

BUDGET RESOLUTION SUMMARY
11.14.17

| | | BUDGET RESOLUTIONS - 11.14.17 | | | | | | | |
|-----------------------------|------------------------------|-------------------------------|------------------|---------------------|----------------------|---------------------|------------------------|---------------------|--------------------------|
| Org | Description | Current Appropriations* | 2002 Tobacco | 2006 Tobacco | SB1022 | Prop 172 | Committed Fund Balance | PBM | Total Budget Resolutions |
| 1910 | Capital Projects | 34,129.66 | | | | | | | - |
| 8845 | State SB 1022 (WAJ) | 4,682,647.00 | | | 74,511,353.00 | | | | 74,511,353.00 |
| 8846 | Leasehold Improvements (WAJ) | 3,430,346.34 | 32,012.87 | 2,177,556.13 | | 4,255,489.00 | 3,220,266.00 | | 9,685,324.00 |
| 8847 | Central Plant/Tunnel (WAJ) | 4,591,524.00 | | | | | 1,789,165.00 | 1,119,311.00 | 2,908,476.00 |
| 8848 | Intangibles (WAJ) | 55,000.00 | | | | | 1,181,000.00 | | 1,181,000.00 |
| | | 12,793,647.00 | 32,012.87 | 2,177,556.13 | 74,511,353.00 | 4,255,489.00 | 6,190,431.00 | 1,119,311.00 | 88,286,153.00 |
| Needs Assessment/Land Value | | 688,000.00 | | | | | | | |
| TOTAL PROJECT BUDGET | | 13,481,647.00 | 32,012.87 | 2,177,556.13 | 74,511,353.00 | 4,255,489.00 | 6,190,431.00 | 1,119,311.00 | 101,767,800.00 |

*\$1,028,130.82 was appropriated as contingency from Prop 172 funds and is not part of the total project budget

ATTACHMENT A

ATTACHMENT B

Budget Summary Table
Fresno County - West Annex Jail
Contract Award
(SB1022)

Revised: October 25, 2017

| | Line Item | State Reimbursed | Cash Contribution | In-Kind Contribution | Total |
|------------------------------|---|------------------|-------------------|----------------------|---------------|
| 1 | Construction (w/ contingency) | \$67,321,000 | \$18,522,800 | | \$85,843,800 |
| 2 | Additional Eligible Costs (FF&E + Fees) | \$1,052,000 | \$44,000 | | \$1,096,000 |
| 3 | Architectural | \$6,160,000 | \$1,166,000 | | \$7,326,000 |
| 4 | Construction Management & Insp. | \$4,661,000 | \$777,000 | | \$5,438,000 |
| 5 | CEQA | | \$40,600 | | \$40,600 |
| 6 | State Agency Fees | | \$16,000 | | \$16,000 |
| 7 | Audit | | \$0 | \$35,000 | \$35,000 |
| 8 | Needs Assessment | | \$251,000 | \$0 | \$251,000 |
| 9 | Transition Planning | | \$0 | \$25,000 | \$25,000 |
| 10 | County Administration | | | \$1,259,400 | \$1,259,400 |
| 11 | Land Value | | | \$437,000 | \$437,000 |
| TOTAL ELIGIBLE PROJECT COSTS | | \$79,194,000 | \$20,817,400 | \$1,756,400 | \$101,767,800 |
| PERCENT OF TOTAL | | 77.82% | 20.46% | 1.73% | 100.00% |
| | | | | | |
| Total Cash Match | | | \$20,817,400 | | |
| Total In-Kind Match | | | \$1,756,400 | | |
| Total Match | | | \$22,573,800 | | |
| Match Percentage | | | 22.18% | | |

ATTACHMENT C

**Fresno County
West Annex Jail Project
SB 1022
PROJECT MILESTONE SCHEDULE
November 1, 2017**

- | | |
|--|--------------------------------------|
| 1. Project Establishment at PWB – | June 15, 2015 |
| 2. Approval of Preliminary Plans – | April 25, 2016 |
| 3. Working Drawings DOF approval – 3a – Proceed to Bid - | Aug 30, 2017 Aug 30, 2017 |
| 4. Advertise for Bids (start of bidding process) – | Aug 31, 2017 |
| 5. Bids Due - | Oct 20, 2017 |
| 6. Conditional Award of Construction Contract by County Board of Supervisors (Conditioned on Department of Finance Approval) | Nov 14, 2017 |
| 7. Contract Award Approved by Department of Finance | Dec 15, 2017 |
| 8. Notice to Proceed / Mobilization – | Jan 8, 2018 |
| 9. Construction Completion – | June 15, 2020 |
| 10. Occupancy – | Sept 11, 2020 |

USS Cal Builders, Inc.
October 24, 2017
Protest Letter

October 24, 2017

VIA Fax & E-Mail

Erin M. Haagenson
Senior Staff Analyst, Design Division
Fresno County Public Works & Planning
Phone: 559-600-4528
Fax: 559-600-4399
Email: ehaagenson@co.fresno.ca.us

Re: Fresno County- West Annex Jail
Contract No- 16-S-04
Bid Date- October 19, 2017.
Bid Protest of USS Cal Builders Inc.

Ms. Haagenson;

On or about October 24, 2017, Bernards Bros., Inc. was named the apparent low bidder on Fresno County West Annex Jail- Contract No- 16-S-04 (the "Project"), please see attached Exhibit "A".

This correspondence shall constitute USS Cal Builders Inc. ("USS") Bid Protest of Bernards Bros., Inc.'s bid pursuant to The Subletting and Subcontracting Fair Practices Act (Public Contract Code Section 4100) and the requirements of the contract documents.

USS Cal Builders protests of Bernards Bros., Inc.'s Bid on the grounds that Bernards Bros., Inc.'s Bid is non-responsive to the bid and the Contract Documents for the Project due but not limited to the following.

- Bernards Bros., Inc. bid submittal failed to list a subcontractor for the Communication scope of work. The value of the Communication scope of Work exceeds the required threshold as noted on the contract documents and in specific the list of subcontractors where it states: "*The following named subcontractor(s) will perform work or labor, or otherwise render service to the general contractor in or about the construction of the work or improvement, in an amount in excess of **one-half of one percent** of the total bid presented herewith. Please fill out as completely as possible when submitting your bid. Use subcontractor's business name style as registered with the License Board. Each listed subcontractor's name, location of business and description of work, and both their contractor's license number and public works contractor registration number are **REQUIRED**, by Section 4104 of the California Public Contract Code, to be submitted prior to bid opening*". Bernards Bros., Inc. knew or should have

known its subcontractor for the Communication scope of work, and because the value of that scope exceeds one half of one percent, should have listed that subcontractor in its bid documents. Therefore, Bernards Bros., Inc.'s omission of the Communication scope of work Subcontractor is a material variance from the bid instructions specifically since Bernards Bros., Inc. does not possess the C-10, C16 licenses to perform the work in house. Please see attached Exhibit "B & D".

