



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Contract Award and Rejection of Non-Responsive Bids for Civic Center Improvements (Phase II), City Hall Remodel (\$1,853,310)

MEETING DATE: June 7, 1995

PREPARED BY: Public Works Director

RECOMMENDED ACTION: That the City Council adopt the attached resolution rejecting the non-responsive bids from The McDonald Glenn Company and Broward Brothers, Inc. and awarding the contract for the above project to Leslie G. Delbon Company, Inc. in the amount of \$1,853,310.00 (Base Bid plus Bid Alternates B and C).

BACKGROUND INFORMATION: This project is one of the last major phases of the Civic Center improvements. The work under this project includes the overall interior remodel (saving as many existing walls and offices as possible), structural upgrade, reroofing, installation of new energy-efficient HVAC system, windows and lighting, and ADA upgrades, including elevator and restrooms.

As part of the bidding process, the City prequalified general contractors and the electrical, HVAC, elevator and plumbing subcontractors. The prequalification statement required contractors to provide information on their experience in historical renovations, the resume of their proposed project manager and project superintendent, their financial resources, their ability to meet the performance schedule of the contract, and a summary of all claims disputes within the last five years. Nine general contractors were prequalified as were five electrical, five elevator, four HVAC and five plumbing subcontractors.

Addendum 2 of the specifications for this project stated that a general contractor's bid proposal would be considered non-responsive if it included a mechanical, electrical, elevator or plumbing subcontractor that had not been prequalified. The general contractors were provided with a listing of all prequalified subcontractors. Both The McDonald Glenn Company and Broward Brothers, Inc. listed Armstrong Plumbing as their plumbing subcontractor. Armstrong Plumbing was not prequalified by the City as a plumbing subcontractor. Interim City Attorney John Stovall has reviewed the specifications for this project as well as the bids that were received and has recommended that the City reject the bids from The McDonald Glenn Company and Broward Brothers, Inc. A copy of Mr. Stovall's review and recommendation is attached.

The bid proposal for this project included three alternate bids. Bid Alternate A asked for a quote to enclose the north entry, Bid Alternate B would install new roof tile on the entire roof and Bid Alternate C would install terrazzo tile on the floors and ceramic tile on the walls of the men's and women's second floor toilet rooms. The tile in the toilet rooms would replace plastic vinyl floors, plastic laminate

APPROVED: _____

THOMAS A. PETERSON
City Manager



recycled paper

Contract Award and Rejection of Non-Responsive Bids for Civic Center Improvements (Phase II),
City Hall Remodel (\$1,853,310)
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countertops and painted walls. Staff is recommending that Council award the Base Bid plus Bid Alternates B and C for this project to Leslie G. Delbon Company, Inc., of Sonora, and reject the bids of The McDonald Glenn Company and Broward Brothers, Inc. as being non-responsive.

Plans and specifications for this project were approved on March 1, 1995. The City received the following five bids for this project:

<u>Bidder</u>	<u>Location</u>	<u>Base Bid Plus Alternates B and C</u>
The McDonald Glenn Company	Manteca	\$1,835,615
Broward Brothers, Inc.	Woodland	\$1,846,000
Leslie G. Delbon Company, Inc.	Sonora	\$1,853,310
Mark Diversified	Sacramento	\$1,863,500
Diede Construction	Woodbridge	\$2,004,596
Engineer's Estimate		\$1,800,000 (Base Bid only)

A recap of the bids received, including the bid alternates, is attached.

FUNDING: General Fund, Development Impact Fees (General City and Police) and General Fund Capital Improvement Budget.



