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**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**



FROM: Department of Facilities Management

SUBMITTAL DATE:
March 15, 2006

SUBJECT: PERRIS SHERIFF'S COMPLEX AND FAMILY CARE CLINIC – APPROVE INTENT TO AWARD (Project # 20041827)

RECOMMENDED MOTION: That the Board of Supervisors:
1. Find in accordance with the evidence presented that ASR Constructors, Inc. is the lowest responsive and responsible bidder;
2. Approve award of contract to ASR Constructors, Inc. for the Construction of the Perris Sheriff's Complex and Family Care Clinic.
3. Direct the Auditor-Controller to make the budget adjustment on Attachment A.

BACKGROUND: Minute Order 3.10, dated November 29, 2005 approved plans and specifications and authorized the Clerk of the Board to advertise for bids. (Continued on Page 2)

FORM APPROVED COUNTY COUNSEL
MAR 29 2006
BY *[Signature]*
Departmental Concurrence
CIP TEAM
Reviewed by *[Signature]*

[Signature]

MICHAEL J. SYLVESTER, Director
Department of Facilities Management

MJS:GC:jle

FINANCIAL DATA	Current F.Y. Total Cost:	\$ 30,000,000	In Current Year Budget:	Yes
	Current F.Y. Net County Cost:	\$ 0	Budget Adjustment:	No
	Annual Net County Cost:	\$ 0	For Fiscal Year:	05/06
SOURCE OF FUNDS: General Fund to be reimbursed by CORAL Bonds.			Positions To Be Deleted Per A-30	<input type="checkbox"/>
			Requires 4/5 Vote	<input checked="" type="checkbox"/>

C.E.O. RECOMMENDATION:

APPROVE

[Signature]

County Executive Office Signature

FISCAL PROCEDURES APPROVED
ROBERT E. BYRD, Auditor-Controller
Dep't Recomm.: *[Signature]* Consent Deputy Consent
Per Exec. Ofc.: Policy Policy

Prev. Agn. Ref.: M.O. 3.10 11/29/05;
3.14 5/24/05; 3.9 4/12/05; 3.11 12/14/04;
3.10b 10/5/04; 3.70 7/13/04

District: 5

Agenda Number:

3.21

DEPARTMENT OF FACILITIES MANAGEMENT
Form 11: PERRIS SHERIFF'S COMPLEX AND FAMILY CARE CLINIC -
APPROVE INTENT TO AWARD (Project # 20041827)

March 15, 2006

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BACKGROUND: (Continued)

On February 1, 2006 five bids were opened with ASR Constructors, Inc. submitting the apparent low bid. On February 7, 2006, the County of Riverside received a protest of award to ASR Constructors by Jaynes Corporation, the second low bidder, citing the following five reasons for the protest:

1. Failure to list all sub-contractors who would perform work in excess of 1/2 of 1% total bid as required by the Public Contract Code.
2. Listing an unlicensed sub-contractor.
3. Submitting irregular unit prices.
4. Irregular alternate bid prices.
5. ASR is not a responsible contractor.

Attached is the correspondence submitted by counsel for Jaynes Corporation regarding their protest.

Facilities Management and County Counsel have reviewed the basis of the protest and provide the following evidence in response:

1. In regards to the unlisted sub-contractors, ASR Constructors will be self performing all work where sub-contractors were not listed, as specified in the Public Contract Code. ASR Constructors is currently working on other County projects and in each case they are performing various parts of the project with their own forces.
2. In checking with the State Contractors Licensing Board, Duke Plumbing, the sub-contractor cited as being unlicensed, currently holds a valid State Contractors License. The license had expired on January 31, 2006 but was renewed on February 7, 2006. Jaynes argued that this listing gave ASR an unfair advantage as they would potentially be eligible under the Public Contract Code to request a substitution of this subcontractor after award of the contract, and go bid shopping for a lower price. This issue however was remedied before any award was to be made or the contractor could request substitution. Since the actual circumstances have not provided ASR Constructors with an advantage due to the listing of this subcontractor, we do not believe the bid is non-responsive.
3. Our review of the unit prices required per the contract documents indicates the prices are within industry standards. ASR's prices were checked against various cost estimating reference material and found comparable. Additionally, though low in some cases, ASR's unit prices were not out of line with all the other bidders. We do not believe the prices constitute a basis for rejecting the bid as irregular or non-responsive.
4. In regards to the alternate pricing required per the Bid Documents, it was not apparent that ASR's price for the alternate bid items (where the bid form requested the base bid and alternates without course of construction insurance)

were to be deductive. This was in part due to the bid form. Although the County expected a deductive price for the alternates, ASR's bid was evaluated presuming additive prices, since no indication to deduct was evident on the face of the bid form. Even with these additive prices, ASR's bid was still the low bid. We do not believe this minor irregularity is a basis for rejecting the bid.

5. Jaynes cited several lawsuits as a basis for declaring ASR a non-responsible contractor. Facilities Management called various school districts (plaintiffs in several of the lawsuits) and did not feel the information provided was adequate to support a finding that ASR was a non-responsible contractor. Additionally ASR is currently contracted with the County of Riverside on two Larry D. Smith Correctional Facility projects and to date their work has been responsible and timely.

Based on the above information The Department of Facilities Management recommends the award of the construction contract to ASR Constructors Inc.

March 15, 2006

Perris Sheriff's Complex and Family Care Clinic – Approve Intent to Award
(Project #20041827)

ATTACHMENT A

Increase Revenues 30100-7200800000-790600	Contribution – Other Funds	\$30,000,000
Decrease Designation 10000-1100100000-320109	DFB - Capital Projects	\$30,000,000
Increase Appropriations 10000-1103800000-551000	Operating Transfers-Out	\$30,000,000
30100-7200800000-542040	Buildings – Capital Projects	\$30,000,000