



**COUNTY ADMINISTRATION OFFICE
CAPITAL PROJECTS**

**COUNTY OF TULARE
AGENDA ITEM**

BOARD OF SUPERVISORS

ALLEN ISHIDA
District One

CONNIE CONWAY
District Two

PHILLIP A. COX
District Three

J. STEVEN WORTHLEY
District Four

MIKE ENNIS
District Five

AGENDA DATE: July 22, 2008

Public Hearing Required	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>
Scheduled Public Hearing w/Clerk	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Published Notice Required	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>
Advertised Published Notice	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Meet & Confer Required	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Electronic file(s) has been sent	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
Budget Transfer (Aud 308) attached	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Personnel Resolution attached	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Resolution, Ordinance or Agreements are attached and signature line for Chairman is marked with tab(s)/flag(s)	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>

CONTACT PERSON: Ted Phipps PHONE: 733-6531

SUBJECT: Capital Projects – Visalia Library Roof Project Bid Award

REQUEST(S):

That the Board of Supervisors:

- 1) Deny the bid protest of Nations Roof West.
- 2) Award the contract for the Visalia Library Roof Project to the lowest responsible bidder, Tri-Counties Roofing, 332 No. Bridge Street, Visalia, CA 93291 in the amount of \$209,361.00.
- 3) Authorize the Chairman to sign the construction agreement upon receipt of certificates of insurance, bonds license verification and contract after review and approval as to form by County Counsel.

SUMMARY:

On May 20, 2008 your Board authorized the advertisement for bids for the Visalia Library Roof Project. The new roofing system will be a mechanically attached single-ply roofing membrane of a thickness of approximately .060. The Roofing System will have a 20 year manufacturers warranty included.

County of Tulare's roofing consultant, Architectural Roofing Design Group estimated the project cost as \$220,000. Bids from 8 firms were received and opened on June 26, 2008.

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DATE: July 22, 2008

A recap of the bids is shown below:

Bidder	Bid Amount
Williamson Roofing	\$158,747.00
Nations Roof West	\$192,600.00
Fryer Roofing Co	\$207,565.00
Tri-Counties Roofing	\$209,361.00
Cool Roofing Inc.	\$214,321.00
Graham-Prewett, Inc	\$218,000.00
Fresno Roofing	\$221,800.00
SCC Enterprises, Inc	\$248,000.00

After completing the required due diligence process, Tri-Counties Roofing was declared the responsible low bidder. Three bid submissions were deemed non-responsive. Williamson Roofing failed to provide required schedules as called for in the bid specifications section 00100 – Instructions to Bidders; Nations Roof West and Fryer Roofing did not have a “B” General License as called for in the bid specifications section 00020 – Advertisement for Bids and section 00100 – Instructions to Bidders.

Nations Roof West filed a bid protest stating that the County was incorrect in determining them non-responsive. Their letter, indicating their reasons why, was submitted to County Counsel for review. Nations Roof West indicated that they disagreed with the requirement for a “B” General License and advised that their subcontractor holds a “B” General License. No other protests were filed.

The County has responded by letter to the protest. Public Contract code 3300 states that the County can determine the type of license needed to perform the work and may specify the type of license even if the work can be performed by another license classification. For the Visalia Roofing Project, the “B” General license and “C-39” Roofing License were set as requirement by the County. The “B” General License was recommended by the consultant due to the potential reconstructive work that was identified during the roof assessment. The apparent damage to the roof sheathing and possible framing in multiple locations on the roof requires work that will be performed under the “B” General License.

Nations Roof West, a construction company that only holds a “C-39” Roofing License, thus not meeting the bid specifications. The “B” General License held by their subcontractor can not be utilized as the bid was not submitted as a joint venture. Therefore, Nations Roof West cannot rely on the subcontractor’s license.

It is requested that your Board deny the bid protest by Nations Roof West and deem them non-responsive. Further it is requested that your Board Award the contract for the Visalia Library Roof Project to the lowest responsible bidder, Tri-Counties Roofing, 332 No. Bridge Street, Visalia, CA 93291 in the amount of \$209,361.00 and authorize the Chairman to sign the construction agreement upon receipt of

SUBJECT: Capital Projects – Visalia Library Roof Project

DATE: July 22, 2008

certificates of insurance, bonds license verification and contract after review and approval as to form by County Counsel.