- Bernards Bros., Inc.'s bid submittal included a list of subcontractors with Percentages of the work that the subcontractors are planning on performing. In this list, they stated that the work under Division 26 will be performed for 4.832% which is approximately \$3,950,000. This value is clearly not enough to complete this scope as the amounts received on or prior to bid date are substantially higher as noted on USS Cal Builders' bid submittal, not to mention that the subcontractor that was listed (Sebastian Corp) also sent us a proposal for the same work at bid time which excluded major components of the required scope of work including but not limited to the conduits for division 27 (value of \$350,000) and Division 28 (value of \$1,200,000). Here we ask the client to review the bids and in specific this scope of work. the client may reject any bid as non-responsive if it is materially unbalanced as to the prices for various items of work to be performed. A bid is materially unbalanced when it is based on prices significantly less than cost for some work and prices, which are significantly overstated for other work. Please see attached exhibit "C".
- Bernards Bros., Inc. bid submittal failed to list a subcontractor for the Roofing Work. The value of the Roofing Work exceeds the required threshold as noted on the contract documents and in specific the list of subcontractors where it states: "*The following named subcontractor(s) will perform work or labor, or otherwise render service to the general contractor in or about the construction of the work or improvement, in an amount in excess of **one-half of one percent** of the total bid presented herewith. Please fill out as completely as possible when submitting your bid. Use subcontractor's business name style as registered with the License Board. Each listed subcontractor's name, location of business and description of work, and both their contractor's license number and public works contractor registration number are **REQUIRED**, by Section 4104 of the California Public Contract Code, to be submitted prior to bid opening*". Bernards Bros., Inc. knew or should have known its subcontractor for the Roofing Work, and because the value of that scope exceeds one half of one percent, should have listed that subcontractor in its bid documents. Therefore, Bernards Bros., Inc.'s omission of the Roofing Subcontractor is a material variance from the bid instructions specifically since Bernards Bros., Inc. does not possess the C-39 license to perform the work in house. Please see attached Exhibit "B & D".


Attachment D

While certain minor irregularities can be waived, material variances cannot. (See Stimson v. Hanley (1907) 151 Cal. 379). It is a basic rule of competitive bidding that an irregularity may not be waived if it affected the amount of the bid or gave the bidder an advantage not available to other bidders. (See Menefee v. County of Fresno (1985) 163 Cal. App. 3d 1175). Here Bernards Bros., Inc.'s bid must be found non-responsive due to their failure to list subcontractors with appropriate licensure, failure to provide evidence of necessary licensure with their bids, failure to list a known and specified supplier/installer/subcontractor, and submission of a materially unbalanced bid. Bernards Bros., Inc.'s deviation is material as of Bernards Bros., Inc.'s will enjoy a substantial benefit not enjoyed by other bidders by not listing an appropriately licensed subcontractor. (See Valley Crest Landscape, Inc. v. City Council of Davis (1996) 41 Cal. App. 4th 1432).

Through the facts and irregularities presented above that clearly demonstrate the misunderstanding of the requirements, we respectfully request that the award of the Project be made to USS.

If you should have any questions, feel free to contact me at 714-699-5245.

Sincerely,



Rabih El-Zein
Sr. Vice President
USS Cal Builders, Inc.

EXHIBIT “A”

Bid Opening: 10/20/2017
Conditional Award Date: 11/14/2017

Subcontractors for Apparent Low Bidder - Mass X, Malcolm Drilling, CMC, McGuire, StructureCast, Bratton, Nuno Iron, Four C, Tarlton and Sons, CML Security, New England Sheet Metal, Sebastian, ABG Caulking, Kone, Jerico, Pecoraro, Prime Coat Coating Systems

Subcontractors for 2nd Low Bidder - Kone, Inc., Walters & Wolf Precast, Civil Works Corp., Best Contracting Services, Four C's Construction, Design Hardware, Slanton Utilities, Inc., Control Fire protection, Mass X, Shell Electric, Inc., Blue Iron, Simplex Grinnell, Universal Security Products, Bratton Masonry, 3D Datacom, Lawson Mechanical, Platinum, Abdelatif, Quality Steel

| Architect's Estimate | Base Bid | Alternate #1 | Alternate #2 | Alternate #3 | Alternate #4 | Alternate #5 | Alternate #6 | Allowance | Total |
|---------------------------|-----------------|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|------------------|-----------------|
| | \$76,200,417.00 | \$82,850.00 | \$148,544.00 | \$48,432.00 | \$166,149.00 | \$0.00 | \$0.00 | \$300,000.00 | \$76,946,392.00 |
| Bernards Bros, Inc | Base Bid | Alternate #1 | Alternate #2 | Alternate #3 | Alternate #4 | Alternate #5 | Alternate #6 | Allowance | Total |
| | \$80,658,000.00 | \$103,000.00 | \$430,000.00 | \$73,000.00 | \$190,000.00 | \$1,000.00 | \$1,000.00 | \$300,000.00 | \$81,756,000.00 |
| USS Cal Builders | Base Bid | Alternate #1 | Alternate #2 | Alternate #3 | Alternate #4 | Alternate #5 | Alternate #6 | Allowance | Total |
| | \$81,680,000.00 | \$110,000.00 | \$670,000.00 | \$65,000.00 | \$150,000.00 | \$0.00 | \$0.00 | \$300,000.00 | \$82,975,000.00 |

In order to allow sufficient time for appropriate review, any letter protesting the proposed award to the apparent low bidder is to be submitted no later than seven (7) calendar days after the posting of the bid results on the Department of Public Works and Planning's website. In order to allow full and fair consideration of the issues and a reasonable opportunity for the apparent low bidder to respond, the protest letter shall set forth in detail the basis for the protest. Any issues raised in the protest letter will be determined by the Board of Supervisors at the date and time scheduled for its consideration of the recommended award.

EXHIBIT “B”

PROJECT: FRESNO COUNTY WEST ANNEX JAIL

CONTRACT: 16-S-04

BIDDER: Bernards Bros. Inc.**SUBCONTRACTORS**

The following named subcontractor(s) will perform work or labor, or otherwise render service to the general contractor in or about the construction of the work or improvement, in an amount in excess of **one-half of one percent** of the total bid presented herewith. Please fill out as completely as possible when submitting your bid. Use subcontractor's business name style as registered with the License Board. Each listed subcontractor's name, location of business and description of work, and both their contractor's license number and public works contractor registration number are REQUIRED, by Section 4104 of the California Public Contract Code, to be submitted prior to bid opening. (The "location of business" must specify the city in which the subcontractor's business is located, and the state if other than California.) All other requested information shall be submitted, either with the bid or within 24 hours after bid opening.

FAILURE TO LIST SUBCONTRACTORS AS DIRECTED MAY RENDER THE BID NON-RESPONSIVE, OR MAY RESULT IN ASSESSMENT OF A PENALTY AGAINST THE BIDDER IN ACCORDANCE WITH SECTION 4110 OF THE CALIFORNIA PUBLIC CONTRACT CODE."

