MEETING: February 28, 2012

TO: The Board of Supervisors

FROM: Peter Rei, Public Works Director

RE: Bid Protest Filed by Carter Construction

RECOMMENDATION AND JUSTIFICATION:

Public Works staff recommends that the Board reject the bid protest filed on February 10, 2012, by Carter Construction for the 5085 Bullion Street remodeling project (new Health building).

On February 9, 2012, the County received bids for the remodeling of 5085 Bullion Street. Following the bid opening, Carter Construction filed a bid protest based on the lowest and second lowest bidders not submitting their bids with all pages attached as required by the bid specifications.

Staff agrees that the low and second lowest bidders technically did not follow the requirement to have all papers attached. However, past history in Mariposa County has been to determine this omission to be a minor bid irregularity. The Board has the authority to waive minor bid irregularities.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

The Board could choose to uphold the bid protest. The result would make Carter Construction the low bidder on the project. Upholding the bid protest would increase the cost of awarding the project by a total of $24,000.08 from $92,579.77 to $116,779.85.

ATTACHMENTS:
Letter from Carter Construction (PDF)

CAO RECOMMENDATION
Requested Action Recommended
RESULT: ADOPTED [UNANIMOUS]
MOVER: Lee Stetson, District I Supervisor
SECONDER: Kevin Cann, District IV Supervisor
AYES: Stetson, Turpin, Bibby, Cann, Allen
February 10, 2012

County of Mariposa
Department of Public Works
Attn: Ken Pritchett
4639 Ben Hur Road
Mariposa, CA 95338

Sent Via E-mail and Registered U.S. Mail

Re: 5085 Bullion Remodel—Protest of Non-Responsive Bids

Dear Sir:

At the bid opening for the 5085 Bullion Street Remodel, it was noted that the bids from Randy Brower Construction and Harris Builders were submitted in conflict with the directions in the bid documents. Where the proposal clearly states, “Do not detach” [the bid documents], these bids were submitted as loose leaved pages, detached from the bid book. We formally protest the manner of their submission and ask that you find both of these bids non-responsive.

Only the bids from Carter Construction and Guenthart Construction were submitted in accordance with this requirement as complete bound proposals with attached addenda and bond or check.

Please instruct us if there is a further procedure required for us to complete this protest, or escalate this request.

Respectfully,

[Signature]

Ryan Carter

Copy: Michael Carter