Jack L. Ronsko
Public Works Director

Prepared by Wesley K. Fujitani, Senior Civil Engineer

JLR/WKF/lm

Attachments

cc: Interim City Attorney
Deputy City Attorney
Finance Director
Purchasing Officer
Building and Equipment Maintenance Superintendent
Wenell Mattheis Bowe
The McDonald Glenn Company
Broward Brothers, Inc.
Leslie G. Delbon Company, Inc.
Mark Diversified
Diede Construction



NEUMILLER & BEARDSLEE

A PROFESSIONAL CORPORATION • ATTORNEYS & COUNSELORS

ESTABLISHED 1903

60413-D0060

JOHN W. STOVALL

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95203-3166
(209) 948-8200
(209) 948-4910 FAX

May 24, 1995

MAILING ADDRESS:
P.O. Box 20
STOCKTON, CA
95201-3020

VIA TELEFAX (209) 333-6795

MODESTO
(209) 577-8200
(209) 577-4910 FAX

Rich Prima
Design Engineer
City of Lodi
P.O. Box 3006
212 West Pine Street
Lodi, CA 95241

Re: City Hall Remodel Bid/Failure
To Use Prequalified Subcontractors

Dear Rich:

I have reviewed the documentation you gave me with respect to the bids on the above-referenced contract and with respect to the fact that the two lowest bidders listed a non-prequalified subcontractor. Under the case of Konica Business Machines v. Regents of the University of California 206 Cal.App.3d 449, a bid is determined to be non-responsive if a) it does not substantially conform to the specifications; or b) it does substantially conform but the variance affects the amount of the low bid or gives an advantage to the low bidder over other bidders. Our contract Addendum 2 specifically provides that the failure to use a pre-qualified subcontractor will be considered a non-responsive bid. There is also the point that it is theoretically possible since those who did use pre-qualified people were restricted to a specialized list and the two lowest bids were not so restricted to that specialized list, that it could have affected the low bid or given an advantage to them.

Therefore, I would have to say that in fact the two lowest bids were non-responsive. This brings up another issue. We have received, after the opening of the bids but prior to the award of the bids, a letter from the non-pre-qualified subcontractor ("Armstrong"), in which they "officially pulled" their bid. There is some question as to whether they can "officially pull" their bid. Even if they did pull or were allowed to pull their bid, however, this would leave the two lowest bids with no subcontractor for that area which would mean they would have to do it

35644-1

Rich Prima
May 24, 1995
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themselves. I think there are significant problems as to whether Armstrong may pull their bid, but I don't think it is a key point here. The key point is whether they have pulled it after the fact or not, it is an attempt to correct what is a non-responsive bid. Therefore, I would indicate that I believe the best course of action is to reject the two lowest bid as non-responsive and award to the 3rd lowest bidder.

The issue has further been raised, however, that the 3rd lowest bidder has as a subcontractor, Pinasco Plumbing, Inc. and the City of Lodi received on May 19, 1995, after the bids were opened, copies of documents indicating that Pinasco has been sued in Amador County on or about May 4, 1995, for allegedly failing to pay one of its subcontractors on another job. I would note for the record that McDonald-Glenn, the apparent low bidder for the whole job, was also named in that suit pro forma.

The concern has arisen whether this bears on the fact that Pinasco is listed as a subcontractor in the third low bidder's bid.

I do not believe it does. First off, the fact that they may have gotten into a dispute or even wrongfully withheld money on another job, absent some showing of a crime or violation of the statutes, does not make them an irresponsible or non-responsible bidder or party. Secondly, unless there was some mis-information given to or perjury committed in information they gave to the City, the City already pre-qualified them prior to becoming aware of this issue. Lastly, of course, this is so far merely a lawsuit. It may in fact be completely wrong and Pinasco may be totally innocent of any wrong-doing or failure to pay. We simply don't know that. To show that someone is "non-responsible," information must be provided to them and they are entitled to a hearing before the City Council on that issue. The real issue of course, will be whether they are qualified to do the work. Qualified, in this case, means "do they possess the quality, fitness, and capacity to satisfactorily perform the proposed work?" It doesn't really relate to whether they have been sued or gotten into a dispute with a subcontractor of theirs.

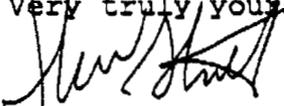
Therefore, it would appear to me that the best course of action would be to disqualify the two lowest bidders as non-responsive and award the contract to the third lowest

Rich Prima
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bidder. Alternatively, of course, the City has reserved the right to reject all bids and re-bid the matter. If you were to re-bid the matter, it appears to me that the work you have already done in pre-qualifying people would not need to be done again and could simply publish a Notice Inviting Bids at least 10 days before the date of opening the bids in accordance with Public Contract Code section 20164.

