

**TOWN OF  
APPLE VALLEY, CALIFORNIA**

**AGENDA MATTER**

**Subject Item:**

**AWARD CONTRACT FOR THE CONSTRUCTION OF THE APPLE VALLEY MUNICIPAL SERVICES ANIMAL SHELTER**

**Summary Statement:**

On November 4<sup>th</sup>, 5<sup>th</sup>, and 6<sup>th</sup> of 2008, bids were received and opened for the Apple Valley Municipal Animal Shelter Facility. After review, it was determined that seven of the bid packages had irregularities or that allowances were not included by the contractors in the bids. As a result, staff made a recommendation to reject all bids for Earthwork, Landscaping and Irrigation, Chain Link Fence and Gates, Water Proofing and Joint Sealants, Overhead Coiling Doors, Floor Coverings and Kennels and Animal Shelters, and solicit new bids. On December 9, 2008, Council authorized staff to re-bid the seven areas of the project.

Seven (7) bid packages were released for bidding. Responses to the bid packages were opened on January 6, 2009. Included with this staff report are responses to each bid package with the lowest responsive bidder highlighted. Staff recommends that Council reject all bids for Bid Package 22. Overhead Coiling Doors and Bid Package 32 Kennels and Animal Shelters and direct staff to further research the specifications in these areas to reduce costs and provide a savings to the project budget. Pursuant to State Law the Town Council may reject any bid for any reason and re-bid the work. (Continued)

**Recommended Action:**

1. Reject the bid protest based on a finding that the bid error may be waived as an immaterial irregularity.
2. Reject all bids for Bid Package 22. Overhead Coiling Doors and Bid Package 32 Kennels and Animal Shelters
3. Award/Reject the bid(s) as indicated on attachments for each bidding category and authorize staff to contract with the contracting firms subject to "Approval as to Form" by the Town Attorney and "Approval as to Content" by the Town Manager.

**Proposed by:** Municipal Services \_\_\_\_\_ **Item Number** \_\_\_\_\_

**T. M. Approval:** \_\_\_\_\_ **Budgeted Item**  Yes  No  N/A

**(Animal Shelter Continued)**

Eberhardt Construction received a protest regarding Teserra's Landscaping Bid from Marina Landscape Construction. The Town was advised of this protest and forwarded it to legal counsel for review.

Legal Counsel advised that they generally have waived *"the failure to sign the bid so long as the bid bond was provided, pursuant to Menefee v. County of Fresno (1985) 163 Cal. App. 3d 1175. In Menefee, the Court held that the failure to sign the bid form, while signing bid bond and other attachments was waivable as an immaterial irregularity.*

*In this case, it is alleged that the low bidder was not authorized to sign the bid based on information gathered from a State website. However, the low bidder has provided sufficient information demonstrating that he is authorized to sign the bid on behalf of the bidder. Based on Menefee, moreover, even if the signatory on the bid form was not authorized to bind the bidder, if the bidder provided the bid bond and did not otherwise claim misrepresentation, the error could be waived as immaterial.*

*Because a bid protest has been received in this instance, we recommend that the Town first reject the bid protest based on a finding that the bid error as immaterial as discussed above and then award the contract to the low bidder."*

**Bid Package No. 5  
Landscape  
Bid Results**

<b>Bid Pkg.</b>	<b>Title of Bid Package</b>	<b>Prime Contractor</b>	<b>Bid Amount</b>	<b>Lowest Bid Amount</b>	<b>Number</b>	<b>Comments</b>
<b>5</b>	<b>LANDSCAPING &amp; IRRIGATION</b>	Teserra	\$ 169,575.00	\$ 169,575.00	4	Suggest award to Teserra
		Marina	\$ 189,000.00			
		Soltis	\$ 196,948.00			
		Sierra Landscape Inc.	\$ 231,900.00			

As a result of re-bidding, the Town saved \$116,217 in the categories recommended for award, including earthwork. Staff hopes to save additional funds by researching the remaining Overhead Coiling Doors and Kennels and Animal Shelters specifications.