FISCAL IMPACT/FINANCING:

This project is funded in the Capital Projects budget in fund 030-086-3400-5181.

LINKAGE TO THE COUNTY OF TULARE STRATEGIC BUSINESS PLAN:

The Visalia Library Roof Project links to Strategic Initiative #3 and #4 by providing a quality facility to promote education opportunities and programs to raise literacy for all residents of Tulare County and by providing state of the art technology and infrastructure to support better service delivery.


ALTERNATIVES:

Do not authorize award of the project. Staff does not recommend this alternative as the existing roof system has reached the end of its serviceable life span.

INVOLVEMENT OF OTHER DEPARTMENTS OR AGENCIES:

The Visalia Library is the end-user of the project.

ADMINISTRATIVE SIGN-OFF:



Ted Phipps
Capital Projects

Cc: Auditor/Controller
County Counsel
County Administrative Office
County Librarian

Attachment(s)

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

IN THE MATTER OF CAPITAL PROJECTS)
VISALIA LIBRARY ROOF PROJECT) RESOLUTION NO. _____
BID AWARD) 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: JEAN ROUSSEAU
COUNTY ADMINISTRATIVE OFFICER
CLERK, BOARD OF SUPERVISORS

BY: _____
Deputy Clerk

* * * * *

- 1) Denied the bid protest of Nations Roof West.
- 2) Awarded the contract for the Visalia Library Roof Project to the lowest responsible bidder, Tri-Counties Roofing, 332 No. Bridge Street, Visalia, CA 93291 in the amount of \$209,361.00.
- 3) Authorized the Chairman to sign the construction agreement upon receipt of certificates of insurance, bonds license verification and contract after review and approval as to form by County Counsel.



RECEIVED

JUL - 7 2008

TULARE COUNTY
ADMINISTRATIVE OFFICE

NATIONS ROOF WEST
5463 E. HEDGES AVE.
FRESNO, CA 93727

559-252-1255 VOICE
559-252-1256 FAX

WWW.NATIONSROOF.COM

CA License #821049

July 7, 2008

To: Ted Phipps
County of Tulare
2800 W. Burrel Avenue
Visalia, CA 93291

Re: Tulare County - Visalia Library Roof Project

Subject: Qualification of Nations Roof West

Mr. Phipps:

Thank You for your phone call this morning. As I expressed to you during that conversation, I am disappointed that the General Council for the County of Tulare has determined that Nations Roof West's bid is non-responsive because we do not hold a Class "B" license. As I told you, Nations Roof West is a licensed C-39 contractor and our subcontractor, Four C's Service, is licensed Class "B", C20, C36, C43, & C39. As such Four C's Service is properly licensed for the requirements of the contract (see attached) if needed. The specification and addenda are clear in that 320 sf of plywood roof deck sheathing is to be included in the bid per section 06100 - Rough Carpentry - Roofing. There is no other requirement for framing and carpentry in the specifications.

I am attaching the Business and Professions Code, Division 3, Chapter 9. Contractors, Article 4. Classifications regarding a B License for your reference. Please note Item 7057. (b) which clearly states that "a general building contractor shall not take a prime contract for any project involving trades other than framing and carpentry unless the prime contract requires at least two unrelated building trades or crafts other than framing or carpentry..." Please also reference the specifications which list in the table of contents 06100 - Rough Carpentry - Roofing under division 6 and 07533 Mechanically Attached TPO Roofing Membrane under Division 7. All other divisions state "Not Used". Clearly there are not two unrelated trades as required which would make it impossible for a Contractor licensed as a Class "B" to enter into a contract.

