

MINUTES OF THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



4.14

On motion of Supervisor Stone, seconded by Supervisor Buster and duly carried by unanimous vote, IT WAS ORDERED that the recommendation from Redevelopment Agency regarding Approval of the Findings for the Rubidoux Area II Street and Drainage Improvement Project; Acceptance of the Low Bid and Award of Construction Contract Mamco, Inc.; Approval of the Consulting Services Agreement with Heider Engineering Services, Inc. for Soils and Materials Testing and Inspection Services; Approval of the Consulting Services Agreement with Krieger and Stewart, Inc. for Construction Management Services; and Approval of the Total Project Budget, 2nd District is deleted from the agenda for Tuesday, June 28, 2011.

Deleted

Harper-Ihem, Kecia

From: Grant, Diana [Dgrant@rceo.org]
Sent: Tuesday, June 28, 2011 8:13 AM
To: Harper-Ihem, Kecia
Cc: Sargent, Jennifer
Subject: FW: Request to Pull items 3.46 and 4.14 6/28/11

Importance: High

See note below for this morning's agenda.

Diana M. Grant

CEO's Executive Assistant
Phone: (951) 955-1103
Fax: (951) 955-1105
E-mail: dgrant@rceo.org

From: Brandl, Lisa
Sent: Tuesday, June 28, 2011 8:12 AM
To: Sargent, Jennifer; Grant, Diana
Cc: Field, Robert; Waltman, Charles; Victor, Marsha; Kelly, Joan; Miller, Tim; Mahayni, Cheryl
Subject: Request to Pull items 3.46 and 4.14 6/28/11
Importance: High

We are requesting to have the following items pulled:

3.46 EDA: Approval of the findings for the El Cerrito Road and Storm Drain Improvements; and Consent to the Expenditure of Redevelopment Funds for the Project, 2nd District.

4.14 Redevelopment Agency: Approval of the Findings for the Rubidoux Area II Street and Drainage Improvement Project: Acceptance of the Low Bid and Award of the Construction Contract Mamco, Inc; Approval of the Consulting Services Agreement with Heider Engineering Services, Inc. for Soils and Materials Testing and Inspection Services; Approval of the Consulting Services Agreement with Krieger and Steward Inc. for Construction Management Services; and Approval of the Total Project Budget 2nd District.

Issues involving the bid are necessitating this request. Thank you.

Lisa Brandl
Managing Director
Economic Development Agency
County of Riverside
(951) 955-9812 Phone
(951) 955-9289 Fax
lbrandl@rivcoeda.org

3-46 + 4.14

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



FROM: Redevelopment Agency

SUBMITTAL DATE:
June 16, 2011

SUBJECT: Rubidoux Area II Street and Drainage Improvement Project – Findings & Project Award

RECOMMENDED MOTION: That the Board of Directors:

1. Make the following findings pursuant to Health and Safety Code Section 33445:
 - a) The construction of the Rubidoux Area II Street and Drainage Improvement Project is of primary benefit to the Jurupa Valley Redevelopment Project Area by helping to eliminate blight within the project area through constructing and improving drainage and sidewalks, streets, curb, and gutters to current development standards in an area that currently has intermittent sidewalks and poor drainage conditions;
 - b) No other reasonable means of financing the cost of the project are available to the community due to the fact that there are no county funds available;

(continued)

Robert Field

Robert Field
Executive Director

FINANCIAL DATA	Current F.Y. Total Cost:	\$ 7,015,248	In Current Year Budget:	Yes
	Current F.Y. Net County Cost:	\$ 0	Budget Adjustment:	No
	Annual Net County Cost:	\$ 0	For Fiscal Year:	2010/11

COMPANION ITEM ON BOARD OF SUPERVISORS AGENDA: Yes

SOURCE OF FUNDS: Jurupa Valley Redevelopment Capital Improvement Project Funds	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	<input type="checkbox"/>

