

Board of Trustees Agenda Item

Board Meeting Date: July 12, 2010

Title of Item: Accept a list of Electrical Subcontractors as prequalified to bid on the Foothill College Measure C Project #135-Utility Infrastructure Phase 1

Background and Analysis:

On March 1, 2010, the Board of Trustees authorized the implementation of a procedure that prequalifies Electrical Subcontractors for the Foothill College Measure C Project #135-Utility Infrastructure Phase 1.

On March 12 and March 19, 2010, Purchasing Services advertised the Request for Prequalification, RFQ 1256, in the San Jose Post Record and on Bidnet. Five (5) contractors submitted the completed questionnaire to the District by the May 12, 2010 due date. The questionnaires were evaluated based upon the following key evaluation factors: license information, litigation history, construction experience, safety history, bonding capacity, insurance capacity, and financial capacity. Public Contract Code Section 20101(a) mandates that the questionnaire responses of prospective bidders and their financial statements shall not be deemed public records and shall not be open to public inspection.

Purchasing Services staff and the Foothill College Measure C Bond Projects Director evaluated the responses and determined that CH Reynolds Electrical and Edward W. Scott Electrical Co., Inc. do not meet the minimum requirements of the prequalification questionnaire. Therefore, Purchasing Services notified CH Reynolds Electrical and Edward W. Scott Electrical Co., Inc. (see attached letters) that it would recommend that the District's Board of Trustees should not prequalify them to bid on this Measure C Project.

SUMMARY OF RESULTS	
SUBCONTRACTOR	PREQUALIFIED
CH Reynolds Electrical	No
Contra Costa Electric	Yes
Edward W. Scott Electrical Co., Inc.	No
Rosendin Electrical	Yes
St. Francis Electric	Yes

The Board can choose to either:

1. Accept the list of three (3) Electrical subcontractors who met all of the prequalification requirements as the only subcontractors who are "prequalified" to participate in the Foothill College Measure C Project #135-Utility Infrastructure Phase 1, OR
2. Cancel the prequalification procedure for this project.

Recommendation: Determine that CH Reynolds and Edward W. Scott Electrical Co. Inc. are not prequalified and accept the list of three (3) Electrical Subcontractors who met all of the prequalification requirements as the only electrical subcontractors who are "prequalified" to participate in the Foothill College Measure C Project #135-Utility Infrastructure Phase 1.

Submitted by:	Carmen Redmond
Additional contact names:	Charles Allen, Art Heinrich, Dawn Allshouse
Is backup provided?	Yes



FOOTHILL-DE ANZA
Community College District

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

May 20, 2010

VIA: FACSIMILE AND MAIL

C. H. Reynolds, Inc.
ATTN: Jason Bright
1281 Wayne Ave.
San Jose, CA 95131

RE: GENERAL CONTRACTORS PREQUALIFICATION DOCUMENTS FOR FOOTHILL
COLLEGE-MEASURE C PROJECT #135-UTILITY INFRASTRUCTURE PHASE 1

Dear Mr. Bright,

The District is in receipt of your response to our advertisement for the Prequalification of General Contractors for Project #135-Utility Infrastructure Phase 1 at Foothill College. In order to be considered as a General Contractor, you need to possess a California Contractor's license classification: B-General Contractors versus a license classification of a C10-Electrical Contractor. Furthermore, the documents that were submitted were incomplete. We request that you submit three sets of three Project Data Sheets, which detail public works contracts which have been completed by you, a Written Safety Program that meets CAL/OSHA requirements, and your Surety Information.

Therefore, it is the decision of the District's pre-qualification evaluation team that your company did not meet the District's minimum requirements for pre-qualification.

If your company can refute the basis upon which this decision has been formed, you may submit an appeal to the District. The appeal shall state the basis of the appeal and must request a hearing. The appeal must be submitted in writing by certified mail within 3 working days of receipt of this notice, or by 9:00 a.m. Tuesday, May 25, 2010.

If the District's decision is not reversed through the appeal process, or if no such appeal is requested, I shall recommend to our Board of Trustees that C. H. Reynolds Electric, Inc. should not be prequalified to bid on this Measure C project at Foothill College.

The results of the Prequalification evaluation along with a recommendation will be presented to the Board of Trustees at a future date. The decision of the District's Board of Trustees will be final and not subject to appeal.

Sincerely,

Ms. Carmen Redmond, C. P. M.
Director of Purchasing Services
Foothill De Anza Community College District



FOOTHILL-DE ANZA
Community College District

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

May 20, 2010

VIA: FACSIMILE AND MAIL

Edward W. Scott Electric Co., Inc
ATTN: Raymond Lynch
1150 25th St
San Francisco, CA 94107

RE: GENERAL CONTRACTORS PREQUALIFICATION DOCUMENTS FOR FOOTHILL
COLLEGE-MEASURE C PROJECT #135-UTILITY INFRASTRUCTURE PHASE 1

Dear Mr. Lynch,

The District is in receipt of your response to our advertisement for the Prequalification of Electrical Sub-Contractors for Project #135-Utility Infrastructure Phase 1 at Foothill College. In Section 4 Safety Record & Program it was stipulated that a current Experience Modification Factor (EMF) above 1.0 would result in disqualification from further participation in this prequalification. You responded that your company's EMF is 1.08.

Therefore, it is the decision of the District's prequalification evaluation team that your company did not meet the District's minimum requirements for prequalification.

If your company can refute the basis upon which this decision has been formed, you may submit an appeal to the District. The appeal shall state the basis of the appeal and must request a hearing. The appeal must be submitted in writing by certified mail within 3 working days of receipt of this notice, or by 9:00 a.m. Tuesday, May 25, 2010.

