



**GENERAL SERVICES AGENCY  
CAPITAL PROJECTS  
COUNTY OF TULARE  
AGENDA ITEM**

**BOARD OF SUPERVISORS**

KUYLER CROCKER  
District One

PETE VANDER POEL  
District Two

AMY SHUKLIAN  
District Three

J. STEVEN WORTHLEY  
District Four

MIKE ENNIS  
District Five

**AGENDA DATE:** November 6, 2018

Public Hearing Required	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Scheduled Public Hearing w/Clerk	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Published Notice Required	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Advertised Published Notice	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
County Counsel Sign-Off	Yes	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
Meet & Confer Required	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Electronic file(s) has been sent	Yes	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
Budget Transfer (Aud 308) attached	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Personnel Resolution attached	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Agreements are attached and signature line for Chairman is marked with tab(s)/flag(s)	Yes	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
CONTACT PERSON: Maria Benavides		PHONE: 205-1124		

**SUBJECT:** Award the contract for the Probation Vocational Education Building

**REQUEST(S):**

That the Board of Supervisors:

1. Award the contract for the Probation Vocational Education Building to the lowest responsible and responsive bidder, Atkins Bergreen, Inc., in the amount of \$1,432,700.
2. Deny the bid protest filed by Seals Construction, Inc.
3. Authorize the Chairman to sign the construction agreement upon receipt of certificates of insurance, bonds, license verification, and contract subject to review and approval as to form by County Counsel.

**SUMMARY:**

On August 21, 2018, the Board authorized the advertisement of bids for the Probation Vocational Education Building. The project will be located adjacent to the existing Probation Youth Facility. The new building consists of a classroom, large shop area, secure storage, bathrooms, utility closet, roll-up doors, and outdoor covered work area. The interior of the building is approximately 2,920 square feet.

The Project consists of site improvements and new construction including, but not limited to, demolition, grading, site improvements, concrete, masonry, steel fabrications, rough carpentry, storefront system, glazing, hollow metal doors and frames, metal stud walls and partitions, insulated metal roof panels, metal wall panels, sealants, finishes, equipment, and plumbing, mechanical and electrical systems. The bid included two alternates, one for landscaping and irrigation and the other for a new masonry trash

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enclosure. The contract documents call for 180 calendar days of construction.

Bids were opened for this project on September 26, 2018. A total of four bids were received and are summarized below.

<b>Contractor</b>	<b>Amount</b>	<b>Alternate #1 Landscaping</b>	<b>Alternate # 2 Trash Enclosure</b>	<b>Total</b>
Atkins Bergreen	\$1,353,800	\$48,500	\$30,400	\$1,432,700
Seals Construction	\$1,564,000	\$47,000	\$37,000	\$1,648,000
Builders Unlimited	\$1,725,000	\$97,500	\$46,750	\$1,869,250
Sequoia Construction	\$1,805,000	\$52,500	\$42,500	\$1,900,000
Architect's Estimate	\$950,000			

There was one bid protest filed by Seals Construction after the bid opening, which claimed that Atkins Bergreen should be considered non-responsive for failure to list subcontractors for rebar, masonry, and painting. In completing due diligence of the protest, Atkins Bergreen responded to staff that the rebar was included with the concrete subcontractor, painting would be self-performed, and masonry was below the threshold for listing on the sub-contractor list. This response satisfies any further inquiries that staff would have for the matter.

Seals Construction later claimed, via email, that the Atkins Bergreen response did not follow the Bid Specifications because a formal response was not provided to Seals Construction's protest within 48 hours. If Atkins Bergreen wanted to maintain its right to file a claim or protest, then it would have needed to formally respond to the bid protest; however, per the Bid Specifications, Atkins Bergreen is not required to respond to the protest at all. Atkins Bergreen's response was emailed to staff as part of the due diligence process, and, in order to maintain transparency in that process, staff forwarded the email to Seals Construction. The Atkins Bergreen response was not in violation of Bid Specifications.

Atkins Bergreen submitted a valid bid with no errors. Their subcontractor list was filled out correctly, and they were not required to respond to the protest filed by Seals Construction. Therefore, staff recommends denying the bid protest filed by Seals Construction.

It is requested that the Board award the contract for the Probation Vocational Education Building to the lowest responsible and responsive bidder, Atkins Bergreen, Inc., in the amount of \$1,432,700; deny the bid protest filed by Seals Construction, Inc.; and authorize the Chairman to sign the construction agreement upon receipt of certificates of insurance, bonds, license verification, and contract subject to review and approval as to form by County Counsel.

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**FISCAL IMPACT/FINANCING:**

The Capital Projects Fund budget 030-086-3200-8163 has allocated \$1,000,000 for the Probation Vocational Education Building Project. The Probation Department will provide funding for the remaining project cost.

**LINKAGE TO THE COUNTY OF TULARE STRATEGIC BUSINESS PLAN:**

The County's Strategic Business Plan includes the Safety and Security initiative to provide for the safety and security of the public. The Probation Vocational Education Building Project aligns with the initiative by providing improved facilities for the protection of the public and employees.

**ADMINISTRATIVE SIGN-OFF:**

  
\_\_\_\_\_  
Kyle Taylor *For*  
Capital Projects Coordinator III

cc: County Administrative Office

Attachment(s)

A – Agreement with Atkins Bergreen, Inc.

B – Seals Construction Bid Protest

**BEFORE THE BOARD OF SUPERVISORS  
COUNTY OF TULARE, STATE OF CALIFORNIA**

IN THE MATTER OF AWARD THE )  
CONTRACT FOR THE PROBATION ) RESOLUTION NO. \_\_\_\_\_  
VOCATIONAL EDUCATION BUILDING ) AGREEMENT NO. \_\_\_\_\_  
)

UPON MOTION OF SUPERVISOR \_\_\_\_\_, SECONDED BY  
SUPERVISOR \_\_\_\_\_, THE FOLLOWING WAS ADOPTED BY THE  
BOARD OF SUPERVISORS, AT AN OFFICIAL MEETING HELD \_\_\_\_\_  
\_\_\_\_\_, BY THE FOLLOWING VOTE:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

ATTEST: JASON T. BRITT  
COUNTY ADMINISTRATIVE OFFICER/  
CLERK, BOARD OF SUPERVISORS

BY: \_\_\_\_\_  
Deputy Clerk

\* \* \* \* \*

1. Awarded the contract for the Probation Vocational Education Building to the lowest responsible and responsive bidder, Atkins Bergreen, Inc., in the amount of \$1,432,700.
2. Denied the bid protest filed by Seals Construction, Inc.
3. Authorized the Chairman to sign the construction agreement upon receipt of certificates of insurance, bonds, license verification, and contract subject to review and approval as to form by County Counsel.