

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

949



**SUBMITTAL DATE:**  
August 13, 2009

**FROM:** Redevelopment Agency

**SUBJECT:** Subcontractor Substitution Request by ASR Constructors, Inc. – Thermal Sheriff Station and Aviation Facility Project

**RECOMMENDED MOTION:** That the Board of Directors consents to the substitution of R.B. Sheet Metal Inc. in place of Pacific Roofing Systems as proposed by ASR Constructors, Inc. upon the recommendation of the Redevelopment Agency after hearing pursuant to RDA Resolution No. 2009-027.

**BACKGROUND:** On May 27, 2009 the Redevelopment Agency received a letter from ASR Constructors, Inc. requesting the substitution of the sheet metal subcontractor, Pacific Roofing Systems. ASR Constructors, Inc. is the general contractor for the Thermal Sheriff Station and Aviation Facility project. The basis of this request, according to ASR Constructors, Inc. was pursuant to Public Contract Code 4107 (a)(1), failure to execute a written contract after a reasonable opportunity to do so. The Redevelopment Agency then notified Pacific Roofing Systems of the request of ASR Constructors, Inc.  
(Continued on Page 2)

Robert Field  
Executive Director

<b>FINANCIAL DATA</b>	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:	2009-2010

**COMPANION ITEM ON BOARD OF SUPERVISORS AGENDA: No**

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

**C.E.O. RECOMMENDATION:**

APPROVE

BY: Jennifer L. Sargent

County Executive Office Signature

- Dep't Recomm.:  Consent
- Per Exec. Ofc.:  Consent
- Policy
- Policy

SEARCHED INDEXED

Prev. Agn. Ref.: Item 4.3 on June 30, 2009 | District: 4th | Agenda Number:

45

FORM APPROVED COUNTY COUNSEL  
BY: MARSHAL L. VICTOR  
DATE: 8/24/09

Departmental Concurrence

**BACKGROUND: (continued)**

On June 1, 2009 the Redevelopment Agency received a written objection from Pacific Roofing Systems to the substitution requested by ASR Constructors, Inc.

When objections to requests for substitutions are filed, Public Contract Code 4107 requires a hearing be conducted by the awarding authority or a designated officer to determine whether consent to such substitution is appropriate. In accordance with Public Contract Code 4107 and 4114, a hearing was scheduled to hear the matter under Resolution No. RDA 2009-027 which delegates the authority to the Executive Director of the Redevelopment Agency (or designated Assistant Director) to hold such hearings.

A hearing was held on August 6, 2009 and based on all the evidence and testimony provided by both ASR Constructors, Inc. and Pacific Roofing Systems, the Agency determined that: ASR demonstrated they provided the subcontractor, Pacific Roofing Systems, reasonable opportunity to enter into a contract based on the general terms, conditions, plans and specifications and for the scope and price specified in their sub-bid; and Pacific Roofing Systems failed to execute the contract. Consent to the subcontractor substitution proposed by ASR Constructors, Inc. was determined to be justified under the Public Contract Code. Pursuant to Public Contract Code Section 4114, the Board of Supervisors may adopt the recommendation by the Agency without further notice or hearing, or may set the matter for a de novo hearing before the Board. Agency staff recommends that the Board of Directors consent to the subcontractor substitution proposed by ASR Constructors, Inc.

RF:LB:CC:AER 9538

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