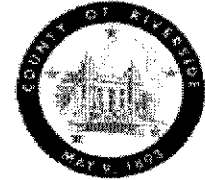


FORM APPROVED COUNTY COUNSEL
 BY: H. Keeto 3/13/09
 MARSHAL L. VICTOR DATE

820



**SUBMITTAL TO THE BOARD OF DIRECTORS OF THE
 REDEVELOPMENT AGENCY
 COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

SUBMITTAL DATE:
 March 6, 2009

FROM: Redevelopment Agency

SUBJECT: Rosa Avenue Sewer Line Extension Project

RECOMMENDED MOTION: That the Board of Directors:

1. Waive a minor irregularity by the apparent low bidder Carter Engineering, Inc.;
2. Accept and award the construction contract to the low bidder Carter Construction, Inc., in the amount of \$105,205.48;
3. Approve the project budget of \$159,725.48; and
4. Approve and authorize the Chairman to execute contract documents on behalf of the Board.

BACKGROUND: On December 23, 2008, the Board approved the plans and specifications and authorized the Clerk of the Board to advertise the Notice Inviting Bids for the Rosa Avenue Sanitary Sewer Improvements Project. A Notice Inviting Bids was released January 2 and 9, 2009, with sealed bids due on January 28, 2009.

(continued on Page 2)

Departmental Concurrence

Robin Zimpfer

RZ:DL:CAC:AER:JAT:AC

Robin Zimpfer
 Executive Director

S:\EDA Administration\PROJECTS\Rosa Avenue Sewer Line\2009.03.06\F11-BOD-Award.doc

FINANCIAL DATA	Current F.Y. Total Cost:	\$ 159,725.48	In Current Year Budget:	Yes
	Current F.Y. Net County Cost:	\$ 0	Budget Adjustment:	No
	Annual Net County Cost:	\$ 0	For Fiscal Year:	2008/09

COMPANION ITEM ON BOARD OF SUPERVISORS AGENDA: No

SOURCE OF FUNDS: Desert Communities Project Area Thermal Sub Area Capital Improvement Funds	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*
 Jennifer L. Sargent

County Executive Office Signature

Policy
 Policy
 Consent
 Consent
 Dept't Recomm.:
 Per Exec. Ofc.:

300.000.18 V#10: P0

Prev. Agn. Ref.: 12/23/08, 4.1
District: 4th
Agenda Number:

BACKGROUND (continued):

The Clerk of the Board received 15 bids. The bid submitted by the apparent low bidder Carter Engineering, Inc., did not include page 14 of 117 of the Bid Specifications.

County Counsel's review determined that the apparent low bid by Carter Engineering, Inc., appears to be in appropriate form but for the lack of page 14 of 117 of the Bid Specifications which included name, a signature by the bidder, and the license information. In the case of this bid, however, all licensure information is also contained on page 21 of 117 entitled Contractor's Licensing Statement Form which was filled out and submitted by Carter Engineering, Inc., with its bid package. Per County Counsel, case law has held that the lack of one signature is not necessarily fatal to the responsiveness of the bid depending on the purpose and location of that signature. In this bid, there were several other signatures by the bidder, including the licensing statement and the bid bond. The lack of page 14 does not give the bidder an economic advantage, and his intent to be bound by his bid is indicated by the various other submittals and signatures within the bid package. Therefore it appears that failure to submit this one sheet in this bid is a minor irregularity that may be waived by the Board.

If the Board waives this minor irregularity, County Counsel has determined that Carter Engineering, Inc. can be deemed the lowest responsible bidder and would constitute a proper basis for award of the contract. Therefore, EDA staff recommends that the Board waive the minor irregularity and award the contract to the lowest qualified bidder Carter Engineering, Inc., in the amount of \$105,205.48 and approve the project budget as follows:

Project Budget:

Construction	\$105,205.48
Permits/Inspection/ Misc.	\$ 15,000.00
Materials Testing	\$ 25,000.00
<u>Subtotal</u>	<u>\$145,205.48</u>
Contingency 10%	\$ 14,520.00
<u>Project Total</u>	<u>\$159,725.48</u>

The project will be funded entirely by Desert Communities Project Area Capital Improvement Funds and will not impact County General Funds.

Attachments:

- Bid Summary
- Agreement Forms
- Performance Bonds
- Payment Bonds
- Certificate of Liability Insurance
- Certificate of Workers' Compensation Insurance