

Board of Trustees Agenda Item

Board Meeting Date: May 3, 2010

Title of Item: Award a Contract Pursuant to Bid Document 1250-228 Child Development Center Playground Maintenance and Shade Structure, De Anza College

Background and Analysis:

The project includes demolition and removal of existing play structures, landscape improvements, irrigation and storm drainage systems, new construction including site grading, installation of new irrigation and storm drainage systems, landscape improvements, play structures, and a shade structure. Miller Company Landscape Architects prepared the contract documents. A complete set of all bid documents are on file in the Purchasing Services Department.

Bid 1250-228 was legally advertised on March 23 and March 30, 2010. The “Invitation to Bid” was also sent to nine (9) builder’s exchanges, advertised in the Daily Pacific Builder, and posted on “BidNet” at www.govbids.com. Bids were publicly opened and read on April 21, 2010 at 2 p.m. in Purchasing Services. Three (3) contractors submitted bids. Bid results are below:

BID RESULTS

| General Contractors | Base Bid Proposal Amount | Base Bid plus Alternates 1 and 2 |
|---|---------------------------------|---|
| <i>Guerra Construction Group</i> | <i>\$233,752</i> | <i>\$254,797</i> |
| Rodan Builders, Inc. | \$258,000 | \$284,000 |
| Lone Star Landscape, Inc. | \$284,000 | \$294,000 |

The bid documents provided that the contract would be awarded to the lowest responsive and responsible bidder and that lowest bid would be determined in accordance with Public Contract Code (PCC) 20103.8(c) which provides that the lowest bid shall be the lowest total of the bid prices on the base contract and those additive items that were identified in the solicitation up to amount publicly disclosed by the District which is \$260,000. Based upon this formula, Guerra Construction Group is the apparent low bidder.

At the time of the bid opening, Guerra Construction Group’s bid submittal did not include the required signed Project Stabilization Agreement documents that should have accompanied its Bid Proposal (see attached letter). This omission can be waived as a minor irregularity because Guerra immediately submitted those signed documents after Purchasing Services notified them to do so.

Therefore, Guerra Construction Group is the lowest responsive and responsible bidder. They have successfully completed public works projects for other public agencies including the Town of Los Altos, Palo Alto Unified School District, and City of Los Altos. Furthermore, Guerra Construction Group and its listed subcontractors have each signed the “Agreement To Be Bound” of the Project Stabilization/Construction Careers Agreement between the District and the Santa Clara & San Benito Counties Building and Construction Trades Council.

The Base Bid Proposal Amount plus Alternates 1 and 2 in the amount of \$254,797 submitted by Guerra Construction Group is within the construction estimate of \$260,000. The project will be funded through Measure C.

Recommendation: Waive the minor irregularity in the Guerra Construction Group response to Bid Document 1250-228 and authorize the Director of Purchasing Services, Carmen Redmond, to award a contract pursuant to Bid 1250-228 to Guerra Construction Group, Inc. in the amount of \$254,797 for the Base Bid plus Alternates 1 and 2.

| | |
|---------------------------|---|
| Submitted by: | Carmen Redmond, Director of Purchasing Services |
| Additional contact names: | Charles Allen, Tom Armstrong, Gina Bailey |
| Is backup provided? | Yes |

DOCUMENT 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:

Guerra Construction Group

(Name of Bidder)

984 Menorex Dr.

(Address)

Santa Clara, CA 95050

(City, State, Zip Code)

26-2473636

(Federal Tax I.D.)

(408) 279-2027 / (408) 279-2044

(Telephone/Facsimile)

jaime@guerraco.com

(E-Mail Address of Bidder's Representative(s))

Jaime S. Guerra

(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 **Child Development Center Playground Maintenance and Shade Structure** for the sum of Two Hundred Thirty Three Thousand Seven Hundred Fifty Two ^{00/100} Dollars (\$ 233,752). 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 Alternate Bid Items. The Bidder's price proposal(s) for Alternate Bid Item is/are set forth in the form of Alternate Bid Item Proposal included here with, pursuant to Public Contract Code 20103.8 and Document 00 21 13 Instruction to Bidders, Section 12.2, Award of Contract. Reference Section 01 23 00 for the description of the Alternates required and entered the calculated amount below.

