

FORM APPROVED COUNTY COUNSEL

BY: Marshall Victor DATE: 6/15/09
MARSHAL VICTOR

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

243



SUBMITTAL DATE:
June 15, 2009

FROM: Redevelopment Agency

SUBJECT: Eller Park – Award of Construction Contract

RECOMMENDED MOTION: That the Board of Directors:

1. Find the bid responsive and award the construction contract to the low bidder Superior Construction Specialties, Inc. in the amount of \$1,773,000;
2. Authorize the Chairman to execute the contract documents on behalf of the Board; and
3. Approve the project budget of \$2,250,300.

BACKGROUND:

On March 31, 2009, the Board made findings and approved plans and specifications for Eller Park. Construction of the 5.24-acre park includes a parking lot, tot-lot play area, two picnic areas, a lighted baseball/softball diamond, a basketball court, walking trail, open turf area, landscaping, and a restroom/concession building. The chain link fence along the northern property line will be replaced with a wrought iron fence, and the dilapidated fence along the eastern property line will be replaced with a block wall. Street improvements and the primary vehicular access point will be provided on Antelope Road.

Continued

Robert Field
Robert Field
Executive Director

FINANCIAL DATA	Current F.Y. Total Cost:	\$ 2,250,300	In Current Year Budget:	Yes
	Current F.Y. Net County Cost:	\$ 0	Budget Adjustment:	No
	Annual Net County Cost:	\$ 0	For Fiscal Year:	08/09

COMPANION ITEM ON BOARD OF SUPERVISORS AGENDA: No	
SOURCE OF FUNDS: Interstate 215 Corridor Redevelopment Capital Improvement Funds – Romoland Sub-Area	Positions To Be Deleted Per A-30
	Requires 4/5 Vote <input type="checkbox"/>

C.E.O. RECOMMENDATION:

APPROVE
BY: Jennifer L. Sargent
Jennifer L. Sargent

County Executive Office Signature

Reviewed by
Christopher Hans
Christopher Hans

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

Prev. Agn. Ref.: 3.14 & 4.4 of 12/12/06; 4.4 of 6/3/08; 3.19 & 4.2 of 3/31/09
District: 5
Agenda Number:

ATTACHMENTS FILED
WITH THE CLERK OF THE BOARD

4.1

BACKGROUND:

On May 20, 2009, fourteen bids were received. The apparent low bid was by Superior Construction Specialties, Incorporated. Bid protests were received from Mega Way Enterprises and Valley Crest Landscape Development, Incorporated. A summary of the protests and the Agency's response to those protests can be found in Attachment A (Summary of Bid Protests and Recommended Findings).

The Agency and County Counsel have reviewed the protest information and conclude that the protest issues do not warrant rejection of the low bidder and that it is appropriate to proceed with the award to Superior Construction Specialties, Inc. Therefore, it is recommended that the Board find that the low bid by Superior Construction Specialties, Inc. is responsive and award the construction contract to that company in the amount of \$1,773,000.

Project Budget:

Construction	\$ 1,773,000
Utility Fees/Miscellaneous	\$ 200,000
Inspections	\$ 100,000
Contingency (10%)	\$ 177,300
Total	\$ 2,250,300

Attachments:

1. Attachment A – Summary of Bid Protests and Recommended Findings

ATTACHMENT A

Eller Park
Summary of Bid Protests and Recommended Findings

PROTEST	AGENCY RESPONSE	RECOMMENDED FINDINGS
<p>1. Mega Way Enterprises questioned the experience and qualifications of Superior Construction Specialties, Inc. due to the low bid amount they were able to submit.</p>	<p>Superior Construction Specialties, Inc. is properly licensed to do the required work and there is nothing in the bid that shows the bidder is not qualified. Agency staff has not identified any other facts that show Superior Construction Specialties, Inc. is not qualified.</p>	<p>Bid was responsive.</p>
<p>2. Valley Crest Landscape Development, Inc. contends the bid did not provide full and fair competition based on the involvement of Rudy Adame, owner of both Adame Landscaping who is listed as a sub-contractor for Superior Construction Specialties, Inc., and LD Consulting who has acted as a consultant to Valley-Wide Recreation and Park District who will be inspecting and maintaining the park. Valley Crest claims the bid is not fair due to the fact that Rudy Adame would be performing the landscaping services and inspections.</p>	<p>The specifications state that inspections will be performed by Valley-Wide, County, and Agency, without any mention of Rudy Adame or his consulting company. All Valley-Wide inspections on this project will be performed by experienced inspectors who are employees of Valley-Wide Recreation and Park District, and not Rudy Adame or any company which he owns or in which he has ownership interest. In addition, the architect and engineer will be monitoring the project for compliance with the project specifications.</p>	<p>Bid was responsive.</p>

AGREEMENT FORM

THIS AGREEMENT entered into this _____ day of _____, 20__, by and between **Superior construction Specialties, Inc.**, hereinafter called the "Contractor" and the Redevelopment Agency for the County of Riverside, hereinafter called the "Owner".

WITNESSETH

That the parties hereto have mutually covenanted and agreed as follows:

CONTRACT: The complete Contract includes all of the Contract Documents, to wit: The Notice Inviting Bids, the Instructions to Bidders, the Contractor's Proposal, the Payment and Performance Bonds, the Plans and Specifications plus any Addenda thereto, the General Conditions, Specific Conditions, and this Agreement. All contract documents are intended to cooperate and be complementary so that any work called for in one and not mentioned in the other, or vice versa, is to be executed the same as if mentioned in all contract documents.

STATEMENT OF WORK: The Contractor hereby agrees to furnish all tools, equipment services, apparatus, facilities, transportation, labor, and materials for the construction of **Eller Park-Park Improvement Project-Romoland, CA** in strict accordance with the plans and specifications dated, **March 26, 2009**, prepared by RHA Landscape Architects Planners, Inc., hereinafter called the "Architect", including Addenda thereto as listed in the Contractor's Proposal, all of which are made a part hereof.

TIME FOR COMPLETION: The work shall be commenced on a date to be specified in a written order of the Architect and shall be completed within one hundred eighty (180) calendar days from and after said date. It is expressly agreed that except for extensions of time duly granted in the manner and for the reasons specified in the General Conditions, time shall be of the essence.

COMPENSATION TO BE PAID TO CONTRACTOR: The Owner agrees to pay and the Contractor agrees to accept in full consideration for the performance of the Contract, subject to additions and deductions as provided in the General Conditions, the sum of One Million Seven Hundred and Seventy Three Thousand Dollars (\$ 1,773,000), being the total of the Base Bid.

The sum is to be paid according to the schedule as provided in the General Conditions.

Pursuant to Labor Code Section 1861, the Contractor gives the following certifications: I am aware of the provisions of Section 3700 of the Labor Code which require every employer to be insured against liability for Workmen's Compensation or to undertake self-insurance in accordance with the provisions of that code, and I will comply with such provisions before commencing the performance of the work of this Contract.

IN WITNESS WHEREOF, the parties hereto on the day and year first above written have executed this agreement in _____ counterparts.

Type of Contractor's organization

If other than individual or corporation, list names of all members who have authority to bind firm.

IF OTHER THAN CORPORATION EXECUTE HERE

Attest: Firm Name _____

Signature _____

Address _____

Contractor's License No. _____

IF CORPORATION, FILL OUT FOLLOWING AND EXECUTE

Name of President of Corporation James Kirk

Name of Secretary of Corporation James Kirk

Corporation is organized under the laws of the state of California

Firm Name Superior Construction Specialties, Inc.

Signature *[Handwritten Signature]*

Title of Office Superior Const., Specialties, Inc

Address 1500 Crafton Avenue, #132 Mentone, CA 92359

Contractor's License No. 807122-A

AFFIX
SEAL

Attest:

Deputy

Redevelopment Agency for the County of

Owner Riverside

Seal

By

Chairman, Board of Directors