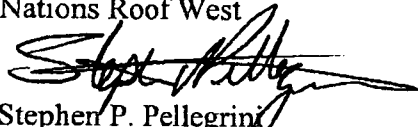
I have also attached the Business & Professions Code Division 3, Chapter 9. Contractors, Article 4. Classifications regarding a C39 license for your reference. This document clearly states that "... the contractor examines and/or prepares surfaces and uses...". It is common practice for a C39 contractor to undertake repairs of roof sheathing as required for proper preparation of the substrate.

In the Advertisement for Bids the statement is made that the successful Bidder shall possess a Class "B" and C39 California Contractors license, however we believe that in reviewing the specifications that this is an error. As stated in the Advertisement for Bids the Board of Supervisors reserves the right to determine the responsibility of any bidder. Under "Instructions to Bidders" items "f" and "G" again state that responsibility of bidders and their subcontractors will be considered and at the Owners discretion they may determine the responsibility of a bidder. Item "i" gives the Owner the right to waive informalities and irregularities in the Bid Form or Bid Process.

In conclusion, the contract cannot be awarded to a Contractor holding a Class "B" license. The correct license classification is C39 for the re-roofing project. The Owner is completely within their rights to award Nations Roof West, the project. Nations Roof West has listed a subcontractor which does hold a "B" license should conditions be discovered that would require that license classification for more extensive repairs to the structure. Nations Roof West is qualified to enter into and complete this contract. We ask that the Owner reconsider their position that Nations Roof West is non responsive and award the project to Nations Roof West.

Please call me should you have any questions or wish to discuss this further. We look forward to your favorable response regarding this matter.

Respectfully submitted by,
Nations Roof West



Stephen P. Pellegrini
Executive Vice President



Department of Consumer Affairs
Contractors State License Board

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How to Participate



DISCLAIMER: A license status check provides information taken from the CSLB license database. Before relying on this information, you should be aware of the following limitations.

- CSLB complaint disclosure is restricted by law (B&P 7124.6). If this entity is subject to public complaint disclosure, a link for complaint disclosure will appear below. Click on the link or button to obtain complaint and/or legal action information.
- Per B&P 7071.17, only construction related civil judgments reported to the CSLB are disclosed.
- Arbitrations are not listed unless the contractor fails to comply with the terms of the arbitration.
- Due to workload, there may be relevant information that has not yet been entered onto the Board's license database.

License Number: 303676 Extract Date: 07/07/2008

Business Information: FOUR C'S SERVICE INCORPORATED
1560 H STREET
FRESNO, CA 93721
Business Phone Number: (559) 237-3980

Entity: Corporation

Issue Date: 03/12/1975

Reissue Date: 04/14/2004

Expire Date: 04/30/2010

License Status: This license is current and active. All information below should be reviewed.

Classifications:

CLASS	DESCRIPTION
B	GENERAL BUILDING CONTRACTOR
C20	WARM AIR HEATING, VENTILATING AND AIR-CONDITIONING
C36	PLUMBING
C43	SHEET METAL
C39	ROOFING

Bonding: CONTRACTOR'S BOND

This license filed Contractor's Bond number 201897 in the amount of \$12,500 with the bonding company

AMERICAN CONTRACTORS INDEMNITY COMPANY.

Effective Date: 01/01/2007

Contractor's Bonding History

BOND OF QUALIFYING INDIVIDUAL

1. The Responsible Managing Officer (RMO) DALE WILLIAM CROSS certified that he/she owns 10 percent or more of the voting stock/equity of the corporation. A bond of qualifying individual is not required.

Effective Date: 04/14/2004

Workers' Compensation: This license has workers compensation insurance with the

DELLOS INSURANCE COMPANY

Policy Number: 01DKRM12001183

Effective Date: 10/01/2007

Expire Date: 10/01/2008

Workers' Compensation History

Miscellaneous Information:

DATE	DESCRIPTION
04/14/2004	LICENSE REISSUED TO ANOTHER ENTITY

Personnel listed on this license (current or disassociated) are listed on other licenses.

Department of Consumer Affairs Contractors State License Board

B - General Building Contractor

Business & Professions Code

Division 3, Chapter 9. Contractors, Article 4. Classifications

7057. (a) Except as provided in this section, a general building contractor is a contractor whose principal contracting business is in connection with any structure built, being built, or to be built, for the support, shelter, and enclosure of persons, animals, chattels, or movable property of any kind, requiring in its construction the use of at least two unrelated building trades or crafts, or to do or superintend the whole or any part thereof.