SUBCONTRACTOR:

Business Address: _____

Class _____ License No. _____ DIR Registration No. _____

Item No. or Description of Work _____

Dollar Amount or Percentage of Total Bid _____

Email Address _____

SUBCONTRACTOR: Mass XBusiness Address: 2524 N. Fordham Ave., Fresno, CA 93727Class A License No. 902334 DIR Registration No. 1000005550Item No. or Description of Work _____ **EARTHWORK**Dollar Amount or Percentage of Total Bid 1.349%Email Address massx2@hotmail.com**SUBCONTRACTOR:** Malcolm Drilling Co.Business Address: 4926 N. Azusa Canyon Road, Irwindale, CA 91706Class C57,C61,D09,A License No. 259543 DIR Registration No. 1000000389Item No. or Description of Work _____ **SHORING**Dollar Amount or Percentage of Total Bid 0.879%Email Address brockn@malcolmdrilling.com

PROJECT: FRESNO COUNTY WEST ANNEX JAIL

CONTRACT: 16-S-04

BIDDER: Bernards Bros. Inc.

- 4 1 **SUBCONTRACTOR:** _____
 2 Business Address: _____
 3 Class _____ License No. _____ DIR Registration No. _____
 4 Item No. or Description of Work _____
 5 Dollar Amount or Percentage of Total Bid _____
 6 Email Address _____
 7
- 5 8 **SUBCONTRACTOR:** _____
 9 Business Address: _____
 10 Class _____ License No. _____ DIR Registration No. _____
 11 Item No. or Description of Work _____
 12 Dollar Amount or Percentage of Total Bid _____
 13 Email Address _____
 14
- 6 15 **SUBCONTRACTOR:** CMC Rebar
 16 Business Address: 2990 E. Annadale Ave., Fresno, CA 93725
 17 Class C50 License No. 778010 DIR Registration No. 100000298
 18 Item No. or Description of Work _____ **REBAR**
 19 Dollar Amount or Percentage of Total Bid 3.110%
 20 Email Address jason.thompson@cmc.com
 21
- 7 22 **SUBCONTRACTOR:** McGuire Contracting Inc.
 23 Business Address: 16579 Slover Ave., Fontana, CA 92337
 24 Class C-8 License No. 818119 DIR Registration No. 1000006002
 25 Item No. or Description of Work _____ **STRUCTURAL CONCRETE**
 26 Dollar Amount or Percentage of Total Bid 10.149%
 27 Email Address manny@mcguirecontracting.com
 28
- 8 29 **SUBCONTRACTOR:** Structure Cast
 30 Business Address: 8261 McCutchen Road, Bakersfield, CA 93311
 31 Class C-8, C13, B License No. 774870 DIR Registration No. 1000000308
 32 Item No. or Description of Work _____ **PRE-CAST CONCRETE**
 33 Dollar Amount or Percentage of Total Bid 2.082%
 34 Email Address anna@structurecast.com
 35
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 37
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 39

PROJECT: FRESNO COUNTY WEST ANNEX JAIL

CONTRACT: 16-S-04

BIDDER: Bernards Bros. Inc.

- 9 1 **SUBCONTRACTOR:** Bratton Masonry Inc.
 2 Business Address: 2763 N. Argyle Ave., Fresno, CA 93727
 3 Class C-29 License No. 274525 DIR Registration No. 1000005266
 4 Item No. or Description of Work MASONRY & BRICK VENEER
 5 Dollar Amount or Percentage of Total Bid 4.409%
 6 Email Address chuck@brattonmasonry.com
 7
- 10 8 **SUBCONTRACTOR:** _____
 9 Business Address: _____
 10 Class _____ License No. _____ DIR Registration No. _____
 11 Item No. or Description of Work _____
 12 Dollar Amount or Percentage of Total Bid _____
 13 Email Address _____
 14
- 11 15 **SUBCONTRACTOR:** _____
 16 Business Address: _____
 17 Class _____ License No. _____ DIR Registration No. _____
 18 Item No. or Description of Work _____
 19 Dollar Amount or Percentage of Total Bid _____
 20 Email Address _____
 21
- 12 22 **SUBCONTRACTOR:** Nuno Iron & Mfg. Inc.
 23 Business Address: 315 Bitterwater Road, King City, CA 93930
 24 Class C23, C51, B License No. 757760 DIR Registration No. 1000007597
 25 Item No. or Description of Work STRUCTURAL STEEL & MISC. METALS
 26 Dollar Amount or Percentage of Total Bid 2.944%
 27 Email Address jr@nunoiron.com
 28
- 13 29 **SUBCONTRACTOR:** Four C's Construction
 30 Business Address: 1560 H Street, Fresno, CA 93721
 31 Class C43 License No. 908294 DIR Registration No. 1000002824
 32 Item No. or Description of Work SHEET METAL
 33 Dollar Amount or Percentage of Total Bid 0.432%
 34 Email Address preston@fourcsmetal.com
 35
 36
 37
 38
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PROJECT: FRESNO COUNTY WEST ANNEX JAIL

CONTRACT: 16-S-04

BIDDER: Bernards Bros. Inc.

- 14 1 **SUBCONTRACTOR:** _____
 2 Business Address: _____
 3 Class _____ License No. _____ DIR Registration No. _____
 4 Item No. or Description of Work _____
 5 Dollar Amount or Percentage of Total Bid _____
 6 Email Address _____
 7
- 15 8 **SUBCONTRACTOR:** _____
 9 Business Address: _____
 10 Class _____ License No. _____ DIR Registration No. _____
 11 Item No. or Description of Work _____
 12 Dollar Amount or Percentage of Total Bid _____
 13 Email Address _____
 14
- 16 15 **SUBCONTRACTOR:** Tarleton & Son
 16 Business Address: 3562 S. Elm Ave., Fresno, CA 93706
 17 Class B,C-2,C-9,C35 License No. 342341 DIR Registration No. 1000004368
 18 Item No. or Description of Work METAL STUD FRAMING / DRYWALL
 19 Dollar Amount or Percentage of Total Bid 2.296%
 20 Email Address DHolland@tarltonandson.com
 21
- 17 22 **SUBCONTRACTOR:** CML Security LLC
 23 Business Address: 400 Young Ct., Unit 1, Erie, CO 80516
 24 Class B, C10 License No. 1015730 DIR Registration No. 1000040451
 25 Item No. or Description of Work DETENTION EQUIPMENT
 26 Dollar Amount or Percentage of Total Bid 20.313%
 27 Email Address jjramsey@cmlsecurity.us
 28
- 18 29 **SUBCONTRACTOR:** CML Security LLC
 30 Business Address: 400 Young Ct., Unit 1, Erie, CO 80516
 31 Class B, C10 License No. 1015730 DIR Registration No. 1000040451
 32 Item No. or Description of Work SECURITY ELECTRONICS (DIV 28)
 33 Dollar Amount or Percentage of Total Bid Included w/Detention Equip.
 34 Email Address jjramsey@cmlsecurity.us
 35
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PROJECT: FRESNO COUNTY WEST ANNEX JAIL

CONTRACT: 16-S-04

BIDDER: Bernards Bros. Inc.

19 1 **SUBCONTRACTOR:** _____
 2 Business Address: _____
 3 Class _____ License No. _____ DIR Registration No. _____
 4 Item No. or Description of Work _____
 5 Dollar Amount or Percentage of Total Bid _____
 6 Email Address _____
 7

20 8 **SUBCONTRACTOR:** New England Sheet Metal & Mechanical Co.
 9 Business Address: 2731 S. Cherry Ave., Fresno, CA 93706
 10 Class C20, C36 License No. 433674 DIR Registration No. 1000001449
 11 Item No. or Description of Work _____ **PLUMBING**
 12 Dollar Amount or Percentage of Total Bid Included w/HVAC
 13 Email Address keynaud@nesmw.com
 14

21 15 **SUBCONTRACTOR:** New England Sheet Metal & Mechanical Co.
 16 Business Address: 2731 S. Cherry Ave., Fresno, CA 93706
 17 Class C20, C36 License No. 433674 DIR Registration No. 1000001449
 18 Item No. or Description of Work _____ **HVAC**
 19 Dollar Amount or Percentage of Total Bid 19.081%
 20 Email Address keynaud@nesmw.com
 21

22 22 **SUBCONTRACTOR:** Sebastian Corp.
 23 Business Address: 7600 N. Palm Ave., Fresno, CA 93711
 24 Class C10 License No. 630669 DIR Registration No. 1000001876
 25 Item No. or Description of Work _____ **ELECTRICAL**
 26 Dollar Amount or Percentage of Total Bid 4.832%
 27 Email Address polivarez@sebastiancorp.com
 28

23 29 **SUBCONTRACTOR:** ABG Caulking Contractors
 30 Business Address: PO Box 544, Goodlettsville, TN 37070
 31 Class C33 License No. 526169 DIR Registration No. 1000016206
 32 Item No. or Description of Work _____ **JOINT SEALANTS**
 33 Dollar Amount or Percentage of Total Bid 1.063%
 34 Email Address arles@abgcaulking.com
 35
 36
 37
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 39

3,950,449
 .92

PROJECT: FRESNO COUNTY WEST ANNEX JAIL

CONTRACT: 16-S-04

BIDDER: Bernards Bros. Inc.

- 24 1 **SUBCONTRACTOR:** _____
 2 Business Address: _____
 3 Class _____ License No. _____ DIR Registration No. _____
 4 Item No. or Description of Work _____
 5 Dollar Amount or Percentage of Total Bid _____
 6 Email Address _____
 7
- 25 8 **SUBCONTRACTOR:** KONE, Inc.
 9 Business Address: 3727 Bradview Dr., Sacramento, CA 95827
 10 Class C11 License No. 179166 DIR Registration No. 1000003806
 11 Item No. or Description of Work _____ **ELEVATORS**
 12 Dollar Amount or Percentage of Total Bid 3.119%
 13 Email Address daniel.shaw@kone.com
 14
- 26 15 **SUBCONTRACTOR:** Jerico Fire Protection Co. Inc.
 16 Business Address: 1380 N. Hulbert Ave., Fresno, CA 95728
 17 Class C16 License No. 548570 DIR Registration No. 1000000984
 18 Item No. or Description of Work _____ **FIRE SPRINKLERS**
 19 Dollar Amount or Percentage of Total Bid 1.265%
 20 Email Address bruce@jericofire.com
 21
- 27 22 **SUBCONTRACTOR:** Pecoraro, Inc.
 23 Business Address: 1728 India St., San Diego, CA 92101
 24 Class C33 License No. 868925 DIR Registration No. 1000003195
 25 Item No. or Description of Work _____ **PAINTING**
 26 Dollar Amount or Percentage of Total Bid 1.106%
 27 Email Address onofrio@pecoraroinc.com
 28
- 28 29 **SUBCONTRACTOR:** _____
 30 Business Address: _____
 31 Class _____ License No. _____ DIR Registration No. _____
 32 Item No. or Description of Work _____
 33 Dollar Amount or Percentage of Total Bid _____
 34 Email Address _____
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 37
 38
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PROJECT: FRESNO COUNTY WEST ANNEX JAIL

CONTRACT: 16-S-04

BIDDER: Bernards Bros. Inc.

- 29 1 **SUBCONTRACTOR:** Prime Coat Coating Systems
 2 Business Address: 405 Oakwood Ave., Waukegan, IL 60085
 3 Class C33 License No. 952144 DIR Registration No. 1000038784
 4 Item No. or Description of Work 99602 Cell Coatings ALTERNATE #2 ONLY
 5 Dollar Amount or Percentage of Total Bid 0.761%
 6 Email Address chrispullos@yahoo.com
 7
- 30 8 **SUBCONTRACTOR:** _____
 9 Business Address: _____
 10 Class _____ License No. _____ DIR Registration No. _____
 11 Item No. or Description of Work _____
 12 Dollar Amount or Percentage of Total Bid _____
 13 Email Address _____
 14
- 31 15 **SUBCONTRACTOR:** _____
 16 Business Address: _____
 17 Class _____ License No. _____ DIR Registration No. _____
 18 Item No. or Description of Work _____
 19 Dollar Amount or Percentage of Total Bid _____
 20 Email Address _____
 21
- 32 22 **SUBCONTRACTOR:** _____
 23 Business Address: _____
 24 Class _____ License No. _____ DIR Registration No. _____
 25 Item No. or Description of Work _____
 26 Dollar Amount or Percentage of Total Bid _____
 27 Email Address _____
 28
- 33 29 **SUBCONTRACTOR:** _____
 30 Business Address: _____
 31 Class _____ License No. _____ DIR Registration No. _____
 32 Item No. or Description of Work _____
 33 Dollar Amount or Percentage of Total Bid _____
 34 Email Address _____
 35
 36
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 38 End of Section 00 43 36

EXHIBIT “C”

Contractor's License: 630669
DIR: 1000001876



SEBASTIAN
Putting people first.

7600 North Palm Avenue
Fresno, California 93711

559.432.5800

sebastiancorp.com

Electrical Scope (DIVISION 26)

For

FRESNO COUNTY –WEST ANNEX JAIL

16-S-04



Bid Date:

October 20th, 2017

Contractor's License: 630669
DIR: 1000001876

7600 North Palm Avenue
Fresno, California 93711

559.432.5800

sebastiancorp.com



SEBASTIAN
Putting people first.

October 20, 2017

Contractor,

We are pleased to be bidding the ELECTRICAL PORTION of the Our proposal is based on the following specifications, drawings, and addendums:

- Drawings are by DLR Group and plans dated May 03-28-2017
- Recognizing Addendum: #1, 2, 3, 4

This bid proposal is good for 30 business days from the date received. Acceptance of our proposal in writing, is Sebastian's agreement to the terms and conditions herein.

Base Bid: \$4,350,000.00

Division 27 Conduit Raceway System Only (Adder) \$350,000.00 (Not included in above quote)

Division 28 Conduit Raceway System Only (Adder) \$1,200,000.00 (Not included in above quote)

Inclusions:

- Division 26 per plans and Specs as it relates to Division 26 requirements. New electrical distribution system as shown on plans. Based upon normal working hours, not an accelerated schedule. Normal working hours are included.
- Overcurrent protective device short circuit study. Generator and ATSs.
- Light fixtures and lighting control.
- Ground ring around buildings. Per grounding specifications.
- Site work as shown on plans.
- Excavation, backfill, concrete encasement (as indicated on plans).
- Make safe for demolition by others as shown on plans.
- Temporary power only as shown on sheet E1.1 (Temporary construction power pedestal and conduit as shown only). Nothing else is included beyond what is shown on sheet E1.1
- Prevailing wage rates. Sales tax included

Contractor's License: 630669
DIR: 1000001876

7600 North Palm Avenue
Fresno, California 93711

559.432.5800

sebastiancorp.com



SEBASTIAN
Putting people first.

Exclusions:

- Bonding. If bond required our bond rate is approximately 0.9% and is not included in our quote.
- Concreate / Asphalt Saw cutting, removal and patching is excluded.
- Roof jack penetrations and sealing of roof penetrations is excluded. By others if needed.
- Painting, patching, backing or blocking of any electrical related installation.
- Low voltage systems. Coordination only included.
- Exporting of Spoils is excluded.
- Title 24 lighting test is excluded
- Removal of Concrete Pole Bases.
- Providing or installation of any concrete. Generator pad, housekeeping pad and any associated rebar is excluded.

Respectfully,

Kelly Yost, PE

SEBASTIAN
"Putting People First"
7600 N. Palm Ave
Fresno CA, 93711
Office: 559-432-5800
Direct: 559-261-8235
FAX: 559-261-8261

EXHIBIT “D”



CONTRACTORS STATE LICENSE BOARD



Contractor's License Detail for License # 302007

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.

Data current as of 10/25/2017 1:55:55 PM

Business Information

BERNARDS BROS INC
555 FIRST STREET
SAN FERNANDO, CA 91340
Business Phone Number:(818) 898-1521

Entity Corporation
Issue Date 01/20/1975
Expire Date 03/31/2019

License Status

This license is current and active.

All information below should be reviewed.

Classifications

A - GENERAL ENGINEERING CONTRACTOR
B - GENERAL BUILDING CONTRACTOR

Bonding Information

Contractor's Bond

This license filed a Contractor's Bond with SAFECO INSURANCE COMPANY OF AMERICA.

Bond Number: 6398075

Bond Amount: \$15,000

Effective Date: 01/01/2016

Contractor's Bond History

Bond of Qualifying Individual

This license filed Bond of Qualifying Individual number **024072541** for DOUGLAS DEAN BERNARDS in the amount of **\$12,500** with LIBERTY MUTUAL INSURANCE COMPANY.

Effective Date: 04/19/2017

BQI's Bond History

Workers' Compensation

This license has workers compensation insurance with the FEDERAL INSURANCE COMPANY

Policy Number: 54309469

Effective Date: 07/01/2017

Expire Date: 07/01/2018

Workers' Compensation History

Other

Carpenters Local 701
October 27, 2017
Letter



Attachment D
RECEIVED
OCT 31 2017
FRESNO COUNTY
DEPT. OF
PUBLIC WORKS & PLANNING

United Brotherhood of Carpenters & Joiners of America

10/27/17

Stuart Seiden , Division Manager
County of Fresno Public Works & Planning
2220 Tulare St., FL 6th
Fresno, CA
93721-2106
VIA MAIL AND EMAIL
sseiden@co.fresno.ca.us

Re: Fresno County West Jail Annex Project

Dear Mr. Seiden:

Please accept this letter and enclosures on behalf of the members of Carpenters Local 701. In addition to our other roles, our organization monitors local construction projects to help ensure that taxpayers get the best value for their tax dollars, and that appropriate competitive bidding practices are utilized.

After a careful review of bid documents submitted by Bernards Bros. Inc. (the apparent low bidder), it appears that they submitted a non-responsive bid. Specifically, Bernards Bros. failed to list a subcontractor for critical portions of the work required of this project. In addition, Bernards Bros. listed an unqualified structural steel framer. As these issues cannot be remedied and should not be waived, the County should find Bernards Bros. bid to be non-responsive, and the project should be awarded to the next lowest responsive and responsible bidder.

Bernards Bros. lists unqualified structural steel subcontractor

Division 05 12 00 (Structural Steel Framing) of the project specifications states:

Installer Qualifications: A qualified installer who participates in the AISC Quality Certification 6 Program and is designated an AISC-Certified Erector, Category ACSE.

Bernard Bros listed Nuno Iron & Manufacturing of King City as their Structural Steel and Miscellaneous Metals sub-contractor. The American Institute of Steel Construction (AISC)'s website contains a database of Certified Erectors (<https://www.aisc.org/certification/certification-search/>). A search for Nuno Iron & Manufacturing on October 27th, 2017 returns zero results.

Per the specifications for this project, Nuno Iron & Manufacturing is not qualified to perform the work of structural steel framing. For listing an unqualified subcontractor, Bernards Bros. bid should be found non-responsive.

Bernards Bros fails to list critical sub-contractors

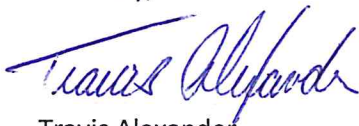
The State of California, in enacting the Subletting and Subcontracting Fair Practices Act ("Subcontracting Act"), found that "the practices of bid shopping and bid peddling in connection with the construction, alteration, and repair of public improvements often result in poor quality of material and workmanship to the detriment of the public, deprive the public of the full benefits of fair competition among prime contractors and subcontractors, and lead to insolvencies, loss of wages to employees, and other evils."

To combat these "evils," the State enacted the Subcontracting Act, which requires that prime bidders list all subcontractors who will perform work whose value is in excess of one half of one percent of the total contract price. Bernards Bros. failed to list a sub-contractor for Metal Roofing/Metal Wall Panel, Moisture Protection-Roofing, Doors and Hardware, and Rough Carpentry. The second low bidder, USS Cal listed sub-contractors for all of these items.

By failing to list sub-contractors for these items, Bernards Bros. is declaring that they will self-perform this work. The County should investigate whether Bernards Bros. has the workforce and is qualified to perform these diverse items. If Bernards Bros. cannot self-perform these items, their bid must be found non-responsive.

Given the numerous documented issues that call into question whether Bernards Bros. submitted a responsive bid, we urge the County to use its discretion to award the project to the next lowest responsive and responsible bidder. Should you have any questions, please do not hesitate to call at (559-268-3895).

Sincerely,

A handwritten signature in blue ink, appearing to read "Travis Alexander".

Travis Alexander
Field Representative

Bernards Bros, Inc.
October 30, 2017
Response Letter



October 30, 2017

Ms. Alexis Rutherford
 Ms. Erin Haagenon
 Fresno County Department of Public Works and Planning
 Office of the Design Engineer, 7th Floor
 Fresno County Plaza Building
 2220 Tulare Street
 Fresno, CA 93721

RE: County Contract No. 16-S-04
 West Annex Jail

Dear Ms. Rutherford and Ms. Haagenon,

Bernards Bros. Inc. strongly opposes the October 24, 2017 bid protest of second-low bidder, USS Cal Builders. And citing California law, as did USS Cal Builders, we note preliminarily that, as observed by the court in Ghilotti Construction Co. v. City of Richmond (1996) 45 Cal.App.4th 897, the bidding statutes must be:

"... viewed in light of the public interest, rather than the private interest of a *disappointed bidder*. It certainly would amount to a disservice to the public if a losing bidder were to be permitted to comb through the bid proposal or license application of the low bidder after the fact, and cancel the low bid on minor technicalities, with the hope of securing acceptance of his, a higher bid. Such construction would be adverse to the best interests of the public and contrary to public policy."

The Ghilotti court also held that "[t]he rule of strict compliance with bidding requirements does not preclude the contracting entity from waiving inconsequential deviations." As discussed below, Bernards' bid was fully responsive and did not deviate from the County's bidding requirements but, even if it did, the County is permitted to waive any immaterial irregularities in Bernards' bid.

Here are the facts: The project bid and was publicly opened at 2:00 p.m. on October 20, 2017 at the Fresno County Facilities Offices. Two bids were received. The basis of the County's award was the total bid which included a base bid plus 6 alternates and 1 allowance for a total bid amount. Bernards was low bidder at \$81,756,000 and USS Cal was second at \$82,975,000 – a difference of \$1,219,000. USS Cal Builders then emailed a protest letter dated October 24, 2017. Despite USS Cal Builders' contentions to the contrary, there were no errors or irregularities in Bernards' low bid. We address the three points raised by USS Cal Builders in the order presented by USS Cal Builders, as follows:

Point 1: For the Detention scope of work, Bernards listed CML Security, who included both Division 27 and Division 28 work in its bid, including all conduit and wire for these two divisions. We did not use a separate communications subcontractor for this scope of work and, therefore, we were not required to separately list a subcontractor. All of this is very clearly stated in CML Security's bid.

Point 2: Bernards' listed Electrical subcontractor, Sebastian, has only Division 26 in its quote to Bernards (attached), which represents 4.832% of the project cost. As noted above, CML Detention has the Division 27 and Division 28 scope of work included in its quote, which represents 20.313% of the project cost.

Point 3: The bidding statutes require that prime contract bidders, such as Bernards, list their intended subcontractors whose work will equal or exceed one-half of one percent of the prime contractor's bid price. One-half of one percent of \$81,756,000 (Bernards' bid price) is \$408,700. The quote from Graham-Prewett, Bernards' intended roofing subcontractor is \$403,700. Because Graham-Prewett's quoted price did not meet the statutory threshold, Bernards was not required to list a roofing subcontractor with its bid to the County. Upon request, Bernards can provide the County with the sub bids from the scopes in question.

In summary, it is clear that USS Cal Builders' bid protest is without merit. Indeed, the protest is nothing more than a disappointed second-low bidder seeking to "comb through the bid proposal or license application of the low bidder after the fact, and [attempt to] cancel the low bid on minor technicalities, with the hope of securing acceptance of his, a higher bid."

Bernards respectfully requests that the County reject USS Cal Builders' protest, and award the contract to Bernards.

Sincerely Yours,

A handwritten signature in black ink, appearing to read 'Faeco DiGiallonardo', written over a horizontal line.

Faeco DiGiallonardo
Vice President
Bernards Bros. Inc.

USS Cal Builders, Inc.
November 2, 2017
Response Letter

November 2, 2017

VIA Fax & E-Mail

Erin M. Haagenson
Senior Staff Analyst, Design Division
Fresno County Public Works & Planning
Phone: 559-600-4528
Fax: 559-600-4399
Email: ehaagenson@co.fresno.ca.us

Re: Fresno County- West Annex Jail
Contract No- 16-S-04
Bid Date- October 19, 2017.
Response to Bernards Response to Bid Protest of USS Cal Builders Inc.

Ms. Haagenson;

We received the response from Bernards Bros that was forwarded to us on Tuesday October 31st, 2017, we will keep it short and respond to the points made by the above contractor. Our response is as follows:

USS Cal Builders protests of Bernards Bros., Inc.'s Bid on the grounds that Bernards Bros., Inc.'s Bid is non-responsive to the bid and the Contract Documents for the Project due but not limited to the following.

Point 1: USS Cal Builders did not protest the Detention scope of work, USS Cal Builders protested the Communication scope of work and division 27, Division 27 includes the communication scope of work which was and still not included in the bid submitted at bid date. Contrary to the insinuations made by Bernards Bros, the Detention Scope of work is not included in Division 27. See below.

- *"Bernards Bros., Inc. bid submittal failed to list a subcontractor for the Communication scope of work. The value of the Communication scope of Work exceeds the required threshold as noted on the contract documents and in specific the list of subcontractors where it states:" The following named subcontractor(s) will perform work or labor, or otherwise render service to the general contractor in or about the construction of the work or improvement, in an amount in excess of **one-half of one percent** of the total bid presented herewith. Please fill out as completely as possible when submitting your bid. Use subcontractor's business name style as registered with the License Board. Each listed subcontractor's name, location of business and description of work, and both their contractor's license number and public works contractor registration number are **REQUIRED**, by Section 4104 of the California Public Contract Code, to be submitted prior to bid opening". Bernards Bros., Inc. knew or should have*

Attachment D

known its subcontractor for the Communication scope of work, and because the value of that scope exceeds one half of one percent, should have listed that subcontractor in its bid documents. Therefore, Bernards Bros., Inc.'s omission of the Communication scope of work Subcontractor is a material variance from the bid instructions specifically since Bernards Bros., Inc. does not possess the C-10, C16 licenses to perform the work in house. Please see attached Exhibit "B & D".

Point 2: We have not been forwarded the attachments as noted in Bernards Bros letter dated October 30, 2107. Please forward so we can review for conformance. Regardless of the attachments, the Detention Scope of work is not included in Division 27 and this could easily be verified by the author of the documents. See below for additional comments not responded to as of this date.

- Bernards Bros., Inc.'s bid submittal included a list of subcontractors with Percentages of the work that the subcontractors are planning on performing. In this list, they stated that the work under Division 26 will be performed for 4.832% which is approximately \$3,950,000. This value is clearly not enough to complete this scope as the amounts received on or prior to bid date are substantially higher as noted on USS Cal Builders' bid submittal, not to mention that the subcontractor that was listed (Sebastian Corp) also sent us a proposal for the same work at bid time which excluded major components of the required scope of work including but not limited to the conduits for division 27 (value of \$350,000) and Division 28 (value of \$1,200,000). Here we ask the client to review the bids and in specific this scope of work. the client may reject any bid as non-responsive if it is materially unbalanced as to the prices for various items of work to be performed. A bid is materially unbalanced when it is based on prices significantly less than cost for some work and prices, which are significantly overstated for other work. Please see attached exhibit "C".

Point 3: USS Cal Builders received several bids for the roofing work at bid time, neither of them was lower than the threshold of the ½ of 1% of the contract value. We ask that you forward to our attention the subject dated proposal.

Additionally, to the points responded to above, please note that the painting subcontractor (Prime Coat II LLC) that was listed in the subcontractor list submitted by Bernards Bros on bid day does not have a current active license, their license has been suspended and was suspended at bid time. Please see attached Exhibit "E".

While certain minor irregularities can be waived, material variances cannot. (See Stimson v. Hanley (1907) 151 Cal. 379). It is a basic rule of competitive bidding that an irregularity may not be waived if it affected the amount of the bid or gave the bidder an advantage not available to other bidders. (See Menefee v. County of Fresno (1985) 163 Cal. App. 3d 1175). Here Bernards Bros., Inc.'s bid must be

found non-responsive due to their failure to list subcontractors with appropriate licensure, failure to provide evidence of necessary licensure with their bids, failure to list a known and specified supplier/installer/subcontractor, and submission of a materially unbalanced bid. Bernard's Bros., Inc.'s deviation is material as of Bernard's Bros., Inc.'s will enjoy a substantial benefit not enjoyed by other bidders by not listing an appropriately licensed subcontractor. (See Valley Crest Landscape, Inc. v. City Council of Davis (1996) 41 Cal. App. 4th 1432).

Finally, I would like to respond to Bernard's Bros.'s comment regarding USS Cal Builders being a *"disappointed second-low bidder seeking to comb through the bid proposal or license application of the low bidder after the fact...."*. Although we were disappointed, the intent of the protest letter is due to the fact that irregularities clearly demonstrate the misunderstanding of the requirements on behalf of Bernard's Bros. These are legal and fair bidding practices that do indeed affect all bidders, regardless of determination of placement.

We respectfully request that the award of the Project be made to USS.

If you should have any questions, feel free to contact me at 714-699-5245.

Sincerely,



Rabih El-Zein
Sr. Vice President
USS Cal Builders, Inc.

EXHIBIT “A”

Bid Opening: 10/20/2017
Conditional Award Date: 11/14/2017

Subcontractors for Apparent Low Bidder - Mass X, Malcolm Drilling, CMC, McGuire, StructureCast, Bratton, Nuno Iron, Four C, Tarlton and Sons, CML Security, New England Sheet Metal, Sebastian, ABG Caulking, Kone, Jerico, Pecoraro, Prime Coat Coating Systems

Subcontractors for 2nd Low Bidder - Kone, Inc., Walters & Wolf Precast, Civil Works Corp., Best Contracting Services, Four C's Construction, Design Hardware, Slanton Utilities, Inc., Control Fire protection, Mass X, Shell Electric, Inc., Blue Iron, Simplex Grinnell, Universal Security Products, Bratton Masonry, 3D Datacom, Lawson Mechanical, Platinum, Abdelatif, Quality Steel

| Architect's Estimate | Base Bid | Alternate #1 | Alternate #2 | Alternate #3 | Alternate #4 | Alternate #5 | Alternate #6 | Allowance | Total |
|----------------------|-----------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|-----------------|
| | \$76,200,417.00 | \$82,850.00 | \$148,544.00 | \$48,432.00 | \$166,149.00 | \$0.00 | \$0.00 | \$300,000.00 | \$76,946,392.00 |
| Bernards Bros, Inc | Base Bid | Alternate #1 | Alternate #2 | Alternate #3 | Alternate #4 | Alternate #5 | Alternate #6 | Allowance | Total |
| | \$80,658,000.00 | \$103,000.00 | \$430,000.00 | \$73,000.00 | \$190,000.00 | \$1,000.00 | \$1,000.00 | \$300,000.00 | \$81,756,000.00 |
| USS Cal Builders | Base Bid | Alternate #1 | Alternate #2 | Alternate #3 | Alternate #4 | Alternate #5 | Alternate #6 | Allowance | Total |
| | \$81,680,000.00 | \$110,000.00 | \$670,000.00 | \$65,000.00 | \$150,000.00 | \$0.00 | \$0.00 | \$300,000.00 | \$82,975,000.00 |

In order to allow sufficient time for appropriate review, any letter protesting the proposed award to the apparent low bidder is to be submitted no later than seven (7) calendar days after the posting of the bid results on the Department of Public Works and Planning's website. In order to allow full and fair consideration of the issues and a reasonable opportunity for the apparent low bidder to respond, the protest letter shall set forth in detail the basis for the protest. Any issues raised in the protest letter will be determined by the Board of Supervisors at the date and time scheduled for its consideration of the recommended award.

EXHIBIT “B”

PROJECT: FRESNO COUNTY WEST ANNEX JAIL

CONTRACT: 16-S-04

BIDDER: Bernards Bros. Inc.**SUBCONTRACTORS**

The following named subcontractor(s) will perform work or labor, or otherwise render service to the general contractor in or about the construction of the work or improvement, in an amount in excess of **one-half of one percent** of the total bid presented herewith. Please fill out as completely as possible when submitting your bid. Use subcontractor's business name style as registered with the License Board. Each listed subcontractor's name, location of business and description of work, and both their contractor's license number and public works contractor registration number are REQUIRED, by Section 4104 of the California Public Contract Code, to be submitted prior to bid opening. (The "location of business" must specify the city in which the subcontractor's business is located, and the state if other than California.) All other requested information shall be submitted, either with the bid or within 24 hours after bid opening.

FAILURE TO LIST SUBCONTRACTORS AS DIRECTED MAY RENDER THE BID NON-RESPONSIVE, OR MAY RESULT IN ASSESSMENT OF A PENALTY AGAINST THE BIDDER IN ACCORDANCE WITH SECTION 4110 OF THE CALIFORNIA PUBLIC CONTRACT CODE."

SUBCONTRACTOR:

Business Address: _____

Class _____ License No. _____ DIR Registration No. _____

Item No. or Description of Work _____

Dollar Amount or Percentage of Total Bid _____

Email Address _____

SUBCONTRACTOR: Mass XBusiness Address: 2524 N. Fordham Ave., Fresno, CA 93727Class A License No. 902334 DIR Registration No. 1000005550Item No. or Description of Work _____ **EARTHWORK**Dollar Amount or Percentage of Total Bid 1.349%Email Address massx2@hotmail.com**SUBCONTRACTOR:** Malcolm Drilling Co.Business Address: 4926 N. Azusa Canyon Road, Irwindale, CA 91706Class C57,C61,D09,A License No. 259543 DIR Registration No. 1000000389Item No. or Description of Work _____ **SHORING**Dollar Amount or Percentage of Total Bid 0.879%Email Address brockn@malcolmdrilling.com

PROJECT: FRESNO COUNTY WEST ANNEX JAIL

CONTRACT: 16-S-04

BIDDER: Bernards Bros. Inc.

- 4 1 **SUBCONTRACTOR:** _____
 2 Business Address: _____
 3 Class _____ License No. _____ DIR Registration No. _____
 4 Item No. or Description of Work _____
 5 Dollar Amount or Percentage of Total Bid _____
 6 Email Address _____
 7
- 5 8 **SUBCONTRACTOR:** _____
 9 Business Address: _____
 10 Class _____ License No. _____ DIR Registration No. _____
 11 Item No. or Description of Work _____
 12 Dollar Amount or Percentage of Total Bid _____
 13 Email Address _____
 14
- 6 15 **SUBCONTRACTOR:** CMC Rebar
 16 Business Address: 2990 E. Annadale Ave., Fresno, CA 93725
 17 Class C50 License No. 778010 DIR Registration No. 100000298
 18 Item No. or Description of Work _____ **REBAR**
 19 Dollar Amount or Percentage of Total Bid 3.110%
 20 Email Address jason.thompson@cmc.com
 21
- 7 22 **SUBCONTRACTOR:** McGuire Contracting Inc.
 23 Business Address: 16579 Slover Ave., Fontana, CA 92337
 24 Class C-8 License No. 818119 DIR Registration No. 1000006002
 25 Item No. or Description of Work _____ **STRUCTURAL CONCRETE**
 26 Dollar Amount or Percentage of Total Bid 10.149%
 27 Email Address manny@mcguirecontracting.com
 28
- 8 29 **SUBCONTRACTOR:** Structure Cast
 30 Business Address: 8261 McCutchen Road, Bakersfield, CA 93311
 31 Class C-8, C13, B License No. 774870 DIR Registration No. 1000000308
 32 Item No. or Description of Work _____ **PRE-CAST CONCRETE**
 33 Dollar Amount or Percentage of Total Bid 2.082%
 34 Email Address anna@structurecast.com
 35
 36
 37
 38
 39

PROJECT: FRESNO COUNTY WEST ANNEX JAIL

CONTRACT: 16-S-04

BIDDER: Bernards Bros. Inc.

