



Agenda Item No. 3

To: Building and Operating Committee/Committee of the Whole  
Meeting of June 26, 2008

From: Ewa Z. Bauer, Deputy District Engineer  
Denis J. Mulligan, District Engineer  
Celia G. Kupersmith, General Manager

Subject: **APPROVE ACTIONS RELATIVE TO AWARD OF CONTRACT NO. 2009-BT-2, SAN RAFAEL BUS FACILITY SECURITY IMPROVEMENTS, TO SONOMA COUNTY BUILDERS, INC.**

**Recommendation**

The Building and Operating Committee recommends that the Board of Directors approve the following actions relative to Contract No. 2009-BT-2, *San Rafael Bus Facility Security Improvements*:

1. Waive minor irregularities presented in the bid of Sonoma County Builders, Inc., and authorize award of Contract No. 2009-BT-2, to Sonoma County Builders, Inc., Santa Rosa, CA, in the amount of \$590,108.22;
2. Authorize a construction contingency fund for Contract No. 2009-BT-2, in an amount of \$59,010, equal to 10% of the contract award; and,
3. Approve a budget increase in the FY 07/08 Bus Division Capital Budget in the amount of \$624,419, bringing the total project budget to \$877,419, to be financed by \$411,119 from grants from the Transit Security Grant Program (TSGP) and \$213,300 from District reserves, subject to the concurrence of the Finance-Auditing Committee at its meeting of June 26, 2008.

This matter will be presented to the Finance-Auditing Committee at its June 26, 2008, meeting for concurrence and to the Board of Directors at its June 27, 2008, meeting for appropriate action.

**Summary**

The San Rafael Bus Facility is the primary location of the District's four bus facility locations used to store, stage and maintain the District's bus fleet. The facility property is located in an industrial area on Andersen Drive and is surrounded by various types of chain link fencing. The District's security staff performed an evaluation of the facility's security features and determined that security improvements were necessary to better protect the District's assets. The District applied for and received grants from the Transit Security Grant Program (TSGP) to construct and

install physical security improvements at the facility. District staff prepared the plans and specifications for the improvements which include installing uniform security fencing around the perimeter of the property, access control gates and closed circuit cameras as well as the associated infrastructure to support these features.

Contract No. 2009-BT-2, *San Rafael Bus Facility Security Improvements*, was advertised for bids on May 20, 2008. On June 17, 2008, the following three bids were received, opened and publicly read:

<u>COMPANY</u>	<u>TOTAL AMOUNT</u>
1. Sonoma County Builders, Inc. Santa Rosa, California	\$590,108.22
2. Valentine Corporation San Rafael, California	\$653,270.00
3. Ghilotti Bros., Inc. San Rafael, California	\$683,990.00

The Engineering staff, DBE Program Office and Attorney have evaluated the bids and concluded that the apparent responsive, responsible low bidder is Sonoma County Builders, Inc., (Sonoma County Builders) with a bid price of \$590,108.22. The Attorney evaluated Sonoma County Builders' bid and determined that there were two irregularities. The first irregularity was that on the Bidder's Statement of Qualifications and Business References form, Sonoma County Builders claimed to be a partnership rather than a corporation and did not list its state of incorporation. It was determined that this was a minor irregularity that could be waived by the District.

The second irregularity was that Sonoma County Builders mistakenly filled out both sections of the Buy America Certificate, rather than only one section, as required. This mistake was also made by the second lowest bidder, Valentine Corporation. The mistake created a question as to whether Sonoma County Builders could or could not comply with the Buy America requirements. Upon further due diligence, Sonoma County Builders submitted a correctly completed Buy America Certificate indicating its intent to fully comply with the Buy America requirements applicable to this federally funded contract. With this clarification, it was determined that Sonoma County Builders' mistake in filling out the Buy America Certificate was a minor irregularity that could be waived by the District.

No contract-specific Disadvantaged Business Enterprise (DBE) goal was established for this Contract. However, bidders were strongly encouraged to obtain DBE participation and were required to document their activities in the solicitation and selection of subcontractors, subconsultants, and suppliers to ensure that this process was carried out in a nondiscriminatory manner. The DBE Program Administrator has determined that Sonoma County Builders, Inc., has complied with the DBE requirements applicable to the contract. At this time, no DBE participation is anticipated during the performance of this Contract.

**Fiscal Impact**

This project is included in the FY 07/08 Bus Division Capital Budget in the amount of \$253,000, which is funded with TSGP grant funds. Additional grant funds are available, however staff costs, including the Indirect Cost Allocation Plan (ICAP), are not eligible for reimbursement by this grant program. A capital budget increase in the amount of \$624,419, funded with \$411,119 in additional TSGP funds and \$213,300 from District reserves is required to fully fund this project at the estimated total cost of \$877,419. The detailed budget for this project is as follows:

<b><u>BUDGET ITEM</u></b>	<b><u>COST</u></b>
Contract No. 2009-BT-2	\$590,109
Construction Contingency (10%)	59,010
Construction Support Services (testing, consultants)	5,000
Construction Administration (staff time 15%)	97,400
ICAP (119%)	115,900
Miscellaneous (printing, advertisement, mailing, etc.)	10,000
<b>TOTAL BUDGET</b>	<b>\$877,419</b>