I am returning to you with the hard copy of this letter, the various documents you had given to me to peruse.

Very truly yours,



JOHN W. STOVALL
Attorney-at-Law

JWS:jlk
Enclosure

cc: (Via Facsimile)
John Luebberke,
Deputy City Attorney

CITY OF LODI

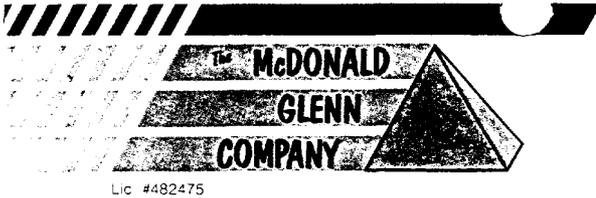
Public Works Department

Tabulation of bids received May 18, 1995

PROJECT: CITY HALL REMODEL - PHASE 2
221 W. Pine St.

Item	Description	Qty	Unit	Engineer's Estimate		McDONALD-GLENN Manteca, CA		BROWARD BROS. Woodland, CA	
				Price	Total	Price	Total	Price	Total
1	Remodel Existing 3-story Lodi City Hall	1	LS	\$1,800,000.00	\$1,800,000.00	\$1,819,357.00	\$1,819,357.00	\$1,830,000.00	\$1,830,000.00
	Bid Alternate A								
	Enclose Covered Porch at North Entry	1	LS			10,145.00	10,145.00	20,000.00	20,000.00
	Bid Alternate B								
	Replace Existing Roof Tile with 'S' Mission Clay Roof Tile	1	LS			2,697.00	2,697.00	3,000.00	3,000.00
	Bid Alternate C								
	Substitute Tile for Finishes in Men's Toilet Room 312 Women's Toilet Room 320.	1	LS			13,561.00	13,561.00	13,000.00	13,000.00

Item	Description	Qty	Unit	LESLIE DELBON Sonora, CA		MARK DIVERSIFIED Sacramento, CA		DIEDE CONSTRUCTION Woodbridge, CA	
				Price	Total	Price	Total	Price	Total
1	Remodel Existing 3-story Lodi City Hall	1	LS	\$1,833,000.00	\$1,833,000.00	\$1,848,000.00	\$1,848,000.00	\$1,972,674.00	\$1,972,674.00
	Bid Alternate A								
	Enclose Covered Porch at North Entry	1	LS	23,135.00	23,135.00	19,500.00	19,500.00	22,744.00	22,744.00
	Bid Alternate B								
	Replace Existing Roof Tile with 'S' Mission Clay Roof Tile	1	LS	4,980.00	4,980.00	2,500.00	2,500.00	12,100.00	12,100.00
	Bid Alternate C								
	Substitute Tile for Finishes in Men's Toilet Room 312 Women's Toilet Room 320.	1	LS	15,330.00	15,330.00	13,000.00	13,000.00	19,822.00	19,822.00



June 7, 1995

CITY OF LODI
City Hall, 221 West Pine Street
Lodi, Ca 95241-1910

SUBJECT: Contract Award and Rejection of Non-Responsive Bids for
Civic Center Improvements (Phase II), City Hall Remodel

City Council Members,

I come here tonight, appealing the Public Works staff's recommendation of **DISQUALIFYING** The MCDONALD GLENN Company as low bidder on the Civic Center Improvements (Phase II), City Hall Remodel project.

This appeal is not a challenge, at this time, of the legal recommendation by interim City Attorney but an appeal to the City Council members to their common sense plus an obvious savings to the **TAX PAYERS** of Lodi.

Our bid is being classified as "non-responsive", by your Public Works Staff and your interim City Attorney, because of our listing of a non pre-qualified subcontractor. As stated, we are not challenging the legality of the subcontractor listing, but there are two sides to every story.

The pre-qualification of contractors, in our opinion, is definitely in the best interest of tax payers, a benefit to contractors and I sincerely hope the City of Lodi continues this practice. As with any new or different process, there is a learning curve that will have to be endured. In this particular case, the question of true intent of the pre-qualification and whom is to be pre-qualified caused confusion at bid time.

