



MEMORANDUM

RIVERSIDE COUNTY EXECUTIVE OFFICE

Bill Luna
County Executive Officer

November 3, 2008

TO: Nancy Romero
Clerk of the Board

FROM: Jay E. Orr, Assistant CEO

RE: CONTINUANCE

Please continue the following item to November 18, 2008:

3.47 – FACILITIES MANAGEMENT: Award of Contract for Palm Desert Sheriff Station, 4th District (16.6 of 10/28/08)

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

FROM: Department of Facilities Management

SUBMITTAL DATE:
 October 20, 2008

SUBJECT: Palm Desert Sheriff Station Non-Responsibility/Debarment Hearing

RECOMMENDED MOTION: That the Board of Supervisors:

1. Hold a Non-Responsibility Hearing regarding ASR Constructors, Inc. the apparent low bidder, and make findings, including debarment if appropriate; and
2. Continue Award of contract to November 4, 2008 Board Agenda pending issuance of bonds for funding of the project, and in accordance with the findings resulting from the Non-Responsibility Hearing.

BACKGROUND: The construction contract documents for the Palm Desert Sheriff Station were approved and authorized to be bid out on July 29, 2008. The bids were received by Clerk of the Board on October 1, 2008. The apparent low bidder was ASR Constructors.

(Continued)

Robert Field

Robert Field, Director
 Department of Facilities Management

FINANCIAL DATA	Current F.Y. Total Cost:	\$ 0	In Current Year Budget:	N/A
	Current F.Y. Net County Cost:	\$ 0	Budget Adjustment:	N/A
	Annual Net County Cost:	\$ 0	For Fiscal Year:	08/09

SOURCE OF FUNDS: Palm Desert Finance Authority	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	<input type="checkbox"/>

C.E.O. RECOMMENDATION: APPROVE
 BY: *Jennifer L. Sargent*
 County Executive Office Signature Jennifer L. Sargent

Policy Policy
 Consent Consent
 Dept's Recomm.:
 Per Exec. Ofc.:

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Ashley, seconded by Supervisor Buster and duly carried, IT WAS ORDERED that the Board determined there was not enough evidence to find ASR non-responsible or to debar, and IT WAS FURTHER ORDERED that the award of contract for the Palm Desert Sheriff Station is continued to Tuesday, November 4, 2008 pending issuance of bonds for funding of the project, and in accordance with the finding resulting from the Non-Responsibility Hearing.

Ayes: Buster, Stone and Ashley
 Nays: Wilson
 Absent: Tavaglione
 Date: October 28, 2008
 xc: Facil. Mgmt., Co.Co., COB

Nancy Romero
 Clerk of the Board
 By: *Schlemmer*
 Deputy

Prev. Agn. Ref.: 3.62, 7/29/08; 3.33, 7/1/08; 3.24, 6/5/07; 3.13, 11/27/07
 District: 4
 Agenda Number: **3.47**

BACKGROUND: (continued)

A bid protest by the second low bidder, Jaynes Corporation, was submitted under letter dated October 6, 2008. The protest was reviewed by counsel, and due to the allegations made, it was determined that the issues required the scheduling of a non-responsibility hearing.

The concept of non-responsibility is set forth in the Public Contract Code. The Code requires that the County award public works contracts to the lowest responsible bidder. "Responsibility" is defined in the Code as a bidder who has demonstrated the attribute of trustworthiness, as well as quality, fitness, capacity, and experience to satisfactorily perform the public works contract.

The Board has before it the documentary evidence attached to this Form 11 (Bid Protest issued by Jaynes Corporation, Response issued by ASR Constructors, additional documentation attached to letter to ASR of October 20, 2008, as well as any further documents received prior to the hearing). The law provides that the bidder who is facing a determination of non-responsibility, in this case ASR Constructors, be apprised of the evidence relating to its "responsibility", be provided with a copy of all such evidence, and be provided an opportunity to refute such evidence by written submission or oral evidence. That is the hearing scheduled before the Board today.

After receipt and consideration of all evidence submitted herein and presented in the Non-Responsibility Hearing, the Board may:

1. Make a finding(s) regarding the responsibility of ASR; and
2. If the Board finds ASR Constructors non-responsible, the Board may debar ASR Constructors from bidding on county projects for a limited time if it wishes.