB (initial)

- 2. Documents Accompanying Bid.** The Bidder has submitted with this Bid Proposal the following:
- (a) Bid Security
 - (b) Subcontractors List
 - (c) Non-Collusion Affidavit
 - (d) Project Stabilization/Construction Careers Agreement Appendix A - Agreement To Be Bound
 - (e) Project Stabilization/Construction Careers Agreement Appendix C - Agreement of Contractors

The Bidder acknowledges that if this Bid Proposal and the foregoing documents are not fully in compliance with applicable requirements set forth in the Notice to Contractors Calling for Bids, the Instructions to Bidders and in each of the foregoing documents, the Bid Proposal may be rejected as non-responsive.

3. **Award of Contract.** If the Bidder submitting this Bid Proposal is awarded the Contract, the undersigned will execute and deliver to the District the Agreement in the form attached hereto within five (5) working days after notification of award of the Contract. Concurrently with delivery of the executed Agreement to the District, the Bidder awarded the Contract shall deliver to the District: (a) Certificates of Insurance evidencing all insurance coverage required under the Contract Documents; (b) the Performance Bond; (c) the Labor and Material Payment Bond; (d) the Certificate of Workers' Compensation Insurance; and (e) the Drug-Free Workplace Certificate. Failure of the Bidder awarded the Contract to strictly comply with the preceding may result in the District's rescission of the award of the Contract and/or forfeiture of the Bidder's Bid Security. In such event, the District may, in its sole and exclusive discretion elect to award the Contract to the responsible Bidder submitting the next lowest Bid Proposal, or to reject all Bid Proposals.
4. **Contractor's License.** The undersigned Bidder is currently and duly licensed in accordance with the California Contractors License Law, California Business & Professions Code §§7000 et seq., under the following classification(s) A bearing License Number(s) 740863, with expiration date(s) of 9-11. The Bidder certifies that: (a) it is duly licensed, in the necessary class(es), for performing the Work of the Contract Documents; (b) that such license shall be in full force and effect throughout the duration of the performance of the Work under the Contract Documents; and (c) that all Subcontractors providing or performing any portion of the Work shall be so properly licensed to perform or provide such portion of the Work.
5. **Acknowledgment and Confirmation.** The undersigned Bidder acknowledges its receipt, review and understanding of the Drawings, the Specifications and other Contract Documents pertaining to the proposed Work. The undersigned Bidder certifies that the Contract Documents are, in its opinion, adequate, feasible and complete for providing, performing and constructing the Work in a sound and suitable manner for the use specified and intended by the Contract Documents. The undersigned Bidder certifies that it has, or has available, all necessary equipment, personnel, materials, facilities and technical and financial ability to complete the Work for the amount bid herein within the Contract Time and in accordance with the Contract Documents.

By:  _____
(Signature)

(Corporate Seal)

Glenn B
Glenn Bugler _____
President President (Typed or Printed Name)

Title: _____

END OF DOCUMENT

Department of Consumer Affairs
Contractors State License Board

Contractor's License Detail - License # 740863



DISCLAIMER: A license status check provides information taken from the CSLB license database. Before relying on this information, you should be aware of the following limitations.

CSLB complaint disclosure is restricted by law ([B&P 7124.6](#)). If this entity is subject to public complaint disclosure, a link for complaint disclosure will appear below. Click on the link or button to obtain complaint and/or legal action information.

Per [B&P 7071.17](#), only construction related civil judgments reported to the CSLB are disclosed.

Arbitrations are not listed unless the contractor fails to comply with the terms of the arbitration.

Due to workload, there may be relevant information that has not yet been entered onto the Board's license database.

License Number: 740863

Extract Date: 12/23/2009

Business Information: BUGLER CONSTRUCTION
4847 HOPYARD RD STE 4-395
PLEASANTON, CA 94588
Business Phone Number: (925) 416-0700

Entity: Corporation

Issue Date: 09/26/1997

Expire Date: 09/30/2011

License Status: This license is current and active. All information below should be reviewed.

	CLASS	DESCRIPTION
Classifications:	A	<u>GENERAL ENGINEERING CONTRACTOR</u>
	B	<u>GENERAL BUILDING CONTRACTOR</u>

CONTRACTOR'S BOND

This license filed Contractor's Bond number **12040228** in the amount of **\$12,500** with the bonding company
THE GUARANTEE COMPANY OF NORTH AMERICA USA.

Effective Date: 07/11/2007

Contractor's Bonding History

Bonding:

BOND OF QUALIFYING INDIVIDUAL

1. The Responsible Managing Officer (RMO) GLENN THOMAS BUGLER certified that he/she owns 10 percent or more of the voting stock/equity of the corporation. A bond of qualifying individual is **not** required.

Effective Date: 08/04/2003

BQI's Bonding History

This license has workers compensation insurance with the
TRAVELERS INDEMNITY COMPANY OF CONNECTICUT

Policy Number: DTEUB0937P59A09

Workers' Compensation:

Effective Date: 10/01/2009

Expire Date: 10/01/2010

Workers' Compensation History

Personnel listed on this license (current or disassociated) are listed on other licenses.

