

Board of Trustees Agenda Item

Board Meeting Date: April 5, 2010

Title of Item: Award a Contract Pursuant to Bid Document 1247-153 Emergency Generator Remote Fueling Station – Foothill College

Background and Analysis:

The project provides for the installation of a Pryco fuel fill station, steel piping, and leak detection system to achieve a complete and operable remote fueling station for the Campus Center 300kW emergency power generator as directed by the Santa Clara County Fire Marshal's office. The scope of work also includes modifications to the exhaust duct and modifications to the electrical power and controls wiring that operates the remote fuel station and leak detection systems. Some minor removal and replacement of exterior cedar wood siding is also required. Salas O'Brien Engineers, Inc. prepared the contract documents. A complete set of all bid documents are on file in the Purchasing Services Department.

Bid 1247-153 was legally advertised on January 12 and January 19, 2010. 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 February 18, 2010 at 2 p.m. in Purchasing Services. Eight (8) contractors submitted bids. Bid results are below:

BID RESULTS

General Contractors	Base Bid Proposal Amount
B Bros Construction, Inc.	\$41,000
<i>R. C. Benson & Sons, Inc.</i>	<i>\$54,500</i>
Rumex Construction Corporation	\$55,540
Coulter Construction, Inc.	\$57,296
West Star Environmental	\$58,000
Beals Martin, Inc.	\$62,495
Kuehne Construction	\$63,559
Rodan Builders, Inc.	\$86,000

On February 19, 2010, the apparent low bidder B Bros Construction, Inc. sent a letter to the District asking to be relieved of its bid in accordance with the Public Contract Code due to a mistake in preparing its bid price. Pursuant to Public Contract Code Section 5103, the Board of Trustees may grant relief to a bidder who claims a mistake within the 5 day written notice period provided that the mistake makes the bid materially different than what it was intended it to be, and that the mistake was made in filling out the bid and not due to error in judgment or to carelessness in inspecting the site of the work, or in reading the plans or specifications. The mistake was material and made the bid \$11,575 lower than what B Bros Construction, Inc. intended it to be (see attached letters of 2/18/10, 2/19/10, and 3/5/10).

Therefore, R. C. Benson & Sons, Inc. is the lowest responsive and responsible bidder. They have successfully completed many public works projects including an infrastructure upgrade and renovation project at Westmont High School and a variety of small jobs for the District's Facilities Department. Additionally, they successfully completed a recent project at Stanford Hospital. The bid price of \$54,500 submitted by R. C. Benson & Sons, Inc. is well within the construction estimate of \$60,000. The project will be funded through Measure E.

Recommendation:

Relieve B Bros Construction Inc. of its bid due to a mistake pursuant to PCC 5103 and authorize the Director of Purchasing Services, Carmen Redmond, to award a contract pursuant to Bid 1247-153 Emergency Generator Remote Fueling Station - Foothill College in the amount of \$54,500 to R. C. Benson & Sons, Inc.

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

2988 Teagarden Street
San Leandro, CA 94577
Phone; 510-351-3048
Fax; 510-351-9575

 **B BROS Construction,
Inc.**
Lic; B 825551

02/19/2010
Foothill De Anza Community College District
Attn: Gina M. Bailey, C. P. M., Senior Buyer/ Purchasing Services
12345 El Monte Road
Los Altos Hills, CA 94022


RE; Bid 1247-153 Emergency Generator Remote fueling Station – Foothill College

Dear Gina m. Bailey,

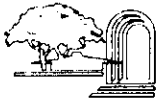
As B Bros Construction Inc., did come in the lowest bidder on above named project and as you have requested B Bros to confirm the bid, we have had meeting with our listed subs to request them to confirm their bid to B Bros, at today's meeting Craig E. Brown representative of The Brown company have informed B Bros that their proposal does not include any pricing for installation of fueling station and all required piping, all their proposal include is a material for it as furnish on site only, since their proposal was not clear that they do not install the products B Bros assumed that it is all under the brown Company's scope of work and did not include any funds for installation of piping, fueling station and on site welding, and system testing.

As the mistake was made B Bros has no other solution but to request relief of bidder according to public contract code Chapter 5, Section 5103, with our apology for inconvenient we are requesting the owner (Foothill De Anza Community College District) to relief B Bros Construction Inc., bid for bid 1247-153 Emergency Generator Remote Fueling Station – Foothill College.

Sincerely,


Elvedin Pandzic
President

B BROS Construction, Inc. 2988 Teagarden Street San Leandro CA 94577



FOOTHILL-DE ANZA
Community College District

12345 El Monte Road
Los Altos Hills, CA 94022-4599

Foothill College
De Anza College

February 18, 2010

B Bros Construction Inc.
Attn: Mr. Izet Pandzic
2988 Teagarden St.
San Leandro, CA 94577
FX: 510 351-9575

RE: Bid 1247-153 Emergency Generator Remote Fueling Station – Foothill College

Dear Mr. Pandzic,

To assist us in determining the responsiveness of its bid, B Bros Construction Inc. must provide Foothill De the following information as soon as possible, but no later than 10:00 a.m., Monday, February 22, 2010:

- Confirmation that your BASE BID PROPOSAL AMOUNT in the amount of \$41,000 is true and accurate for the work as specified.
- Confirmation that all workers will be paid in accordance with the current Prevailing Wage Rates for each required trade.
- Confirmation that B Bros Construction Inc. will self-perform all non-listed work, including all painting and striping work.

Please fax all requested information to my office at (650) 948-5194 to the attention of Gina M. Bailey.

INFORMATION REGARDING BID MISTAKES:

If you determine that you have made a bid mistake, please refer to Public Contract Code Chapter 5: Relief of Bidders, Section 5103. If it applies to your situation, you must submit a letter to the District as soon as possible, but no later than 10:00 a.m., Monday, February 22, 2010, citing the mistake and requesting relief from the bid. You may fax the letter to (650) 948-5194.

Sincerely,

Gina M. Bailey, C.P. M.
Senior Buyer, Purchasing Services
(650) 949-6165
baileygina@fhda.edu

2988 Teagarden Street
San Leandro, CA 94577
Phone; 510-351-3048
Fax; 510-351-9575

 **B BROS Construction,**
Inc.
Lic; B 825551

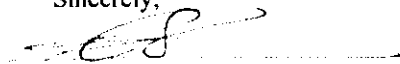
03/05/2010
Foothill De Anza Community College District
Attn: Gina M. Bailey, C. P. M., Senior Buyer/ Purchasing Services
12345 El Monte Road
Los Altos Hills, CA 94022

RE; Bid 1247-153 Emergency Generator Remote fueling Station – Foothill College

Dear Gina m. Bailey,

As we are in receipt of your letter for additional information on bid 1247-153, the one that we have requested "relief of a bid" because of mistake in listing subcontractor "The Brown Company" understanding that The Brown Company included installation of fuel station, field welding and material, by using The Brown Company numbers for bid our total bid proposal come to **\$41,000.00**, we have received second bid from "O.C. McDonald Co., Inc." and they have included installation, welding and materials, if we use their numbers our bid proposal would be **\$52,575.00**.

Sincerely,



Elvedin Pandzic
President

B BROS Construction, Inc. 2988 Teagarden Street San Leandro CA 94577.