

TO: BOARD OF EDUCATION
 FROM: SUPERINTENDENT
 DATE: JUNE 16, 2015 (ACTION)

SUBJECT: AWARD OF CONTRACT – TECHNOLOGY INFRASTRUCTURE UPGRADE 2015 – VARIOUS SITES

ISSUE:

Should the Board of Education authorize the award of the Technology Infrastructure Upgrade 2015 at Various Sites, to the lowest responsible bidder, PCC Network Solutions, submitting the lowest responsive bid and reject the bid protest from Waisman Construction?

BACKGROUND:

The District advertised for projects at Aspen, Banyan, Ladera, Lang Ranch, Maple, Walnut, Weathersfield, Westlake Hills Elementary Schools, and Earths Magnet School. Eleven (11) contractors attended the mandatory pre-bid job walk held on May 15, 2015. Five (5) contractors who attended the mandatory job walk submitted bids for this project on June 4, 2015 as listed below. IES Communication’s bid was deemed non-responsive due to material alteration of the bid form. A bid protest was received from Waisman Construction which was rejected by staff as recommended by legal counsel. Waisman Construction protested the fact that the two lowest bidders had indicated on the mandatory job walk sign-in sheet that they were bidding as a subcontractor, however, they submitted a bid as a prime contractor. The listing on the sign-in sheet is for information only and in accordance to Section 16 of the Instructions to Bidders issued to the bidders, a bidder can bid as a sub to one or more prime contractors and can also submit a bid as a prime contractor. As confirmed by the legal counsel, there is no violation of the law or Public Contract Code and therefore, the bid protest should be rejected.

<u>Contractor</u>	<u>CamGuard Systems, Inc</u>	<u>IES Communications</u> *	<u>PCC Network Solutions</u>	<u>Vector USA</u>	<u>Waisman Construction</u>
Aspen Elem	\$ 198,310.67	\$ 94,220.22	\$ 125,112.05	\$ 232,016.98	\$ 160,000.00
Banyan Elem	\$ 172,240.39	\$ 94,713.31	\$ 130,949.43	\$ 229,950.87	\$ 144,000.00
EARTHS	\$ 89,500.87	\$ 41,261.44	\$ 60,483.24	\$ 105,171.56	\$ 70,000.00
Ladera Elem	\$ 161,173.63	\$ 84,115.35	\$ 126,411.71	\$ 222,480.02	\$ 140,000.00
Lang Ranch Elem	\$ 49,977.12	\$ 27,882.21	\$ 40,687.66	\$ 73,607.48	\$ 75,000.00
Maple Elem	\$ 169,100.72	\$ 89,469.23	\$ 100,504.70	\$ 188,461.11	\$ 120,000.00
Walnut Elem	\$ 66,197.75	\$ 36,147.54	\$ 40,909.83	\$ 90,441.30	\$ 60,000.00
Weathersfield Elem	\$ 67,273.78	\$ 39,493.39	\$ 51,005.66	\$ 91,391.62	\$ 60,000.00
Westlake Hills Elem	\$ 188,199.83	\$ 105,140.65	\$ 132,955.31	\$ 250,533.06	\$ 165,000.00
Allowance	\$ 100,000.00	\$ 46,530.00*	\$ 100,000.00	\$ 100,000.00	\$ 100,000.00
Total Bid	\$1,261,974.76	\$ 655,973.34	\$ 909,019.59	\$ 1,584,054.00	\$1,094,000.00

*Bid non-responsive due to an irregularity and alteration of the bid form by the contractor.

ALTERNATIVES:

1. Authorize the award of the contract to PCC Network Solutions, the lowest responsible bidder submitting the lowest responsive bid and reject the bid protest from Waisman Construction.
2. Do not authorize the award of the contract to PCC Network Solutions, the lowest responsible bidder submitting the lowest responsive bid and do not reject the bid protest from Waisman Construction.

RECOMMENDATION:

Alternative #1.

RATIONALE:

Pursuant to the Public Contract Code §20111 Et seq., staff recommends the Board of Education authorize the award of the contract to the lowest responsible bidder submitting the lowest responsive bid, as documented on the Bid Summary above.

Respectfully submitted,

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Superintendent

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