

Board of Trustees Agenda Item

Board Meeting Date: February 7, 2011

Title of Item: Award a contract pursuant to Bid#1294-236C, Roof Repair, E2-E3-Administration Buildings at De Anza College

Background and Analysis:

Project 236C includes removal and replacement of the existing roofs on Buildings E2 and the Administration Building. The project also includes cleaning and re-installing tiles and the replacement of substrate for the mansard roofs on Buildings E2, E3, and the Administration Building. The new roofs will be thermoplastic with new flashings, copings, drains, and stucco. The subsurface of each roof and parapet will be reviewed for potential dry-rot damage, and the project allows for correction of this defect, if necessary. Allana, Buick and Bers, Inc prepared the construction documents and a complete set of all bid documents are on file in the Purchasing Services Department

Bid 1294-236C was legally advertised on December 3, 2010 and December 10, 2010. The "Invitation to Bid" was also sent to nine (9) builders exchanges, advertised in the Daily Pacific Builder, and posted on "BidNet" at www.govbids.com. Bids were publicly opened and read on January 13, 2011 at 2 p.m. by Purchasing Services. Five contractors submitted bids, the results are shown below:

General Contractors	Base Bid Price
Romkon Inc.	\$1,300,000
Andy's Roofing Co., Inc.	\$1,321,886
Pioneer Contractors, Inc.	\$1,325,000
Best Contracting Services, Inc.	\$1,348.824
Western Roofing Service	\$1,574,700

Romkon Inc., has completed public works projects for other public agencies such as the Oakland Housing Authority, Alameda County, and City College of San Francisco. Furthermore, Romkon Inc., and its subcontractors have signed the Appendix A, "Agreement To Be Bound," and Appendix C, Construction Careers Program Agreement of Contractors, of the Project Stabilization/Construction Careers Agreement between the District and the Santa Clara & San Benito Counties Building and Construction Trades Council.

On January 19, 2011, Purchasing Services received a bid protest letter from Andy's Roofing Company, Inc. The bid protest alleged that Romkon Inc., did not list subcontractors for sheet metal, plumbing, mechanical, or plaster work. The bid protest also erroneously stated that all the subcontractors had to be signatory to local unions in order to perform the work. On January 20, 2011, Purchasing Services asked Romkon Inc. for its response to the bid protest. Romkon responded on January 25, 2011 and notified the District that its listed subcontractor for painting, Millenia Construction and Services, would also be performing the sheet metal, plumbing, mechanical, and plaster work. Purchasing Services reviewed Romkon Inc's response with the District's legal counsel, Mr. Phillip Jaret, and he advised that the District has the right to waive Romkon Inc's incomplete list of work for its subcontractor, Millenia Construction and Services.

Additionally, there was a minor irregularity in Romkon Inc.'s bid because it acknowledged Addenda 1 & 2 rather than Bid Amendments 1 & 2. However, Romkon Inc. has provided Purchasing Services with a letter dated January 18, 2011 wherein it acknowledges that its bid price is inclusive of Bid Amendments 1 & 2.

The bid price of \$1,300,000 submitted by Romkon Inc. is well within the construction estimate of \$1,372,000. The project will be funded through Measure C.

Recommendation:

Deny the bid protest submitted by Andy's Roofing Company, waive the minor irregularities in Romkon Inc.'s bid, and authorize the Director of Purchasing Services, Carmen Redmond, to award a contract pursuant to Bid #1294-236C, Roof Repair, E2-E3-Administration Buildings, in the amount of \$1,300,000 to Romkon Inc.

Submitted by:	Carmen Redmond, Director of Purchasing Services
Additional contact names:	Charles Allen, Roseanne Sciacchitano, Annette Perez
Is backup provided?	No