



Legislation Details (With Text)

File #:	10-00625	Version:	2
Type:	Agenda Item	Status:	Passed
File created:	6/25/2010	In control:	BOARD OF SUPERVISORS
On agenda:	7/13/2010	Final action:	7/13/2010
Title:	HEARING - Consider recommendations regarding the Santa Barbara Public Defender Remodel Project No. 8661 Award of Construction Contract, First District, as follows: (EST. TIME: 20 MIN.)		
	<p>a) Reject the bid submitted by Pavilion Construction as non-responsive, based on the following findings to be made by your Board:</p> <p>i) Pavilion Construction failed to list a millwork subcontractor with not less than 10 years local experience in historical commercial work of the complexity of this project, as required by the bid documents;</p> <p>ii) Pavilion Construction failed to furnish references for their listed millwork subcontractor showing not less than 10 such projects, as required by the bid documents;</p> <p>iii) Pavilion Construction's listed millwork subcontractor cannot fulfill the bid document specification requirement that applicable architectural woodwork items be fabricated and installed by one fabricator, as they do not fabricate custom doors;</p> <p>iv) Pavilion Construction's bid therefore contains a material deviation from the bid requirements which renders the bid non-responsive;</p> <p>v) This material deviation gave Pavilion Construction an unfair competitive advantage over bidders who complied with the same bid requirement; and</p> <p>vi) To the extent that the deviations from bid requirements may be considered immaterial, the Board elects to exercise its discretion by declining to waive any irregularities in Pavilion Construction's bid;</p> <p>b) Approve and authorize the Chair to execute a Fixed Price Construction Contract in the amount of \$3,099,500.00 to the lowest responsible bidder, Melchiori Construction Company Inc., (a local vendor) subject to the provisions of the documents and certifications as set forth in the plans and specifications applicable to the project and as required by California Law;</p> <p>c) Authorize the Director of General Services or his designee to approve change orders up to the limit specified in Public Contract Code Section 20142, or \$150,000.00 for this Contract; and</p> <p>d) Approve and authorize the Chair to execute the Construction Contract upon return of the Contractor's executed contract documents, and the review and approval of the County Counsel, Auditor-Controller and Risk Manager or their authorized representatives.</p> <p>COUNTY EXECUTIVE OFFICER'S RECOMMENDATION: APPROVE</p>		
Sponsors:	GENERAL SERVICES DEPARTMENT		
Indexes:			
Code sections:			
Attachments:	1. Board Letter 7/6/10, 2. Contract 7/6/10, 3. Board Letter 7/13/10, 4. Melchiori Construction Bid Protest Letter 5/28/10, 5. Pavilion Construction Response to Bid Protest 6/2/10, 6. Northwestern Design Qualifications Package, 7. Northwestern Design Reference Projects, 8. Melchiori Letter		

6/25/10, 9. Pavilion Construction Letter 6/30/10, 10. Draft Construction Contract, 11. Letter - Northwestern Design

Date	Ver.	Action By	Action	Result
7/13/2010	2	BOARD OF SUPERVISORS	Acted on as follows:	Pass
7/6/2010	1	BOARD OF SUPERVISORS	Set for a hearing, as follows:	Pass

HEARING - Consider recommendations regarding the Santa Barbara Public Defender Remodel Project No. 8661 Award of Construction Contract, First District, as follows: (EST. TIME: 20 MIN.)

a) Reject the bid submitted by Pavilion Construction as non-responsive, based on the following findings to be made by your Board:

i) Pavilion Construction failed to list a millwork subcontractor with not less than 10 years local experience in historical commercial work of the complexity of this project, as required by the bid documents;

ii) Pavilion Construction failed to furnish references for their listed millwork subcontractor showing not less than 10 such projects, as required by the bid documents;

iii) Pavilion Construction's listed millwork subcontractor cannot fulfill the bid document specification requirement that applicable architectural woodwork items be fabricated and installed by one fabricator, as they do not fabricate custom doors;

iv) Pavilion Construction's bid therefore contains a material deviation from the bid requirements which renders the bid non-responsive;

v) This material deviation gave Pavilion Construction an unfair competitive advantage over bidders who complied with the same bid requirement; and

vi) To the extent that the deviations from bid requirements may be considered immaterial, the Board elects to exercise its discretion by declining to waive any irregularities in Pavilion Construction's bid;

b) Approve and authorize the Chair to execute a Fixed Price Construction Contract in the amount of \$3,099,500.00 to the lowest responsible bidder, Melchiori Construction Company Inc., (a local vendor) subject to the provisions of the documents and certifications as set forth in the plans and specifications applicable to the project and as required by California Law;

c) Authorize the Director of General Services or his designee to approve change orders up to the limit specified in Public Contract Code Section 20142, or \$150,000.00 for this Contract; and

d) Approve and authorize the Chair to execute the Construction Contract upon return of the Contractor's executed contract documents, and the review and approval of the County Counsel, Auditor-Controller and Risk Manager or their authorized representatives.

COUNTY EXECUTIVE OFFICER'S RECOMMENDATION: APPROVE