SUMMARY OF THE BID PROCESS

The original bidding documents required GENERAL CONTRACTORS, ELEVATOR, ELECTRICAL AND "MECHANICAL" subcontractors to be pre-qualified. The City produced addendum #2 that listed the City's pre-qualified contractors. The addendum also divided the once MECHANICAL subs into "Heating Ventilating/Air Conditioning" and "Plumbing" subcontractors. Addendum #3 increased the list even further.

On bid day, The MCDONALD GLENN Company received a fax bid from ARMSTRONG Plumbing, we noted that Armstrong was not on the list of pre-qualified subcontractors. We placed an immediate call to Armstrong Plumbing, leaving a message with their secretary concerning the bid. NO RESPONSE FROM ARMSTRONG WAS RECEIVED BETWEEN RECEIPT OF BID AND @ 11:45 AM AND 2:00 PM.

After receipt of Armstrong's bid we placed a call to Dennis Callahan. Instead of Mr. Callahan, we were put in contact with Mr. Gary Wyman. We were inquiring if the pre-qualification list of subcontractors had been expanded or changed, in particular was Armstrong on the list. From the conversation with Mr. Wyman, we interpreted that the "PLUMBING" subs were not critical and should not have been made part of the pre-qualification process. Thus we listed Armstrong and assumed other general contractors, if not all, would make the same type of inquiry.

REBUTTAL

After the bid was submitted, contact was made with Armstrong by The MCDONALD GLENN Company. He claimed ignorance of the pre-qualification requirements and subsequently pulled his bid from all general contractors (letter received the following day and a copy issued to the City). Please note, Interim City Attorney "pre-judged" this action as an attempt to circumvent the bidding requirements. Although your City Attorney is quick to pre-judge this action, he chooses to point out that a law suit filed against a subcontractor listed by the third low bidder is not a "judgement" but only alleged. It is my opinion that judgement on both issues should be made with the same open mind.

CLOSING

Obviously, because of our interest in this project, and because of prior working experiences with the City of Lodi, The MCDONALD GLENN Company would be pleased to accept a contract for the this project. In doing so the City would be saving \$17,241.00 of tax payers money. And should all alternates be accepted the City could realize as much as \$30,685.00 in savings over the recommended third low bidder.

I realize that voting against city staff and legal council recommendations are not commonly done and may not be politically wise to do, but saving the tax payer's money is. So in closing I hope City Council will recommend that the project be re-bid. In doing this I can guarantee that the tax payers will save at least \$17,241.00, because it would be the intent of THE MCDONALD GLENN Company to re-submit at least the same bid amount, if not lower.

Sincerely,


Glenn McDonald
President



MEMORANDUM, City of Lodi, Public Works Department

To: City Manager
City Council

From: Public Works Director

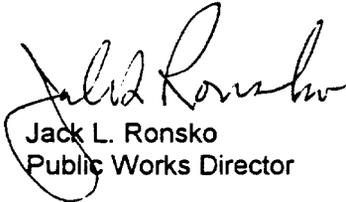
Date: June 7, 1995

Subject: Contract Award and Rejection of Non-Responsive Bids for Civic Center Improvements (Phase II), City Hall Remodel (\$1,853,310)

Per the instructions of John Stovall, Interim City Attorney, I am forwarding to you prior to tonight's City Council Meeting a letter of protest from Stanton, Kay & Watson, the law firm representing Broward Bros., Inc., together with a response from our Construction Inspector related to our bid process.

We will present to the City Council this evening additional information, some of which is attached, which shows that our recommended action in the Council Communication is appropriate.

If you have any questions, please contact me.


