

**TOWN OF
APPLE VALLEY, CALIFORNIA**

AGENDA MATTER

Subject Item:

AWARD CONTRACT FOR THE CONSTRUCTION OF THE APPLE VALLEY TOWN HALL ANNEX AND CIVIC CENTER

Summary Statement:

On January 27th and 28th of 2009, bids were received and opened for the Apple Valley Town Hall Annex and Civic Center. After review, it was determined that none of the bid packages had irregularities and all low bidders were fully- responsive. Only one bid package had no response (operable partitions).

Thirty-five (35) bid packages were released for bidding. Responses to the bid packages were opened on January 27th and 29th 2009. Included with this staff report are summaries to each bid package with the lowest responsive bidder highlighted. Details of bid submittals for each of the bid packages are available at the Town Clerk's office. Staff recommends that Council award bids for thirty-two (32) of the thirty-five (35) Bid Packages and solicit bids for the non-responsive bid package #28 for operable partitions.

Eberhardt Construction received a protest regarding AJ Fistes Bid (# 26 painting) from Saunders & McMillin Construction and protest regarding A-1 Quality Blinds (#33 roller shades) from Inland Construction. The Town was advised of this protest and will forward these to legal counsel for review. If necessary, these two bid items will be brought back to Council after said review.

Recommended Action:

Award the bid(s) as indicated on attachments for each bidding category except bid packages #26, #28, #33 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: Building and Safety Division Item Number _____

T. M. Approval: _____ Budgeted Item Yes No N/A

Town of Apple Valley
Attn: Claude Stewart
14955 Dale Evans Parkway
Apple Valley, CA 92307

02/12/2009

**Re: Bid Proposal analysis results and comments
Apple Valley Town Hall Expansion**

Dear Claude,

After reviewing 169 bid proposals presented as sealed bids and opened publicly on January 27 and 28, 2009 Eberhardt Construction, Inc. offers the following written summary and Excel Spreadsheet titled "Apple Valley Town Hall Expansion Bid Proposal Spreadsheet" dated 2/12/2009 for your consideration:

General project and bid information is as follows:

A) Three addenda were issued.

1) Addendum #1 was issued concurrently with the plans and specifications on January 7th, 2009. All of Addendum #1 was incorporated into the plans and specifications that were initially issued to prospective bidders on January 7. Distributed after plan submittal to the Town, but prior to official public bid announcement, Addendum #1 represents Dougherty+Dougherty and Eberhardt Construction, Inc's commitment to resolving as many inconsistencies as possible so as to try to mitigate future change orders.

2) Addendum #2 was issued on January 23, 2009.

Bid packages whose scope changed or experienced cost implications as a result of this addendum are as follows:

03 Site Utilities- Clarification of sewer tie-in at Bldg. B.

10 Rough Carpentry- Revised bracing details at operable partition.

25 Floor Covering- Clarified carpet installation methods: change from trowel-applied adhesive to double sided tape. Also altered carpet backer material specification to become recycled.

29 Fire Sprinklers- Section 15600 inserted into specifications.

30 Plumbing- Section 15400 inserted into specifications.

32 Electrical- Sound and low voltage system clarifications.

3) Addendum #3 was issued concurrently with Addendum #2 on January 23, 2009.

Only one bid package was affected by this addendum, which addressed conflicting specifications as to the thickness of the rigid foam insulation. An erroneous reference to 1.7" thick foam was deleted and the correct reference to 5" thick foam was clarified.

14 Roofing- Clarified roof insulation thickness over metal deck.

B) A total of 35 bid packages were issued with an average rate of coverage of 4.83 bidders per package. Bid package #3 Site Utilities and bid package #32 Electrical each received 11 bids. Only one package, #28 Operable Partitions, was non-responsive. The breakdown of bid coverage is as follows:

11 Bidders-	03 Site Utilities 32 Electrical
10 Bidders	07 Building Concrete 26 Painting
8 Bidders	05 Landscape & Irrigation 30 Plumbing
7 Bidders	04 Site Concrete 14 Roofing
6 Bidders	08 Masonry 10 Rough Carpentry 17 Doors, Frames and Hardware 18 Glazing and Curtainwall 22 Plaster 25 Floor covering 31 HVAC
4 Bidders	02 Earthwork 15 Sheet Metal and Flashing 23 Ceramic Tile 24 Acoustical Treatment 27 Signs
3 Bidders	01 Survey 09 Structural Steel 11 Millwork 12 Waterproofing 13 Insulation 20 Coiling Doors 21 Drywall and Gypsum 29 Fire Sprinklers 33 Roller Shades
2 Bidders	06 AC Paving and Striping 19 Tubular Skylights 35 Translucent Panel System
1 Bidder	16 Metal Studs 34 Toilet Partitions
Non-responsive	Operable Partitions

C) On September 17, 2008 the idea of incorporating a “Community Meeting Room” into the Town Hall Expansion was given new life during a meeting with Frank Robinson and the rest of the design/construction team. As a result of this meeting, Dougherty+Dougherty began to fast-track the process of completing the design and engineering of the Conference Center structure. It became clear that, in order to keep costs as low as possible, the Conference Center plans needed to be released and bid concurrently with the Town Hall Expansion to

maximize economy of scale. The successful end result of these efforts is known as Bid Alternate #1- Conference Center.

- D) The following information summarizes the results of each bid package and puts forth the recommendations of Eberhardt Construction, Inc. Please note that the stated bid amounts represent the sum of the base bid plus alternate #1.

01 SURVEYING

3 total bidders

J.E. Miller and Associates is the apparent low bidder at **\$14,315**. Form 00433 (*Workman's Comp. Certification*) was not included as a part of their bid proposal. Addenda 2 & 3 were also left unacknowledged.

DGRK is the next lowest bidder at \$16,850. Their bid package should be considered as responsive.

Considerations for acceptance or rejection of J.E. Miller's bid proposal are as follows:

- Although J.E. Miller failed to include the Worker's Compensation Certification (form 00433) in their proposal they have recently established that they do carry the required Workman's Comp Insurance.
- They specifically acknowledge addendum #1. Addenda 2 and 3 have no material or cost effect on this bid package. In addition, specific language exists in Document 00200- Information to Bidders which states, "*Bidders are responsible for ensuring that they have received any and all Addenda. By submitting a bid, bidder acknowledges receipt of all addenda and has included requirements of the same in the bid.*"
- ECI recommendation: Award to J.E. Miller.

02 EARTHWORK

4 total bidders

Cooley Construction is the apparent low bidder at **\$85,200**. They submitted a fully responsive bid proposal.

- ECI recommendation: Award to Cooley Construction.

03 SITE UTILITIES

11 total bidders

Apple Valley Construction is the apparent low bidder at **\$127,750**. They submitted a fully responsive bid proposal.

- ECI recommendation: Award to Apple Valley Construction.

04 SITE CONCRETE

7 total bidders

Bogh Construction is the apparent low bidder at **\$209,270**. They submitted a fully responsive bid proposal. Additionally, Eberhardt Construction, Inc. surveyed 3 of Bogh's professional references and each of these references attested to Bogh's quality, timeliness, and professionalism. Bogh Construction specializes in Public Works construction and is therefore experienced in competitively pricing and executing this type of project.

- ECI recommendation: Award to Bogh Construction.

05 LANDSCAPE AND IRRIGATION

8 total bidders

Teserra Landscape is the apparent low bidder at **\$150,590**. They submitted a fully responsive bid proposal.

- ECI recommendation: Award to Teserra Landscape.

06 AC PAVING AND STRIPING

2 total bidders

Cooley Construction is the apparent low bidder at **\$63,430**. They submitted a fully responsive bid proposal.

- ECI recommendation: Award to Cooley Construction.

07 BUILDING CONCRETE & REINFORCEMENT

10 total bidders

Bogh Construction is the apparent low bidder at **\$680,000**. They submitted a fully responsive bid proposal. Additionally, Eberhardt Construction, Inc. surveyed 3 of Bogh's professional references and each of these references attested to Bogh's quality, timeliness, and professionalism. Bogh Construction specializes in Public Works construction and is therefore experienced in competitively pricing and executing this type of project.

- ECI recommendation: Award to Bogh Construction.

08 MASONRY

6 total bidders

ASR Constructors is the apparent low bidder at **\$175,000**. They submitted a fully responsive bid proposal.

- ECI recommendation: Award to ASR Constructors.

09 STRUCTURAL STEEL & MISC METALS

3 total bidders

KCB Towers is the apparent low bidder at **\$946,130.00**. They submitted a fully responsive bid proposal.

- ECI recommendation: Award to KCB Towers.

10 ROUGH CARPENTRY

6 total bidders

West-Helm Construction is the apparent low bidder at **\$183,900**. They submitted a fully responsive bid proposal. Bid package #10 Rough Carpentry is unique to all other 34 packages in that it is only to be considered if the Town decides to proceed with the bid alternate #1. There is no Rough Carpentry in either building A or B of the base bid.

- ECI recommendation: Award West-Helm Construction.

11 MILLWORK AND FINISH CARPENTRY

3 total bidders

Stolo Cabinets is the apparent low bidder at **\$82,000**. Although they failed to write in an acknowledgement of the Addenda, it should be noted that the Addenda did not affect their scope of work. In addition, specific language exists in Document 00200-Information to Bidders which states, *“Bidders are responsible for ensuring that they have received any and all Addenda. By submitting a bid, bidder acknowledges receipt of all addenda and has included requirements of the same in the bid.”*

Lozano Caseworks was the next lowest bidder at \$82,175. They submitted a substantially complete bid proposal.

- ECI recommendation: Award to Stolo Cabinets.

12 WATERPROOFING AND JOINT SEALANT

3 total bidders

ASR Constructors is the apparent low bidder at **\$24,160**. They submitted a fully responsive bid proposal. It should be noted that they were substantially lower than the other two bidders. A conversation with ASR confirmed that they are aware of the full scope of this bid package and continue to be confident that their proposal is thoroughly inclusive of all of its requirements.

- ECI recommendation: Award to ASR Constructors.

13 INSULATION

3 total bidders

F. Rodgers Company is the apparent low bidder at **\$28,275**. They submitted a fully responsive bid proposal.

- ECI recommendation: Award to F.Rodgers Company.

14 ROOFING

7 total bidders

Waterproofing Experts is the apparent low bidder at **\$288,355**. Their bid proposal did not acknowledge Addenda 2 and 3 and addendum #2 certainly affects this bid package in terms of quantity of insulation board installed.

Chaparosa Roofing is the next lowest bidder at \$301,592. Their bid proposal should be considered fully responsive.

- ECI recommendation: Award to Chaparosa Roofing.

15 SHEETMETAL, FLASHING & PREFORMED ROOF PANELS

4 total bidders

United Contractors is the apparent low bidder at **\$230,140**. They submitted a fully responsive bid proposal.

- ECI recommendation: Award to United Contractors.

16 METAL STUDS, SHEETING & DECKING

1 total bidder

Caston Plastering is the only and apparent low bidder at **\$1,018,585**. They submitted a fully responsive bid proposal.

Reasons to eschew a rebid due to minimal response:

- 1) Caston is low bidder for BP22 Plaster.
 - 2) Caston is low bidder by 20% on BP 21 Interior Gypsum Drywall.
 - 3) Points 1 and 2 (above) indicate that Caston's bid is more than likely competitive.
 - 4) "Quality/Consistency" of a single vendor who installs the metal studs also being the same vendor for plaster and drywall. Not enough can be said about this point. The Town should consider this advantage.
 - 5) Caston proposes to self-perform the metal decking. This trade is most often "subbed-out". This indicates potential cost savings.
 - 6) If the Town should opt to rebid, this package should get broken into 2 unique packages:
 - a) Metal Studs and Sheeting
 - b) Metal Decking

There is a real likelihood that the rebids could come in higher than Caston's original bid due to a loss of economy of scale and potential subcontracting of metal decking.
 - 7) Caston has indicated they will not rebid this job.
 - 8) Caston employs 50-100 people, with approximately 50 of them residing in the Apple Valley region. Caston assures us that they will use local men for this job.
 - 9) Caston has a 20+ year relationship with 2 of the other low bidders: Bogh Construction and KCB Towers. This kind of cooperation can contribute to higher overall quality and efficiencies of time, and reducing change orders.
 - 10) Caston has indicated that they would allow other trades to use their scaffolding, thereby saving time for the Town.
- ECl recommendation: Award to Caston Plastering.

17 DOORS, FRAMES & HARDWARE

6 total bidders

McKernan Construction is the apparent low bidder at **\$109,055**. They submitted a fully responsive bid proposal.

- ECl recommendation: Award to McKernan Construction.

18 GLAZING AND CURTAINWALL

6 total bidders

Queen City Glass is the apparent low bidder at **\$409,530**. They submitted a fully responsive bid proposal. Queen City's base bid and alternate prices were noted in an atypical, yet technically correct fashion on Bid Proposal form 00400. Their base bid amount was indicative of all three buildings and their Alternate #1 price was properly indicated as "deductive" (indicating that the cost for Alternate #1 should be *deducted* in the event the Alternate was not chosen by the Town). While Queen City's interpretation of the contract documents was unusual as compared to most other bidders, their presentation of their bid proposal conforms to the requirements of the bid documents.

- ECl recommendation: Award to Queen City Glass.

19 TUBULAR SKYLIGHTS

2 total bidders

Inland Building Construction is the apparent low bidder at **\$13,800**. They submitted a fully responsive bid proposal.

Although only 2 proposal were received for this bid package, it is unlikely that a significant cost savings would be realized by putting this package out to bid again.

- ECI recommendation: Award to Inland Building Construction.

20 COILING DOORS

3 total bidders

Inland Overhead Door is the apparent low bidder at **\$11,426**. They submitted a fully responsive bid proposal.

- ECI recommendation: Award to Inland Overhead Door.

21 DRYWALL GYPSUM BOARD (INTERIOR)

3 total bidders

Caston Plastering is the apparent low bidder at **\$205,585**. They submitted a fully responsive bid proposal.

- ECI recommendation: Award to Caston Plastering.

22 PLASTER

6 total bidders

Caston Plastering is the apparent low bidder at **\$259,585**. They submitted a fully responsive bid proposal.

- ECI recommendation: Award to Caston Plastering.

23 CERAMIC TILE

4 total bidders

Golden State Floor Covering is the apparent low bidder at **\$92,600**. Although they didn't acknowledge any of the addenda, these addenda did not affect their scope of work. In addition, specific language exists in Document 00200- Information to Bidders which states, *"Bidders are responsible for ensuring that they have received any and all Addenda. By submitting a bid, bidder acknowledges receipt of all addenda and has included requirements of the same in the bid."*

The next low bidder is Inland Pacific Tile at \$103,000. They submitted a fully responsive bid proposal.

- ECI recommendation: Award to Golden State Floor Covering.

24 ACOUSTICAL TREATMENT

4 total bidders

Elljay Acoustics is the apparent low bidder at **\$92,847**. They submitted a fully responsive bid proposal.

- ECI recommendation: Award to Elljay Acoustics.

25 FLOOR COVERING

6 total bidders

Although Carpet Club, Inc. appears to be the low bidder, their base bid amount included the Alternate and Eberhardt Construction Inc. is in receipt of a letter affirming this fact. Their clarification removes them from low-bid position.

Golden State Floor Covering is the actual low bidder at \$83,548. They did not specifically list the addenda. As previously stated, specific language exists in Document 00200-Information to Bidders which states, *"Bidders are responsible for ensuring that they have received any and all Addenda. By submitting a bid, bidder acknowledges receipt of all addenda and has included requirements of the same in the bid."*

Addendum #2 provided clarifications to methods of carpet adhesion and altered the backer material. According to the carpet manufacturer *InterfaceFLOR Commercials Inc.*, there is no cost difference between the originally specified carpet backer and that specified in Addendum #2. *InterfaceFLOR* also maintains that the tape-applied method is comparable to trowel-applied in terms of overall material and labor costs.

The next low bidder is New Image Commercial Flooring at \$98,441. They submitted a fully responsive bid proposal.

- ECI recommendation: Award to Golden State Floor Covering.

26 PAINTING

10 total bidders

A.J. Fistes is the apparent low bidder at **\$86,350**. Their bid proposal only acknowledged Addendum #1. Addenda 2 and 3 have no material impact upon this bid package, and therefore A.J. Fistes should be considered the lowest responsive bidder. In addition, specific language exists in Document 00200- Information to Bidders which states, *"Bidders are responsible for ensuring that they have received any and all Addenda. By submitting a bid, bidder acknowledges receipt of all addenda and has included requirements of the same in the bid."*

Saunders and McMillan presented the second lowest bid proposal at \$113,000. They submitted a fully responsive bid proposal. They have also initiated a letter of protest against A.J. Fistes claiming their failure to acknowledge Addenda 2 and 3. This letter is included as Attachment A.

- ECI recommendation: Award to A.J. Fistes.

27 SIGNS

4 total bidders

A2Z Signs is the apparent low bidder at **\$15,401**. They submitted a fully responsive bid proposal.

- ECI recommendation: Award to A2Z Signs.

28 OPERABLE PARTITIONS

non-responsive

This bid package likely will be valued at under \$25,000, which allows the Town to pursue bids without the "sealed bid" constraints.

- ECI recommendation: Solicit bids from a minimum of 3 contractors.

29 AUTOMATIC FIRE SPRINKLERS

3 total bidders

JPI Development is the apparent low bidder at **\$93,000**. They submitted a fully responsive bid proposal.

- ECI recommendation: Award to JPI Development.

30 PLUMBING

8 total bidders

Fischer, Inc. is the apparent low bidder at **\$168,000**. They submitted a fully responsive bid proposal.

- ECI recommendation: Award to Fischer, Inc.

31 HVAC

6 total bidders

Comfort Conditioning is the apparent low bidder at **\$1,048,600**. They submitted a fully responsive bid proposal.

- ECI recommendation: Award to Comfort Conditioning.

32 ELECTRICAL

11 total bidders

RDM Electric is the apparent low bidder at **\$758,000**. They submitted a fully responsive bid proposal.

- ECI recommendation: Award to RDM Electric.

33 ROLLER SHADES

3 total bidders

A-1 Quality Blinds is the apparent low bidder at **\$35,758**. They did not acknowledge Alternate #1 in writing, but have verbally indicated they do willingly include the Alternate. In addition, specific language exists in Document 00200- Information to Bidders which states, *"Bidders are responsible for ensuring that they have received any and all Addenda. By submitting a bid, bidder acknowledges receipt of all addenda and has included requirements of the same in the bid."*

A-1 failed to sign form 00400, but indicate their willingness to do so.

A-1 failed to conform to 6.1.1 of document 00900 (Special Conditions-Trade Specific) and should be deemed non-responsive.

Inland Building Construction is the next lowest bidder at \$72,000. They submitted a fully responsive bid proposal. Inland has also initiated a letter of protest against A-1 Quality Blinds. This letter is included as Attachment B.

- ECI recommendation: Rebid at a later date.

34 TOILET PARTITIONS

1 total bidder

Inland Building Construction is the apparent low bidder at **\$34,400**. They submitted a fully responsive bid proposal. Since only one contractor responded to the bid invitation, we believe that "best market price" has not been represented.

- ECI recommendation: Possible Rebid.

35 TRANSLUCENT PANEL SYSTEM

2 total bidders

CPI Daylighting is the apparent low bidder at **\$154,380**. They submitted a fully responsive bid proposal.

- ECI recommendation: Award to CPI Daylighting.

E) ALLOWANCES.

In the "Town of Apple Valley Bid Proposal Spreadsheet", monetary allowances totaling \$306,500 are noted. These are estimated costs that can reasonably be expected to occur, based upon the experience of Eberhardt Construction Inc. These amounts are expressed only within this spreadsheet: they are not a part of any bidder's proposed price. In the event that any portion of these allowances become a necessary expenditure, the Town may use its discretion as to whom/how any monies are applied.

There are certain other Allowances that are beyond the purview of Eberhardt Construction Inc., but should nevertheless become a part of the Town's overall construction budget. This is not to be construed as a complete list, but rather as a reminder to allocate funds for these areas and others like them.

- SWPPP Compliance
- Materials Testing
- Special Inspections
- Furniture
- Temporary Security
- Apple Valley Ranchos Water- sewer and water connections
- Southwest Gas
- Edison transformer and street bore

Attached, please find the comparison spreadsheet titled "Apple Valley Town Hall Expansion Bid Proposal Spreadsheet" dated 2/12/2009. In addition to summarizing the bid results, you will also find estimated budgets for other predictable costs that the Town can reasonably assume for a project of this scope. Please note that column I, "Low aggregate bid" is being used as the basis for calculation due to the Town's indication that they desire to proceed with Bid Alternate #1.

We are pleased with the number of bidders and their responsiveness to the bid documents. We anticipate the overall construction costs, inclusive of allowances and a 5% contingency, to come in at just under \$300 per foot.

Please review these documents and feel free to contact Eberhardt Construction with any questions or concerns.

Sincerely,

Kevin Slazas
Eberhardt Construction, Inc.

Attachments:

Spreadsheet - "Apple Valley Town Hall Expansion Bid Proposal Spreadsheet"

Attachment A - Letter of Protest by Saunders and McMillan, Inc.

Attachment B - Letter of Protest by Inland Building Construction Companies, Inc.