

FORM APPROVED COUNTY COUNSEL
 BY: *MSH* MARSHAL VICTOR
 DATE: 4/7/10

Reviewed by
 CP EAM
Chris
 Chrisogher Hans
 Departmental Concurrence

John R. Hawkins
 John R. Hawkins, Fire Chief
 Riverside County Fire Department

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

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

580



SUBMITTAL DATE:
 April 22, 2010

FROM: Redevelopment Agency
SUBJECT: Thermal Fire Station #39 Project

RECOMMENDED MOTION: That the Board of Directors:

1. Waive minor irregularity by the apparent low bidder ASR Constructors, Inc.;
2. Accept and award the construction contract to the lowest responsive bidder ASR Constructors, Inc., in the amount of \$2,857,000;
3. Approve the project budget of \$4,171,200;
4. Authorize the Chairman to sign the contract documents on behalf of the Board; and
5. Authorize the Assistant County Executive Officer/EDA, or designee to administer contract and provide change order authority for this contract in accordance with Board Policy B-11.

BACKGROUND: (Commences on Page 2)

Robert Field
 Robert Field
 Executive Director

| | | | | |
|-----------------------|-------------------------------|--------------|-------------------------|-------------|
| FINANCIAL DATA | Current F.Y. Total Cost: | \$ 4,171,200 | In Current Year Budget: | Yes |
| | Current F.Y. Net County Cost: | \$ 0 | Budget Adjustment: | No |
| | Annual Net County Cost: | \$ 0 | For Fiscal Year: | 09/10-10/11 |

COMPANION ITEM ON BOARD OF SUPERVISORS AGENDA: Yes

| | | |
|--|---|--------------------------|
| SOURCE OF FUNDS: Development Impact Fees (DIF) Eastern Coachella Valley Area Plan Fire Facilities Fund \$3,000,000 (71%) and Desert Communities Project Area Redevelopment Agency Capital Improvement Funds \$1,171,200 (29%) | Positions To Be Deleted Per A-30 | <input type="checkbox"/> |
| | Requires 4/5 Vote | <input type="checkbox"/> |

C.E.O. RECOMMENDATION:

APPROVE
Jennifer L. Sarger
 BY: Jennifer L. Sarger

County Executive Office Signature

Prev. Agn. Ref.: 3.27 of 07/31/07; 4.9 of 12/22/09; 9.10 of 12/22/09
District: 4
Agenda Number:

ATTACHMENTS FILED
 WITH THE CLERK OF THE BOARD

4.7

BACKGROUND:

On December 22, 2009, the Board made findings in accordance with Section 33445, adopted the Mitigated Negative Declaration (MND) RDA/CEQA 2008-03 and the Mitigation Monitoring Program (MMP), approved the plans and specifications, and authorized the Clerk of the Board to advertise the Notice of Inviting Bids for the Thermal Fire Station #39 Project. On February 4, 2010, 18 bids were received; the lowest bid was submitted by ASR Constructors, Inc., (ASR). During County Counsel's review of the bids, a protest was received challenging the bid submitted by the lowest bidder. The bid protest raised the issue that sufficient information was not provided by ASR to identify subcontractors for painting, plaster and rebar. ASR's bid listed only the company name and the city and protester believes there is no way to verify identity of the subcontractors. EDA staff conducted internet searches for subcontractors for this portion of work using only the information provided on bid form. Based on the information gathered, the identity of listed subcontractors for painting, plaster and rebar was positively verified. Additionally, painting subcontractor was listed as being in Norco, CA, not in Norwalk, CA, but that discrepancy did not hinder ability to identify subcontractor and confirm that they had submitted bid to ASR.

County Counsel has determined that upon waiver of the minor irregularity, the bid may be awarded to ASR Constructors, Inc. as the lowest responsible bidder. Therefore, EDA Staff recommends that the Board waive the minor irregularity and award the contract to the lowest bidder, ASR Constructors, Inc., in the amount of \$2,857,000 and approve the project budget as follows:

| | |
|----------------------|--------------------|
| Project Budget: | |
| Construction | \$2,857,000 |
| Permits | \$ 85,000 |
| Materials Testing | \$ 65,000 |
| Mitigation Measures | \$ 145,000 |
| Inspections | \$ 115,000 |
| Utilities | \$ 230,000 |
| Furniture/Fixtures | \$ 160,000 |
| Equipment | \$ 135,000 |
| Subtotal | <u>\$3,792,000</u> |
| Contingency 10% | <u>\$ 379,200</u> |
| Project Total | \$4,171,200 |

It is anticipated that by the end of this fiscal year, approximately 1/3 of the budget will be expended on the project, and the balance will be spent in fiscal year 2010-2011. The project will be funded by DIF Eastern Coachella Valley Area Plan Fire Facilities Fund and Desert Communities Project Area Redevelopment Agency Capital Improvement Funds and will not impact the County's General Fund.

Attachments:

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

AGREEMENT FORM

THIS AGREEMENT entered into this 30 day of MARCH, 2010, by and between ASR CONSTRUCTORS, 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: Thermal Fire Station #39 in strict accordance with the plans and specifications dated, April 2009, prepared by STK Architecture, 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 written Notice to Proceed by the Owner and shall be completed within (300) 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 Two Million Eight Hundred Fifty Seven Thousand Dollars (\$ 2,857,000.00), being the total of the Base Bid. ONLY

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 Workmens' 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 3 counterparts.

Type of Contractor's organization

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

N.A.

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 ALAN REBOTTI
Name of Secretary of Corporation PAT BERRY

Corporation is organized under the laws of the state of CALIFORNIA

Firm Name ASR CONSTRUCTORS, INC.
Signature _____
Title of Office PRESIDENT
Address 5230 WILSON ST, RIVERSIDE
Contractor's License No. 615395

AFFIX
SEAL

Attest: _____
Deputy

Owner
By: _____
Chairman, Board of Directors

Approved as to Form:

Seal

M. Victor 4/7/10
Agency Counsel Marsha L. Victor