

## **Board of Trustees Agenda Item**

**Board Meeting Date:** December 5, 2011

**Title of Item:** Accept a list of General Contractors as Prequalified to Bid on the De Anza College Measure C Project #206 Stadium & Track

### **Background and Analysis:**

On August 29, 2011, the Board of Trustees adopted procedures for pre-qualification of prospective bidders for public projects in accordance with Public Contract Code section 20651.5 and Public Contract Code section 20101.

On August 23 and August 30, 2011, Purchasing Services advertised the Prequalification Questionnaire (PQ) #1362-206 in the San Jose Post Record and on Bidnet, and also notified nine (9) local Builders' Exchanges. Five (5) contractors submitted the completed questionnaire to the District by the September 30, 2011 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 Program Director evaluated the responses and determined that three (3) of the five (5) contractors meet the minimum requirements of the prequalification questionnaire, including a point score of 80 or higher.

SUMMARY OF RESULTS	
CONTRACTOR	PREQUALIFIED
Arntz Builders Inc.	No
Robert A. Bothman Inc.	Yes
Echo Pacific Construction, Inc.	Yes
O.C. Jones & Sons, Inc.	Yes
Taber Construction, Inc.	No

The Board can choose to either:

1. Accept the list of three (3) General Contractors who met all of the prequalification requirements as the only prime contractors who are "prequalified" to bid on the De Anza College Measure C Project #206 – Stadium & Track, OR
2. Cancel the prequalification procedure for this project.

In order to be prequalified, Contractors were required to show that they have successfully completed similar stadium and track projects. Therefore, Contractors had to submit data regarding three projects that met the criteria set forth in the PQ documents. Arntz Builders Inc. (Arntz) submitted only two (2) projects that met the criteria. On October 14, 2011, Purchasing Services staff sent a letter and fax to Arntz and advised Arntz that it would not be further considered for prequalification unless it submitted data for at least one additional project by October 21, 2011. Arntz did not reply.

The other contractor that did not meet the prequalification requirements, Taber Construction, Inc. (Taber), achieved a score of less than 80 points. Purchasing Services notified Taber of the prequalification results in accordance with the PQ documents and Taber responded with a "Notice of Appeal of Prequalification Denial." After consulting with District legal counsel, Mr. Phil Jaret, Purchasing Services conducted an appeal hearing for Taber on October 25, 2011. Gina Bailey, Senior Buyer, and Carmen Redmond, Director of Purchasing Services, represented the District. Mr. Bret Taber, Owner, represented Taber. As a

result of the hearing, Purchasing Services adjusted Taber's score, but it is still below 80 points. Therefore, Purchasing Services notified Taber that it would recommend that the Board of Trustees not prequalify Taber.

**Recommendation:**

Accept the list of three (3) General Contractors who met all of the prequalification requirements as the only General Contractors who are "prequalified" to participate in the De Anza College Measure C Project #206 – Stadium & Track.

Submitted by:	Carmen Redmond
Additional contact names:	Charles Allen, Tom Armstrong, Gina Bailey
Is backup provided?	No