Review: Four bids were received in this category. Teserra Landscape is the lowest bidder at \$169,575 and has all required documentation.

**RECOMMENDED ACTION: Award the bid to Teserra Landscape in the amount of \$169,575.**

**Bid Package No. 7  
Chain Link  
Bid Results**

<b>Bid Pkg.</b>	<b>Title of Bid Package</b>	<b>Prime Contractor</b>	<b>Bid Amount</b>	<b>Lowest Bid Amount</b>	<b>Number</b>	<b>Comments</b>
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<b>7</b>	<b>CHAIN LINK FENCE &amp; GATES</b>	Econo Fence Inc.	\$ 96,362.00	\$ 96,362.00	1	Suggest award to Econo Fence
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Review: Econo Fence was the only and therefore the lowest bidder at \$96,362.00 and has all of the required documentation.

**RECOMMENDED ACTION: Award the bid to Econo Fence in the amount of \$96,362.**

**Bid Package No. 13  
Waterproofing  
Bid Results**

<b>Bid Pkg.</b>	<b>Title of Bid Package</b>	<b>Prime Contractor</b>	<b>Bid Amount</b>	<b>Lowest Bid Amount</b>	<b>Number</b>	<b>Comments</b>
13	<b>WATER PROOFING &amp; JOINT SEALANT</b>	Waterproofing Experts	\$63,640.00	\$63,640.00	2	Suggest award to Waterproofing Experts
		Best Contracting Services	\$99,490.00			

Review: Two bids were received in this category. Waterproofing Experts is the lowest bidder at \$63,640 and has all the required documentation.

**RECOMMENDED ACTION: Award the bid to Waterproofing Experts in the amount of \$63,640.**

**Bid Package No. 22  
Overhead Coiling Doors  
Bid Results**

<b>Bid Pkg.</b>	<b>Title of Bid Package</b>	<b>Prime Contractor</b>	<b>Bid Amount</b>	<b>Lowest Bid Amount</b>	<b>Number</b>	<b>Comments</b>
22	OVERHEAD COILING DOORS	Norse Corporation	\$20,500.00	\$20,500.00	1	Suggest do not award - further review

Review: Only one bid was received on this item by Norse Corporation in the amount of \$20,500. Staff recommends not awarding this Bid Package pending further research.

**RECOMMENDED ACTION: Reject all bids and direct staff to re-bid Bid Package No. 22 Overhead Coiling Doors.**

**Bid Package No. 27  
Floor Coverings  
Bid Results**

Bid Pkg.	Title of Bid Package	Prime Contractor	Bid Amount	Lowest Bid Amount	Number	Comments
<b>27</b>	<b>FLOOR COVERINGS</b>	Golden State Flooring	\$223,800.00	\$223,800.00	4	Suggest award to Golden State Flooring
		Sun Belt Flooring	\$230,000.00			
		ProSpectra	\$291,000.00			
		Western Industrial Tech	\$294,450.00			

Review: Four bids were received in this category. Golden State Flooring is the lowest bidder at \$223,800 and has all of the required documentation.

**RECOMMENDED ACTION: Award the bid to Golden State Flooring in the amount of \$223,800.**

**Bid Package No. 32  
Kennels/Shelters  
November 6, 2008  
Bid Results**

Bid Pkg.	Title of Bid Package	Prime Contractor	Bid Amount	Lowest Bid Amount	Number	Comments
32	<b>KENNELS &amp; ANIMAL SHELTERS</b>	Norse Corporation	\$703,619.00	\$703,619.00	3	Suggest do not award - further review
		Paul Cesare	\$36,400.00			Not complete
		LGL Animal Care Products	\$389,038.00			Not complete

Review: Three bids were received in this category. Two of the bids received were not complete. The lowest bid received was from Norse Corporation in the amount of \$703,619. Staff recommends rejecting all bids, which will allow staff to research the specifications and determine if there are any cost savings that can result in this component of the project.

**RECOMMENDED ACTION: Reject all bids and direct staff to re-bid Bid Package No. 32 Kennels/Shelters.**