If the District's decision is not reversed through the appeal process, or if no such appeal is requested, I shall recommend to our Board of Trustees that Edward W. Scott Electric Co., Inc. should not be prequalified to bid on this Measure C project at Foothill College.

The results of the Prequalification evaluation along with a recommendation will be presented to the Board of Trustees at a future date. The decision of the District's Board of Trustees will be final and not subject to appeal.

Sincerely,

Ms. Carmen Redmond, C. P. M.
Director of Purchasing Services
Foothill-De Anza Community College District

FOOTHILL-DE ANZA
Community College District

June 19, 2010

VIA: FASCIMILE AND CERTIFIED MAIL

Edward W. Scott Co, Inc.
ATTN: Raymond Lynch
1150 25th St.
San Francisco, CA 94107

RE: ELECTRICAL SUBCONTRACTORS PREQUALIFICATION DOCUMENTS FOR
FOOTHILL COLLEGE-MEASURE C PROJECT #135-UTILITY INFRASTRUCTURE PHASE 1

Dear Mr. Lynch,

On May 20, 2010, Purchasing Services sent you a letter notifying you that the District's Prequalification Evaluation Team had decided that Edward W. Scott Co., Inc. (EW Scott) did not meet the minimum requirements for prequalification for Project #135-Utility Infrastructure Phase 1 because its Experience Modification Factor (EMF) was too high. The prequalification documents submitted by EW Scott stated that the company's EMF was 1.08, whereas the District requires an EMF that does not exceed 1.0. The next day, on May 21, 2010, you left Dawn Allshouse a message asking to discuss the District's decision that EW Scott be considered not prequalified. On May 25, 2010, you had a conference call with Carmen Redmond and Dawn Allshouse. During that call, you made several arguments against the District's EMF requirement, and you were notified that you had the right to request a hearing in accordance with the instructions in the Prequalification Documents. The District received your faxed request for a hearing on May 26, 2010.

A few days later, Purchasing Services received a letter from EW Scott's insurance company that states that EW Scott's EMF is actually 1.29 rather than the 1.08 stated in its prequalification submittal. The letter from EW Scott's insurance company raises a concern because EW Scott's Prequalification Declaration was signed under penalty of perjury and stated that all of the Prequalification information submitted was true and correct.

The EMF was not the only area that was deficient in EW Scott's prequalification submittal. The prequalification submittal was also deficient in Section 2, Construction Experience and Section 7, Financial Statements and Information as follows:

(1) EW Scott did not submit reviewed or audited financial statements for the most recent three (3) fiscal years, i.e. 2009, 2008, & 2007. It only submitted 2007 of the three (3) fiscal years that were required. As stated in the prequalification documents "failure to submit a recent Reviewed or Audited Report of Financial Statements for the past three (3) years will result in the Contractor being determined to be not prequalified".

(2) In addition, the three Project Data Sheets EW Scott submitted failed to comply with the Prequalification instructions, and here is a summary of why they failed:

- The NASA Ames Research Center project data sheet failed because it was not a completed project by the date of the prequalification due date and there was not any involvement with the Division of State Architects (DSA).
- The Armed Forces Reserve Center project data sheet failed because the phone/fax, contact name were not filled out and it was not a completed project by the date of the prequalification due date. There was also no involvement with the Division of State Architects (DSA).
- The SFIA Power Distribution Loop Connection Phase III project failed because the address, phone/fax, and contact name have not been filled out. There was also no involvement with the Division of State Architects (DSA).

If you would like EW Scott's prequalification submittal to be further evaluated, you must submit compliant financial statements and project data sheets to Purchasing Services no later than 4:00 p.m. on Thursday, June 24, 2010.

After Purchasing Services receives EW Scott's response to this letter, it will notify it of the date, time, and place for the upcoming hearing.

Sincerely

Carmen Redmond, C. P. M.
Director of Purchasing Services
Foothill-De Anza Community College District

Dawn Allshouse
Acting Senior Buyer, Purchasing Services
Foothill-De Anza Community College District

FOOTHILL-DE ANZA
Community College District

June 28, 2010

VIA: FACSIMILE, E-MAIL, & CERTIFIED MAIL

Edward W. Scott Electric Co., Inc.
ATTN: Raymond Lynch
1150 25th St.
San Francisco, CA 94107

RE: ELECTRICAL SUBCONTRACTORS PREQUALIFICATION DOCUMENTS FOR
FOOTHILL COLLEGE-MEASURE C PROJECT #135-UTILITY INFRASTRUCTURE PHASE 1

Dear Mr. Lynch,

On June 19, 2010, Purchasing Services sent you a letter notifying you that compliant financial statements and project data sheets must be submitted to Purchasing Services no later than 4:00 p.m. on Thursday, June 24, 2010 in order for Edward W. Scott Electric Co., Inc's (EW Scott) prequalification submittal to be further evaluated. The letter also stated that after Purchasing Services received the submittals, EW Scott would be notified of the date, time, and place of the upcoming hearing.

As of today, June 28, 2010, Purchasing Services has not received any of the submittals. If EW Scott would like to proceed with the hearing, you must contact Dawn Allshouse by phone at 650-949-6162 or by e-mail at allshousedawn@fhda.edu by June 29, 2010 so that it can be scheduled. If Dawn does not hear from you by the end of the day on June 29, 2010 your hearing request will be considered withdrawn. I have also e-mailed this letter to you at rlynch@scottelectric.com.

Sincerely,

Carmen Redmond, C. P. M.
Director of Purchasing Services
Foothill-De Anza Community College District

Dawn Allshouse
Acting Senior Buyer, Purchasing Services
Foothill-De Anza Community College District