This does not include anyone who merely furnishes materials or supplies under Section 7045 without fabricating them into, or consuming them in the performance of the work of the general building contractor.

(b) A general building contractor may take a prime contract or a subcontract for a framing or carpentry project. However, a general building contractor shall not take a prime contract for any project involving trades other than framing or carpentry unless the prime contract requires at least two unrelated building trades or crafts other than framing or carpentry, or unless the general building contractor holds the appropriate license classification or subcontracts with an appropriately licensed specialty contractor to perform the work. A general building contractor shall not take a subcontract involving trades other than framing or carpentry, unless the subcontract requires at least two unrelated trades or crafts other than framing or carpentry, or unless the general building contractor holds the appropriate license classification. The general building contractor may not count framing or carpentry in calculating the two unrelated trades necessary in order for the general building contractor to be able to take a prime contract or subcontract for a project involving other trades.

(c) No general building contractor shall contract for any project that includes the "C-16" Fire Protection classification as provided for in Section 7026.12 or the "C-57" Well Drilling classification as provided for in Section 13750.5 of the Water Code, unless the general building contractor holds the specialty license, or subcontracts with the appropriately licensed specialty contractor.

(Amended by Stats. 1997, Chapter 812 (SB 857).)

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Department of Consumer Affairs
Contractors State License Board

C39 - Roofing Contractor

Business & Professions Code

Division 3, Chapter 9. Contractors, Article 4. Classifications

A roofing contractor installs products and repairs surfaces that seal, waterproof and weatherproof structures. This work is performed to prevent water or its derivatives, compounds or solids from penetrating such protection and gaining access to material or space beyond. In the course of this work, the contractor examines and/or prepares surfaces and uses the following material: asphaltum, pitch, tar, felt, glass fabric, urethane foam, metal roofing systems, flax, shakes, shingles, roof tile, slate or any other roofing, waterproofing, weatherproofing or membrane material(s) or a combination thereof.

Authority cited: Sections 7008 and 7059, Reference: Sections 7058 and 7059 (Business and Professions Code)

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Administration Building
2800 W. Burrel Ave.
Visalia, California 93291
TEL: (559) 733-6531
FAX: (559) 733-6318
www.co.tulare.ca.us

County of Tulare



Jean Rousseau
County Administrative Officer

Kristin Bennett, Assistant
County Administrative Officer

Michael C. Spata, Assistant
County Administrative Officer

July 9, 2008

Stephen P. Pellegrini
Nations Roof West
5463 E. Hedges Ave.
Fresno, Ca. 93727

Mr. Pellegrini,

I am in receipt of your letter dated July 7, 2008 asking that the County of Tulare reconsider our position that Nations Roof West is a non-responsive bidder on our Visalia Library Roof Project. This letter was sent to County Counsel for review and our response is as follows.

Public Contract Code 3300 states that the County can determine the type of license needed to perform the work. The bid documents state the successful bidder will possess a class "B" and "C-39" contractor's license. Also, the County may specify the type of license even if the work can be performed by another license classification.

Nations Roof West, a construction company that only holds a "C-39" license, does not meet the requirements in our bid documents. In your letter, you have stated that your subcontractor possesses the "B" license, however the bid was not submitted as a joint venture. Therefore, Nations Roof West cannot rely on the subcontractor's license.

Our Office will not waive the licensing requirement because the determination by the County of the type of license is not an irregularity. Therefore, our decision stands on the determination that Nations Roof West is a non-responsive bidder.

The bid protest filed by your company, and the contract award, will be heard by the Tulare County Board of Supervisors on Tuesday July 22, 2008 at 9:00 AM in the Board Chambers located at 2800 West Burrel, Visalia, Ca. 93291.

Thank You for your interest in our project.

Sincerely,

A handwritten signature in black ink, appearing to read "Ted Phipps".

Ted Phipps
Capital Projects Coordinator
County of Tulare.