



Contra Costa County
Public Works
Department

Julia R. Bueren, Director

Deputy Directors
R. Mitch Avalon
Brian M. Balbas
Stephen Kowalewski
Stephen Silveira

November 15, 2012

Via Email and U.S. Mail

David Rebling
Business Development Officer
Agbayani Construction Corporation
88 Dixon Court
Daly City, CA 94014-2225

Re: Good Faith Effort for Chiller Replacement Project at Martinez Detention Facility, 1000 Ward Street, Martinez (WH198B)

Dear Mr. Rebling:

Having carefully reviewed your 11-13-12 letter and the accompanying one from Robert Saragosa, I reply as follows to the points in your letter:

- (1) According to your letter, specific work was identified by trade during the invitation to bid. However, to receive points for identifying work items, the bidder must include that information in a published advertisement or in a notice mailed or faxed to subcontractors. The ad submitted by your firm did not qualify because it was posted electronically (i.e., online), not published, as required by the bid specifications (see Indicators 3 and 4). The notice submitted by your firm did not qualify because it was emailed, not mailed or faxed with proof of mailing or transmittal, as required by the bid specifications (see Indicators 3 and 5). In addition, both the ad and the notice to contractors did not contain information about your firm's policy concerning assistance with bonds, lines of credit, and insurance, and it is unclear whether they contained the other required information.
- (2) The proof of publication submitted by your firm shows that the ad was posted online, not published in a newspaper or trade journal, as required by the bid specifications (see Indicator 4). Also, the ad did not contain information about your firm's policy concerning assistance with bonds, lines of credit, and insurance, and it is unclear whether it contained the other required information.
- (3) The bid specifications required that the notice to subcontractors be mailed or faxed with proof of mailing or transmittal. While I understand your firm's stated concern for the environment, your firm's decision to use email notification did not comply with the bid specifications (see Indicator 5). Also, the notice did not contain information about your firm's policy concerning assistance with bonds, lines of credit, and insurance, and it is unclear whether it contained the other required information.

"Accredited by the American Public Works Association"

255 Glacier Drive Martinez, CA 94553-4825

TEL: (925) 313-2000 • FAX: (925) 313-2333

www.cccpublicworks.org

- (4) Although your firm's ad and notice to subcontractors mentioned where to obtain plans and specs, the ad was not properly published and the notice was not properly mailed or faxed (see #1 above; Indicators 4, 5, and 7).
- (5) Your firm agrees with the deduction of 10 points for not contacting a recruitment or placement organization (see Indicator 8).
- (6) According to your letter, your firm did not receive any bids or quotes from subcontractors. However, four subcontractors are listed in your firm's bid—Jin Construction & Electric, Lias Mechanical, Concord Drywall, and Chris Plumbing. That shows that your firm must have received bids or quotes from at least those four subcontractors. Your firm's failure to provide a summary and copies of those subcontractor bids or quotes did not comply with the bid specifications (see Indicator 9).
- (7) The bid specifications required that your firm include in an ad or notice to subcontractors information about your firm's policy concerning assistance with bonds, lines of credit, and insurance. Neither the ad nor the notice to subcontractors contained the required information. Also, the ad was not properly published and the notice was not properly mailed or faxed (see #1 above; Indicators 4, 5, and 10).

Despite the points raised in your 11-13-12 letter, it appears that your firm's good faith effort was properly evaluated based on the project specifications and that your firm did not come close to achieving the required 75 points. Therefore, our department confirms its original determination that your firm's good faith effort was inadequate and its original recommendation that the contract be awarded to Vila Construction Company, which complied with the good faith effort requirements.

The Board of Supervisors is scheduled to award the contract at its December 4, 2012 meeting, which begins at 9:30 am in the Board Chambers, Room 107, 651 Pine Street, Martinez. If your firm still disagrees with our department's determination and recommendation, you may appear at that time and address the Board. Any comments to the Board will be limited to the facts and arguments in your 11-13-12 letter.

If your firm is interested in bidding on future County projects, you should keep in mind that the good faith effort requirements (Division E) must be strictly followed to attain the required 75 points. Variations, such as emailing notices instead of mailing or faxing them, are not permitted and would be unfair to other bidders who comply with the specifications.

Sincerely,



Rob Lim, P.E.

Capital Projects Division Manager

cc: Public Works Department

R. Kanzaria

File: 250-1205/B.4