C.E.O. RECOMMENDATION: APPROVE
Jennife L. Sargent
BY: _____
County Executive Office Signature Jennife L. Sargent

FISCAL PROCEDURES APPROVED
 PAUL ANGULO, CPA, AUDITOR-CONTROLLER
 DATE BY: 6/21/11 Samuel Shoy 6/21/11
 REVIEWED BY: SAMUEL SHOY
 FORM APPROVED COUNTY COUNSEL
 MARSHA L. VICTOR

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

Prev. Agn. Ref.: 3.9 & 4.1 of 3/11/03; 4.6 of 4/5/11 | District: 2 | Agenda Number: **4.14**

RECOMMENDED MOTION: (Continued)

- c) The payment of funds for the cost of the project is consistent with the Implementation Plan for the project area and is necessary to effectuate the purpose of the project area's Redevelopment Plan, which identifies road infrastructure as necessary improvements for the community; and
2. Find that the bid submitted by Mamco, Inc. was found to be nonconforming to the bid requirements by failing to include a non-collusion affidavit as required by the bid specifications.
3. Accept and award the construction contract to the second lowest responsive bidder, H&H General Contractors, Inc., in the amount of \$5,413,333;
4. Authorize the Chairman of the Board of Directors to sign the contract document on behalf of the Board;
5. Approve and authorize the Chairman of the Board of Directors to execute the attached consulting services agreement with Heider Engineering Services, Inc., for Soils and Materials Testing and Inspection Services in the amount of \$171,582.
6. Approve and authorize the Chairman of the Board of Directors to execute the attached consulting services agreement with Krieger & Stewart, Inc., for construction management services in the amount of \$464,000; and
7. Approve a total project budget of \$7,015,248.

BACKGROUND:

On March 11, 2003, the Board of Directors entered into an agreement with Pettit, Inc., to design and engineer the Rubidoux Area II Street Improvement Project in order to improve drainage conditions, pedestrian, and vehicular traffic along Crestmore, Daly, Wallace, 34th, 35th, 36th, 37th, and Odell Streets.

On April 5, 2011, the Board of Directors approved the plans and specifications and authorized the Clerk of the Board to advertise the Notice Inviting Bids for the project. The Notice Inviting Bids for the project was advertised on April 7, 2011 and April 14, 2011.

On June 6, 2011 at 2:00 pm, thirteen (13) bids were received and opened at the Clerk of the Board's Office. After a detailed review of the apparent lowest bidder Mamco, Inc., the bid was found to be nonconforming to the bid requirements by failing to include a non-collusion affidavit as required by the bid specifications. This affidavit was stated as a requirement in the bid documents, and it has been the practice of the Agency to determine a bidder non-responsive for failure to follow this requirement and submit the affidavit.

(Continued)

BACKGROUND: (Continued)

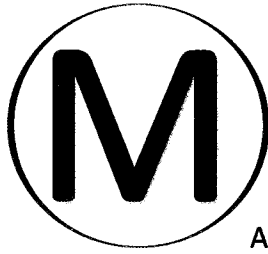
H&H General Contractors, Inc. was the second apparent lowest bidder. Upon review, County Counsel and the Agency determined that the second low bid submitted by H&H General Contractors, Inc., in the amount of \$5,413,333, is responsive and complete. Therefore, Agency staff recommends that the Board award the contract to the lowest responsive bidder, H&H General Contractors, Inc., in the amount of \$5,413,333, make the project findings, and consent to the construction project budget as follows:

Construction Budget:

Construction	5,413,333
Project Management & Inspection Fees	150,000
Utility Relocation & Development Fees	250,000
Construction Management	464,000
County Counsel	25,000
Soils, Materials, & Testing Services	171,582
Contingency	541,333
Total:	\$ 7,015,248

In addition, RDA staff released two Request for Qualifications (RFQ) on April 18, 2011, one for construction management and administration services, and a second RFQ for geotechnical material testing and special inspection services. Based on a detailed review of respondents Statement of Qualifications, RDA determined the most qualified construction management company to be Krieger & Stewart, Inc., and the most qualified geotechnical engineer to be Heider Engineering Services, Inc. RDA recommends that the Board make the findings, authorize the Chairman to sign the contract document on behalf of the Board, approve the total project budget, and execute the attached consulting services agreement for construction management and geotechnical engineering and special inspection services.

CA Lic. No. 883649



Mamco Construction

A General Engineering & General Building Contractor

Hand Delivered

June 27, 2011

Cor. 1187-2

County of Riverside
Office of the County Clerk
ATTN: County Clerk of the Board
Project Manager
4080 Lemon Street, 1st floor
Riverside, CA 92501

RE: Rubidoux Area II Street and Storm Drain Improvement Project
Bid Date June 6, 2011 at 2:00 p.m.
Response to Bid Rejection

Dear County Clerk of the Board:

It is with great disappointment that Mamco –the apparent low bidder of the subject project – learned that Mamco's bid will be rejected and that the second bidder will be recommended for award based on the alleged missing Non-Collusion Affidavit form.

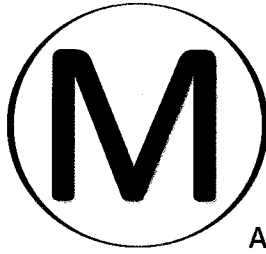
Attached is a letter that we request be presented to The County's Board of Supervisors prior to any decision being made on this matter. Thank you in advance for your assistance and please feel free to contact me directly at (951) 966-0634 if you should have any questions

Sincerely,

Rumzi AlAbbasi,
Vice President

CC: Erik Sydow, Riverside County EDA

CA Lic. No. 883649



Mamco Construction

A General Engineering & General Building Contractor

June 27, 2011

Dear Honorable Chairman and Supervisors:

It is with great disappointment that Mamco –the apparent low bidder of the subject project – learned that Mamco's bid will be rejected and that the second bidder will be recommended for award based on the alleged missing Non-Collusion Affidavit form.

Attached is a copy of the original Non-Collusion Affidavit that was submitted with the bid and three affidavits from office personnel who were involved in the preparation and delivery of the bid to The County. The bid package was delivered sealed to The County with the Non-Collusion Affidavit was included in it. During the period from delivery of the bid until the time that the bid was opened and read it was under the full control of The County. At the bid opening The County's personnel declared that the package was opened. During this period the bid package was opened before the actual reading of all bids and The County now alleges that the Non-Collusion Affidavit was not included.

Mamco has bid numerous jobs previously under the same procedures and never had this form missing. In fact Mamco also is lower than the second bidder by about half of million dollars, such lower cost to the County is in itself an indication of Mamco's non-collusion with other bidders. Mamco requests that The County either recommends award to Mamco, or at a minimum, that the job is rebid in the best interests of The County's tax payers.

Sincerely,

Rumzi Alabbasi,
Vice President

NON-COLLUSION AFFIDAVIT

TO BE EXECUTED BY BIDDER AND SUBMITTED WITH BID

STATE OF CALIFORNIA }
 }SS
COUNTY OF RIVERSIDE }

Marwan AlAbbasi, being first duly sworn, deposes and says:

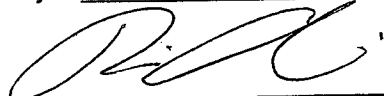
That he or she is Secretary of Mamco, Inc.

the party making the foregoing bid; that the bid is not made in the interest of, or on behalf of, any undisclosed person, partnership, company, association, organization, or corporation; that the bid is genuine and not collusive or sham; that the bidder has not directly or indirectly induced or solicited any other bidder to put in a false or sham bid, and has not directly or indirectly colluded, conspired, connived, or agreed with any bidder or anyone else to put in a sham bid, or that anyone shall refrain from bidding; that the bidder has not in any manner, directly or indirectly, sought by agreement, communication, or conference with anyone to fix the bid price of the bidder or any other bidder, or to fix any overhead, profit, or cost element of the bid price, or of that of any other bidder, or to secure any advantage against the public body awarding the contract of anyone interested in the proposed contract; that all statements contained in the bid are true; and, further, that the bidder has not, directly or indirectly, submitted his or her bid price or any breakdown thereof, or the contents thereof, or divulged information or data relative thereto, or paid, and will not pay, any fee to any depository, or to any member or agent thereof to effectuate a collusive or sham bid.



Signature

Subscribed and sworn to before me this 6th day of June, 2001



Signature of Officer Administering Oath

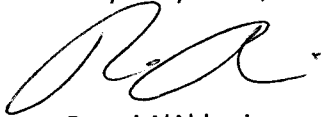
Affidavit

June 25, 2011

I, Rumzi AlAbbasi, am an adult above the age of 18 and I swear under the laws of penalty and perjury that on Monday June 6, 2011, I prepared all documents for the Rubidoux, Area II Street and Storm Drain Improvement Project. All documents, namely the Non-Collusion Affidavit, were completed and included in our bid proposal package.

Mamco, Inc.'s company procedure for the preparation and submittal of bid packages is consistent and standardized to avoid the possibility of negligently not filling out or misplacing certain documents. I personally prepared all bid documents and then handed them off to Mrs. Derosia for review. After her review is complete, the bid package was second checked by me and then I personally placed the completed bid package in the envelope for delivery to The County Clerk.

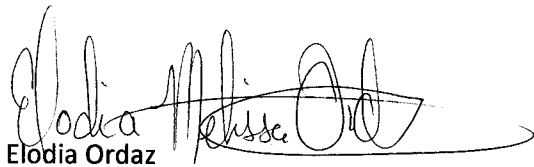
Very Truly Yours,

A handwritten signature in black ink, appearing to read 'R. AlAbbasi', with a small mark at the end of the signature.

Rumzi AlAbbasi

AFFIDAVIT

I, Elodia Ordaz, presented a completed and sealed bid for Mamco, Inc. to the County Clerk, Taisha, on June 6, 2011 for the Rubidoux Area II, Street and Storm Drain Bid at approximately 1:52 pm. The envelope was inspected and timed stamped by the clerk. At that point, I did not see the packet again until approximately 2:15 pm on the 5th floor of the County Building. During the bid opening the clerk announced the envelope was no longer sealed, but opened. I immediately went on record as stating the envelope was sealed when I presented the envelope to the county clerk downstairs.


Elodia Ordaz

June 23, 2011

AFFIDAVIT

June 23, 2011

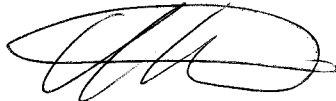
I, Kim DeRosia, am an adult above the age of 18 and swear under the laws of penalty and perjury that on Monday June 6, 2011, I review all documents for the Rubidoux, Area II Street and Storm Drain Improvement Project. All documents (including the Non-Collusion Affidavit) were completed and sealed in our envelope.

Our sealed envelope was handed to the County Clerk, a woman by the name of Tayesha on the first floor, which she time/date stamped at approximately 1:52 pm. The next time I saw our envelope was in a conference room on the 5th floor of the county building at approximately 2:15 pm. This is when the woman opening the envelopes announced that our envelope was not sealed and I immediately contested it, stating that we turned our envelope in sealed. The woman stated that she was writing on the envelope that it was not sealed when she went to open it.

I then made a comment to the gentleman that was helping her open the bids; I believe his name was Erik, that we turned the envelope sealed.

After all bids were read, I again spoke to the woman and Erik, notifying them that the envelope was sealed. I then proceeded down to the 1st floor to the clerk's office to find out what happened and the woman who collected the envelope was not available.

Thank you.



Kim DeRosia