Jack L. Ronsko
Public Works Director

JLR/lm

attachments

cc: Interim City Attorney
City Clerk
Construction Inspector

RECEIVED

LAW OFFICES OF
STANTON, KAY & WATSON7801 FOLSOM BOULEVARD, SUITE 350
SACRAMENTO, CALIFORNIA 95826TELEPHONE (916) 381-7868
FAX (916) 381-7880LAWRENCE H. KAY
JAMES P. WATSON
ELMER R. MALAKOFF
CLAY P. BRADLEY
BRUCE K. LEIGH
WILLIAM L. PORTER
CYNTHIA S. CONNERS
SUSAN J. OLSON
RONALD L. RICHMAN
KELLY A. RYANTHOMAS E. STANTON
OF COUNSELJUN 05 '95
City Manager's Office140 SUTTER STREET, THIRD FLOOR
SAN FRANCISCO, CALIFORNIA 94104
TELEPHONE (415) 788-3496
FAX (415) 788-4174

VIA FAX: (209) 333-6807

June 5, 1995

Hon. Steve Mann, Mayor
CITY OF LODI
221 W. Pine Street
P.O. Box 3006
Lodi, CA 95241-1910

Subject: Civic Center Improvements (Phase II), City Hall Remodel

Dear Mayor:

This office represents Broward Bros., Inc., a general building contractor located in Woodland, California. Broward Bros. was recently notified by the Lodi City Council that its bid on the above-referenced project was considered non-responsive and was therefore rejected. I note that the City Council will have a meeting on June 7 to discuss this matter. I therefore send this letter to you via fax to ensure that it receives immediate attention.

At the pre bid meeting on this project, conducted by the City of Lodi, Broward Bros. was given the name and phone number of a Mr. Gary Hyman as the City's agent and contact for the project. During the bidding process, Broward Bros. contacted Mr. Hyman several times, at the project site and via the telephone, to have questions answered. Mr. Hyman was helpful and answered the questions. However, it is now apparent that due to intended and reasonably anticipated reliance on the information Mr. Hyman provided, it has been recommended that the bid of my client be rejected as non-responsive.

As bid time approached, Broward Bros. received a scope-of-work letter from Champion Industrial Contractors, a subcontractor who was listed as an approved mechanical subcontractor. The scope letter stated that Champion Industrial would also be bidding plumbing for the project. Upon receipt of the letter, Broward Bros. personnel telephoned Mr. Gary Hyman for clarification as to whether or not this was acceptable, since Champion was not listed as a pre-qualified plumbing subcontractor. Mr. Hyman stated that, "Plumbing contractors do not need to be pre-qualified." Broward Bros. relied

Hon. Steve Mann, Mayor
City of Lodi
June 5, 1995
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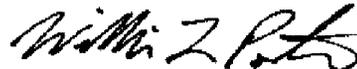
on Mr. Hyman's statement in preparing its bid, and that is why it listed Armstrong Plumbing on the bid. Were it not for Mr. Hyman's statements, Armstrong Plumbing would not have been listed on Broward Bros.' bid.

Because the City of Lodi informed Broward Bros. that its contact person, Mr. Hyman, would answer questions relating to bidding, it obviously did not occur to my client that the information provided would be erroneous and that reliance upon these answers would result in loss of the bid. I have reason to believe that other bidders received equivalent erroneous bidding information from Mr. Hyman.

On the basis that requested, anticipated, and reasonable reliance upon the information provided by the City of Lodi's contact person may cause Broward Bros. to lose its bid, it is our position that the only appropriate remedy would be for the City of Lodi to reject all bids and have the project re-bid. I believe the project could be re-bid and awarded within ten days, at little additional cost under Public Contract Code section 20164. This would certainly be more cost-effective than litigation. In any event, please be advised that, should the City proceed to adopt a resolution rejecting Broward Bros.' bid as non-responsive, Broward Bros. will pursue all available legal action against the City due to its mishandling of this matter.

Very truly yours,

STANTON, KAY & WATSON



William L. Porter
Attorney-at-Law

WLP/dh



MEMORANDUM, City of Lodi, Public Works Department

To: Public Works Director
From: Construction Inspector
Date: June 6, 1995
Subject: Contract Award and Rejection of Non-Responsive Bids for Civic Center Improvements (Phase II), City Hall Remodel (\$1,853,310)

Today I received a copy of a fax from a legal firm representing Broward Bros., Inc. I feel I must respond to correct certain items and inaccuracies.

First, I have reviewed the video tape of the prebid meeting. I was introduced as the City's full-time on-site construction inspector. My phone number was given as the person to contact to set up appointments to tour the City Hall building. At no time was I presented as the City's "agent". There was a statement made by Dennis Callahan, Building and Equipment Maintenance Superintendent, after discussing access to the building that, "Questions about the building be directed through Gary Wiman." At no time during the prebid meeting was it stated that I would answer questions. At the prebid meeting, there were questions about prequalification. One contractor asked, "How do you define mechanical subcontractors?" The answer was mechanical HVAC and plumbing. It was then asked, "What if a qualified general lists a non-qualified electrical, mechanical? That's going to be thrown out? Non-responsive?" The response was, "Right." As noted in the fax, I did receive numerous questions from various contractors, subcontractors and suppliers during tours and phone calls. I only answered questions about where to find things on the plans or in the specifications. I was asked, but did not answer, questions about conflicts on the plans, in the specifications, and about substitutions; I passed those questions along to Wes Fujitani, Senior Civil Engineer, to be answered via addendum, or asked the questioner to call the architect, Larry Wenell.

Addendum 2 was issued on April 28, 1995. Item 3, attached as Exhibit A, states: "*Mechanical* subcontractors required for pre-qualification is defined as mechanical HVAC Contractors and plumbers, not fire sprinkler contractors. Item 4 states: *Prequalifications: The following list of contractors have been prequalified. Others may be added in a future addendum pursuant to ongoing evaluation. Failure of a general contractor to use pre-qualified subcontractors will be considered a non-responsive bid.* Item 4 goes on to list the prequalified contractors by category, including **PLUMBING**. Broward Bros., Inc. signed the receipt of addendum form (attached as Exhibit B).

Page 1 of the Instructions to Bidders states: *The Owner, Department of Public Works, will send written instructions to all bidders. Neither Owner or its representative will be responsible for any oral instructions.* It goes on to say: *... so that all inquiries can be answered in writing and distributed to all bidders in the form of addenda to the contract ...* (attached as Exhibit C).

Finally, I did not make the statement quoted in the fax. I had many conversations with many people regarding the prequalification process and results. I referred all questions to the addenda or the architect.

A handwritten signature in black ink, appearing to read "Gary R. Wiman".

Gary R. Wiman
Construction Inspector

attachments

cc: Interim City Attorney
Building and Equipment Maintenance Superintendent

NOTICE TO BIDDERS

1. **Bid opening has been extended to Thursday, May 18, 1995 at 2:00 p.m.**
2. Space on a first come-first serve basis will be provided two hours before the bid opening for bidders to prepare their bids. No phones will be provided.
3. "Mechanical" subcontractors required for pre-qualification is defined as Mechanical HVAC Contractors and plumbers, not fire sprinkler contractors.
4. **Prequalifications:**
The following list of contractors have been prequalified. Others may be added in a future addendum pursuant to ongoing evaluation. Failure of a general contractor to use pre-qualified subcontractors will be considered a non-responsive bid.

General

Broward Brothers, Inc.
Diede Construction
J.A. Grover
J.L. Bray and Son, Inc.
Leslie G. Delbon Co., Inc.
McCarthy Construction
McDonald Glen Company
Roek Construction

Electric

Bockmon and Woody
Collins Electric
Con J. Franke Electric, Inc.
Pacific Metro Electric

Elevator

Dover
Otis Elevator
U.S. Elevator

Mechanical

Champion Industrial Contractors

J.H. Simpson
Modern Air Mechanical

Plumbing

G.G. Hust and Sons
HRM Plumbing
Pinasco Plumbing
M. Santos and Son
Williams Plumbing

5. Section to bidders. Section 1773.1 of the labor code of the State of California § 1773.2. Specification of general wage rate in call for bids, in bid specifications and in contract; post at job site

The body awarding any contract for public work, or otherwise undertaking any public work, shall specify in the call for bids for the contract, and in the bid specifications and in the contract itself, what the general rate of per diem wages is for each craft, classification or type of workman needed to execute to contract.

In lieu of specifying the rate of wages in the call for bids, and in the bid specifications and in the contract itself, the awarding body may, in such call for bids, bid specifications, and contract, include a statement that copies of the prevailing rate of per diem wages are on file at its principal office, which shall be made available to any interested party on request. The awarding body shall also cause a copy of the determination of the director of the prevailing rate of per diem wages to be posted at each job site.

(Added by Stats. 1971, C. 785, p. 1538, § 2. Amended by Stats. 1974, C. 876, p. 1869, § 1; Stats. 1977, c. 423, p. 1435, § 1.)

6. Prequalification - Mechanical
15020-4 paragraph 1.10 - Change to read "Contractor shall submit, after the bid, a written"
7. Construction Contract
Article VIII change to read ". prosecute to completion within 305 calendar days".

CITY OF LODI
PUBLIC WORKS DEPARTMENT

RECEIPT OF ADDENDUM

PROJECT: CIVIC CENTER IMPROVEMENTS, CITY HALL REMODEL, PHASE II

Received from the City of Lodi ADDENDUM NO. 2 to the plans and specifications for the above referenced project.

Date: 5-18-95

Broward Brothers, Inc.
By Randy Cantrell
Vice President

NOTE: This acknowledgment must be submitted with the Bid Proposal.

*City of Lodi, Civic Center Improvements,
City Hall Remodel
Instructions to Bidders*

INSTRUCTIONS TO BIDDERS

Bids: Bids, to receive consideration shall be made in accordance with the following instructions:

a. Bids shall be made on the bid form provided by the Owner, a copy of which is included with these documents. All items on the form should be filled out; numbers should be stated both in writing and in figures and the signatures of all individuals must be in longhand. The completed form shall be without interlineations, alterations, or erasures.

b. Bids shall not contain any recapitulation of the work to be done, and **alternative bids will not be considered unless called for.**

c. Should a bidder find discrepancies in or omissions from the drawings or other contract document, or should he be in doubt as to their meaning, he shall at once notify the architect/engineer, **Wennell, Mattheis, Bowe Architects**. The Owner, Department of Public Works, will send written instructions to all bidders. **Neither Owner or its representative will be responsible for any oral instructions.** No interpretations will be issued later than seven (7) calendar days prior to the bid date so that all inquiries can be answered in writing and distributed to all bidders in the form of addenda to the contract in ample time before the bid opening date.

d. All addenda issued during the bidding period are to be included in the bid, and they will become a part of the contract for the project.

e. Pursuant to the provisions of Section 4100 to 4113, inclusive, of the Government Code, every bidder shall in his bid set forth:

(1) The name and location of the place of business of each subcontractor who will perform work or labor or render service to the bidder in or about the work in an amount in excess of one-half of one percent of the total bid.

(2) The portion of the work which will be done by each subcontractor. If the bidder fails to specify a subcontractor for any portion the work to be performed under the contract in excess of one-half of one percent of the total bid, he agrees to perform that portion himself. The successful bidder shall not, without the consent of the Owner:

(a) Permit any subcontract to be assigned or transferred or allow it to be performed by anyone other than the original subcontractor listed in the bid.

(b) Other than in the performance of change order, sublet or subcontract any portion of the work in excess of one-half of one percent of the total bid as to which his original bid did not designate a subcontractor.

CITY COUNCIL

STEPHEN J. MANN, Mayor
DAVID P. WARNER
Mayor Pro Tempore
RAY G. DAVENPORT
PHILLIP A. PENNINO
JACK A. SIEGLOCK

CITY OF LODI

CITY HALL, 221 WEST PINE STREET
P.O. BOX 3006
LODI, CALIFORNIA 95241-1910
(209) 333-6706
FAX (209) 333-6842

THOMAS A. PETERSON
City Manager
JENNIFER M. PERRIN
City Clerk
BOB McNATT
City Attorney

June 1, 1995

Mailing list attached

SUBJECT: Contract Award and Rejection of Non-Responsive Bids for
Civic Center Improvements (Phase II), City Hall Remodel

Enclosed is a copy of background information on an item on the City Council agenda of Wednesday, June 7, 1995, at 7 p.m. The meeting will be held in the City Council Chamber, Carnegie Forum, 305 West Pine Street.

This item is on the consent calendar and is usually not discussed unless a Council Member requests discussion. The public is given an opportunity to address items on the consent calendar at the appropriate time.

If you wish to write to the City Council, please address your letter to City Council, City of Lodi, P. O. Box 3006, Lodi, California, 95241-1910. Be sure to allow time for the mail. Or, you may hand-deliver the letter to the City Clerk at 305 West Pine Street.

If you wish to address the Council at the Council meeting, be sure to fill out a speaker's card (available at the Carnegie Forum immediately prior to the start of the meeting) and give it to the City Clerk. If you have any questions about communicating with the Council, please contact Jennifer Perrin, City Clerk, at (209) 333-6702.

If you have any questions about the item itself, please call Dennis Callahan, Building and Equipment Maintenance Superintendent, at (209) 333-6706.


Jack L. Ronsko
Public Works Director

JLR/lm

Enclosure

cc: City Clerk ✓
Building and Equipment Maintenance Superintendent

THE MC DONALD GLENN COMPANY
22221 OLEANDER AVE
MANTECA CA 95336

BROWARD BROS INC
20432 COUNTY RD #99
WOODLAND CA 95695

WENELL MATTHEIS BOWE
ATTN LARRY WENELL
222 W LOCKEFORD ST STE 9
LODI CA 95240

LESLIE G DELBON CO INC
P O BOX 3127
SONORA CA 95370

MARK DIVERSIFIED INC
110 COMMERCE CR
SACRAMENTO CA 95815-4202

DIEDE CONSTRUCTION
P O BOX 1007
WOODBIDGE CA 95258

RESOLUTION NO. 95-70

A RESOLUTION OF THE LODI CITY COUNCIL
AWARDING CONTRACT FOR CIVIC CENTER IMPROVEMENTS (PHASE II), CITY HALL REMODEL AND
REJECTING TWO NON-RESPONSIVE BIDS

WHEREAS, in answer to notice duly published in accordance with law and the order of this City Council, sealed bids were received and publicly opened on May 18, 1995 at 2:00 p.m. for the bid for Civic Center Improvements (Phase II), City Hall Remodel, described in the specifications therefor approved by the City Council on March 1, 1995; and

WHEREAS, said bids have been compared, checked, and tabulated and a report thereof filed with the City Manager as follows:

BIDDER	LOCATION	Base Bid PLUS ALTERNATES B & C.
The McDonald Glenn Company	Manteca	\$1,835,615
Broward Brothers, Inc.	Woodland	\$1,846,000
Leslie G. Delbon Company, Inc.	Sonora	\$1,853,310
Mark Diversified	Sacramento	\$1,863,500
Diede Construction	Woodbridge	\$2,004,596
Engineer's Estimate (Base Bid Only)		\$1,800,000

WHEREAS, the bidding process required prequalification of all general contractors, electrical, HVAC, elevator and plumbing contractors; and

WHEREAS, nine general contractors, five electrical, five elevator, four HVAC and five plumbing subcontractors were prequalified; and

WHEREAS, Addendum 2 of the specifications for this project state that a general contractor's bid proposal would be considered non-responsive if it included a mechanical, electrical, elevator or plumbing subcontractor that had not been prequalified; and

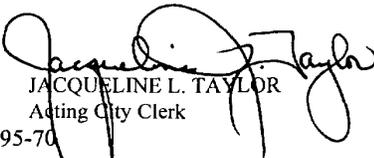
WHEREAS, both The McDonald Glenn Company and Broward Brothers, Inc. listed Armstrong Plumbing as their plumbing subcontractor, who was not prequalified.

NOW, THEREFORE, BE IT RESOLVED by the Lodi City Council that the non-responsive bids from The McDonald Glenn Company and Broward Brothers be rejected and the award of the contract for Civic Center Improvements (Phase II), City Hall Remodel, be and the same is hereby awarded to Leslie G. Delbon Company, Inc., the lowest responsible bidder, in the amount of \$1,853,310.00.

Dated: June 7, 1995

I hereby certify that Resolution No. 95-70 was passed and adopted by the City Council of the City of Lodi in a regular meeting held June 7, 1995 by the following vote:

AYES: Council Members - Davenport, Pennino, Sieglock, Warner and Mann (Mayor)
NOES: Council Members - None
ABSENT: Council Members - None
ABSTAIN: Council Members - None


JACQUELINE L. TAYLOR
Acting City Clerk
95-70