Additive Alternate #1

= \$ 11,205

Hillside Play Area Water trough and sink with new hosebibb, and pea gravel surfacing with log border.

Additive Alternate #2

= \$ 9,840

Project table and benches In both the Covered Porch and Garden areas

Additive Alternate #3

= \$ 10,455

Paint fencing - Paint 4' and 6' fencing using Kelly Moore "De Anza Walnut."

- 1.3 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 the Bid Document No's 1-2 have been received and acknowledged and incorporate the following Architectural Addendum No's 1-2 into the Bid Document (initial)

- 2. Documents Accompanying Bid** The Bidder has submitted with this Bid Proposal the following: (a) Bid Security, (b) Proposed Subcontractors Form; (c) Non-Collusion Affidavit. 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 coverages 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) or (B)** bearing License Number(s) 919544 with expiration date(s) of 5/31/10. 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.

(Corporate Seal)

By:  (Signature)

Printed Name: Jaime Guerra

Title: President

Company: Guerra Construction Group

END OF DOCUMENT



FOOTHILL-DE ANZA
Community College District

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

Foothill College
De Anza College

April 21, 2010

VIA FAX AND E-MAIL

Guerra Construction Group
Attn: James Guerra
984 Memorex Dr.
Santa Clara, CA 95050
FAX (408) 279-2044
Jaime@guerraco.com

RE: Bid Document 1250-228 Child Development Center Playground Maintenance and Shade Structure,
De Anza College

Dear Mr. Guerra;

To assist us in further determining the responsiveness of its bid, Guerra Construction Group must provide the following information immediately, but no later than **2:00 p.m., Thursday, April 22, 2010**. Your company should have submitted the first bulleted item with its bid but it failed to do so. Failure to immediately submit the first bulleted item will subject your bid to being rejected as non-responsive.

- Signed Appendix A and Appendix C of the Project Stabilization/Construction Careers Agreement to be Bound and Construction Careers Program Agreement of Contractors (PSA) as required Division 00, Document 00 11 15 – Notice to Contractors Calling for Bids, paragraph 3.
- Signed PSA Appendix A and C for all listed subcontractors.
- Confirmation that your base bid proposal amount of \$233,752 is true and accurate for the scope of work as specified and that the Alternate amounts are also true and accurate.
- Confirmation that all subcontractors have been listed in accordance with Public Contract Code Section 4104(a), and that Guerra Construction Group will self-perform all non-listed work, including artificial turf.
- References for three (3) projects of similar scope and size, preferably public works.

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 2:00 p.m., Tuesday, April 27, 2010 citing the mistake and requesting relief from the bid.

Sincerely,

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

Department of Consumer Affairs
Contractors State License Board

Contractor's License Detail - License # 915544



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: 915544 **Extract Date:** 04/22/2010

Business Information: GUERRA CONSTRUCTION GROUP
984 MEMOREX DRIVE
SANTA CLARA, CA 95050
Business Phone Number: (408) 279-2027

Entity: Corporation

Issue Date: 05/12/2008

Expire Date: 05/31/2012

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 **100119238** in the amount of **\$12,500** with the bonding company
AMERICAN CONTRACTORS INDEMNITY COMPANY.

Effective Date: 03/31/2010

Bonding:

Contractor's Bonding History

BOND OF QUALIFYING INDIVIDUAL

1. The Responsible Managing Officer (RMO) JAIME SALVADOR GUERRA 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: 05/12/2008

This license has workers compensation insurance with the
EVEREST NATIONAL INSURANCE COMPANY

Workers' Compensation:

Policy Number: 7600005159101

Effective Date: 04/01/2010

Expire Date: 04/01/2011

Workers' Compensation History

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



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