



SUBMITTAL TO THE BOARD OF DIRECTORS  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



663

FROM: Regional Park & Open-Space District

SUBMITTAL DATE:  
4/5/10

SUBJECT: Rancho Jurupa Park Splash Pad Upgrade Project - District II

RECOMMENDED MOTION: That the Board approves and:

- 1) Authorizes the Chair of the Board to execute the agreement between the Riverside County Regional Park and Open-Space District and 4-Con Engineering Inc., Riverside, California, in the amount of \$289,900 for the Rancho Jurupa Park Water Splash Pad Upgrade Project; and
- 2) Instructs the Clerk of the Board to return four (4) executed copies of the agreement to the District for transmittal and file.

BACKGROUND: On March 2, 2010 (per Board Minute Order 13.1), the Board of Supervisors approved the plans and specifications for the Rancho Jurupa Park Splash Pad Upgrade Project, which included installation of a slip-resistant rubberized surface at the existing facility, removal and replacement of some components, construction of four (4) shade structures, and construction of a short walkway.  
(continued on page 2)

772-RJU Splash Pad Agreement for Construction

Scott Bangle, General Manager

<b>FINANCIAL DATA</b>	Current F.Y. Total Cost:	\$ 289,900	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

<b>SOURCE OF FUNDS:</b> 2002 Resources Bond Act	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	<input type="checkbox"/>

C.E.O. RECOMMENDATION:

APPROVE

BY:   
Alex Gann

County Executive Office Signature

ATTACHMENTS FILED WITH THE CLERK OF THE BOARD  
FORM APPROVED COUNTY COUNSEL  
BY: LARISA R-MCKENNA  
DATE: 4/24/10  
Departmental Concurrence

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

**SUBJECT:** Rancho Jurupa Park Splash Pad Upgrade Project - District II

The Clerk of the Board advertised for bids. Bids were received and publicly opened by the Clerk on March 17, 2010, with the Clerk receiving 4 bids as follows:

Dalke & Sons Construction:	\$223,680
4-Con Engineering, Inc.:	\$289,900
Korston Construction, Inc.:	\$297,800
Lifestyle Landscapes, Inc.:	\$308,135

District staff reviewed the bids, and found that Dalke's bid contained interlineations, some of which were initialed by the contractor and some that were not. Per Section 2 of the Instructions to Bidders in the Request for Bids (RFB), "The Bid Form shall not contain any erasures or interlineations. Failure to comply with this requirement may be cause for the rejection of a bid." Because of the inconsistency in the method for the interlineations in this case, the District is particularly concerned that the integrity of the bid could be called into question. Therefore, the District recommends that the bid be found nonresponsive.

Subsequent to bid opening, the District received a bid protest from 4-Con Engineering, charging that Dalke used a different surfacing material than that specified in the RFB. Dalke confirmed its bid used "Tumble Zone" surfacing, which is not approved by Riverside County Environmental Health for use in wet applications as it is made of porous rubber.

District staff reviewed the bids, and found the lowest responsive/responsible bidder to be 4-Con Engineering, Inc., Riverside, California in the amount of \$ 289,900.

**AGREEMENT**

**Rancho Jurupa Park Splash Pad Improvement Project**  
**PKARC – 088**

This Agreement is entered into at Riverside, California on May 4, 2010, and is between the **Riverside County Regional Park and Open-Space District**, hereafter called "DISTR!CT" and **4-Con Engineering, Inc**, Riverside, California, hereinafter called "CONTRACTOR".

1. CONTRACTOR has submitted to the DISTRICT its bid for the **Rancho Jurupa Park Splash Pad Improvement Project**, hereafter called "Project," and all appurtenant work in strict accordance with the Contract Documents identified below and the DISTRICT has accepted said bid.

2. CONTRACTOR has re-examined and carefully studied its bid and found it to be correct; ascertained that its subcontractors are properly licensed and possess the requisite skill and forces and will enter into agreements containing contractual terms identical to those of this Agreement; examined the site and fully understands all of the Contract Documents; and can do the work in accordance with the Contract Documents for the price set forth in its bid.

3. Contract Documents: The entire contract consists of the following: (a) this Agreement; (b) the Notice Inviting Bids; (c) the Instructions to Bidders; (d) the Bid Form; (e) the Bid Bond; (f) the Payment Bond; (g) the Performance Bond; (h) all applicable State and Federal requirements; (i) the General Provisions; (j) the Special Provisions (Technical Specifications); (k) Plans and Drawings; (l) any addenda issued for the project; (m) any change orders issued for the project; (n) any additional or supplemental specifications or drawings issued in accordance with the provisions of the Contract Documents; (o) meeting minutes and any field orders. All of these documents are by this reference incorporated herein with like effect as if here set forth in full; and upon the proper issuance of other documents they shall likewise be deemed incorporated.

4. The Work: CONTRACTOR shall do all things necessary to accomplish the work described in the Contract Documents and shall commence after receipt of the Notices to Proceed at the time and date specified by the DISTRICT.

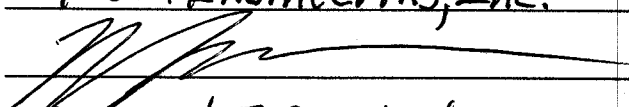
5. Compensation:

CONTRACTOR shall be paid the following total amount, in the manner set forth in the Contract Documents, the lump sum of:

\$289,900 (Two Hundred Eighty Nine Thousand Nine Hundred Dollars and 0/100)

The parties have executed this Agreement as of the date set forth on Page 1 of this Agreement.

**CONTRACTOR:**

COMPANY NAME: 4-Con Engineering, Inc.  
BY:   
NAME: Richard J. Garabedian  
TITLE: President

**OWNER:**

RIVERSIDE COUNTY REGIONAL PARK AND OPEN-SPACE DISTRICT

BY: \_\_\_\_\_  
Marion Ashley  
Chairperson, District Board of Directors

**ATTEST:**

CLERK OF THE BOARD  
Kecia Harper-Ihem

BY: \_\_\_\_\_

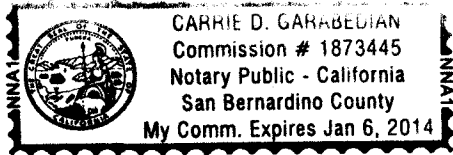
# CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California }  
County of San Bernardino } ss.

On March 31, 2010 Date before me, Carrie D. Garabedian, Notary Public  
Name and Title of Officer (e.g., "Jane Doe, Notary Public")

personally appeared Richard J. Garabedian  
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Carrie D. Garabedian  
Signature of Notary Public

## OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

### Description of Attached Document

Title or Type of Document: Agreement

Document Date: \_\_\_\_\_ Number of Pages: 2

Signer(s) Other Than Named Above: N/A

### Capacity(ies) Claimed by Signer(s)

Signer's Name: Richard J. Garabedian

- Individual  
 Corporate Officer  
Title(s): President  
 Partner --  Limited  General  
 Attorney-in-Fact  
 Trustee  
 Guardian or Conservator  
 Other: \_\_\_\_\_

RIGHT THUMBPRINT  
OF SIGNER

Top of thumb here

Signer is Representing:

4-Con Engineering, Inc.

Signer's Name: N/A

- Individual  
 Corporate Officer  
Title(s): \_\_\_\_\_  
 Partner --  Limited  General  
 Attorney-in-Fact  
 Trustee  
 Guardian or Conservator  
 Other: \_\_\_\_\_

RIGHT THUMBPRINT  
OF SIGNER

Top of thumb here

Signer is Representing: