



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Department Name: General Services
Department No.: 063
For Agenda Of: March 3, 2009
Placement: Administrative
Estimated Tme: N/A
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors
FROM: Department Bob Nisbet (560-1011)
Director(s)
Contact Info: Paddy Langlands, Assistant Director (568-3096)

SUBJECT: Clerk Recorder Assessor Election Records Storage Building Project #8648– Bid Relief due to Contractor Error

County Counsel Concurrence

As to form: Yes

Other Concurrence: Risk Management

As to form: Yes

Auditor-Controller Concurrence

As to form: Yes

Recommended Actions:

That the Board of Supervisors grant S.J. Deferville Construction, a local contractor, relief from their bid obligation on the Clerk Recorder Assessor (CRA) Election Records Storage Building, Project 8648, in light of a mathematical error in completing the bid form.

Summary Text:

On Thursday, December 18, 2008 twelve (12) bids were opened for the construction of the Election Records Storage Building. S.J. Deferville Construction, a local vendor, submitted a responsive bid in the amount of \$674,922. Deferville Construction subsequently requested relief from their bid obligations due to a mathematical error in completing their bid form. The project was subsequently awarded to the next lowest bidder in accordance with Public Contract Code, but a determination is yet to be made with regards to relieving Deferville Construction of their obligation.

Background:

The contract for construction of the Election Records Storage Building was competitively bid in October thru December of 2008. S.J. Deferville Construction, a local vendor, was deemed the apparent lowest responsible bidder and was subsequently issued a Notice of Intent to Award. On December 23, 2008, within 5 days of bid opening, Deferville notified the County in writing that their bid included a

mathematical error, and as a result they requested it be rejected. A subsequent letter detailed the error including relevant backup documentation, and requested relief under the relevant sections of the Public Contract Code. Per Public Contract Code section 5106, if the public entity deems it is for its best interest, it may, on refusal or failure of the successful bidder to execute the contract, award it to the second lowest bidder. Staff has reviewed the documents provided by Deferville, and found them to be consistent with a mathematical error in calculating the bid amount as described. As a result, Newton Construction, the next lowest bidder, was awarded the contract as approved by the Board on February 3, 2009 (administrative item A-12). Since all bidders were required to submit a bid bond, the County must determine whether or not to grant S.J. Deferville Construction relief from their obligation, or to take further action, possibly including action against the bid security.

Performance Measure:

Not applicable

Fiscal and Facilities Impacts:

None with this action.

Budgeted: Not applicable

Fiscal Analysis:

Staffing Impacts:

Legal Positions:

None

FTEs:

None

Special Instructions:

Please forward a copy of the Minute Order to Celeste Manolas, General Services Department - Support Services Div., Courthouse East Wing.

Attachments:

Authored by: Celeste Manolas, GS Project Manager, 568-2622