- 9 1 **SUBCONTRACTOR:** Bratton Masonry Inc.
 2 Business Address: 2763 N. Argyle Ave., Fresno, CA 93727
 3 Class C-29 License No. 274525 DIR Registration No. 1000005266
 4 Item No. or Description of Work MASONRY & BRICK VENEER
 5 Dollar Amount or Percentage of Total Bid 4.409%
 6 Email Address chuck@brattonmasonry.com
 7
- 10 8 **SUBCONTRACTOR:** _____
 9 Business Address: _____
 10 Class _____ License No. _____ DIR Registration No. _____
 11 Item No. or Description of Work _____
 12 Dollar Amount or Percentage of Total Bid _____
 13 Email Address _____
 14
- 11 15 **SUBCONTRACTOR:** _____
 16 Business Address: _____
 17 Class _____ License No. _____ DIR Registration No. _____
 18 Item No. or Description of Work _____
 19 Dollar Amount or Percentage of Total Bid _____
 20 Email Address _____
 21
- 12 22 **SUBCONTRACTOR:** Nuno Iron & Mfg. Inc.
 23 Business Address: 315 Bitterwater Road, King City, CA 93930
 24 Class C23, C51, B License No. 757760 DIR Registration No. 1000007597
 25 Item No. or Description of Work STRUCTURAL STEEL & MISC. METALS
 26 Dollar Amount or Percentage of Total Bid 2.944%
 27 Email Address jr@nunoiron.com
 28
- 13 29 **SUBCONTRACTOR:** Four C's Construction
 30 Business Address: 1560 H Street, Fresno, CA 93721
 31 Class C43 License No. 908294 DIR Registration No. 1000002824
 32 Item No. or Description of Work SHEET METAL
 33 Dollar Amount or Percentage of Total Bid 0.432%
 34 Email Address preston@fourcsmetal.com
 35
 36
 37
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 39

PROJECT: FRESNO COUNTY WEST ANNEX JAIL

CONTRACT: 16-S-04

BIDDER: Bernards Bros. Inc.

- 14 1 **SUBCONTRACTOR:** _____
 2 Business Address: _____
 3 Class _____ License No. _____ DIR Registration No. _____
 4 Item No. or Description of Work _____
 5 Dollar Amount or Percentage of Total Bid _____
 6 Email Address _____
 7
- 15 8 **SUBCONTRACTOR:** _____
 9 Business Address: _____
 10 Class _____ License No. _____ DIR Registration No. _____
 11 Item No. or Description of Work _____
 12 Dollar Amount or Percentage of Total Bid _____
 13 Email Address _____
 14
- 16 15 **SUBCONTRACTOR:** Tarleton & Son
 16 Business Address: 3562 S. Elm Ave., Fresno, CA 93706
 17 Class B,C-2,C-9,C35 License No. 342341 DIR Registration No. 1000004368
 18 Item No. or Description of Work METAL STUD FRAMING / DRYWALL
 19 Dollar Amount or Percentage of Total Bid 2.296%
 20 Email Address DHolland@tarltonandson.com
 21
- 17 22 **SUBCONTRACTOR:** CML Security LLC
 23 Business Address: 400 Young Ct., Unit 1, Erie, CO 80516
 24 Class B, C10 License No. 1015730 DIR Registration No. 1000040451
 25 Item No. or Description of Work DETENTION EQUIPMENT
 26 Dollar Amount or Percentage of Total Bid 20.313%
 27 Email Address jjramsey@cmlsecurity.us
 28
- 18 29 **SUBCONTRACTOR:** CML Security LLC
 30 Business Address: 400 Young Ct., Unit 1, Erie, CO 80516
 31 Class B, C10 License No. 1015730 DIR Registration No. 1000040451
 32 Item No. or Description of Work SECURITY ELECTRONICS (DIV 28)
 33 Dollar Amount or Percentage of Total Bid Included w/Detention Equip.
 34 Email Address jjramsey@cmlsecurity.us
 35
 36
 37
 38
 39

PROJECT: FRESNO COUNTY WEST ANNEX JAIL

CONTRACT: 16-S-04

BIDDER: Bernards Bros. Inc.

19 1 **SUBCONTRACTOR:** _____
 2 Business Address: _____
 3 Class _____ License No. _____ DIR Registration No. _____
 4 Item No. or Description of Work _____
 5 Dollar Amount or Percentage of Total Bid _____
 6 Email Address _____
 7

20 8 **SUBCONTRACTOR:** New England Sheet Metal & Mechanical Co.
 9 Business Address: 2731 S. Cherry Ave., Fresno, CA 93706
 10 Class C20, C36 License No. 433674 DIR Registration No. 1000001449
 11 Item No. or Description of Work _____ **PLUMBING**
 12 Dollar Amount or Percentage of Total Bid Included w/HVAC
 13 Email Address keynaud@nesmw.com
 14

21 15 **SUBCONTRACTOR:** New England Sheet Metal & Mechanical Co.
 16 Business Address: 2731 S. Cherry Ave., Fresno, CA 93706
 17 Class C20, C36 License No. 433674 DIR Registration No. 1000001449
 18 Item No. or Description of Work _____ **HVAC**
 19 Dollar Amount or Percentage of Total Bid 19.081%
 20 Email Address keynaud@nesmw.com
 21

22 22 **SUBCONTRACTOR:** Sebastian Corp.
 23 Business Address: 7600 N. Palm Ave., Fresno, CA 93711
 24 Class C10 License No. 630669 DIR Registration No. 1000001876
 25 Item No. or Description of Work _____ **ELECTRICAL**
 26 Dollar Amount or Percentage of Total Bid 4.832%
 27 Email Address polivarez@sebastiancorp.com
 28

23 29 **SUBCONTRACTOR:** ABG Caulking Contractors
 30 Business Address: PO Box 544, Goodlettsville, TN 37070
 31 Class C33 License No. 526169 DIR Registration No. 1000016206
 32 Item No. or Description of Work _____ **JOINT SEALANTS**
 33 Dollar Amount or Percentage of Total Bid 1.063%
 34 Email Address arles@abgcaulking.com
 35
 36
 37
 38
 39

3,950,449
 .92

PROJECT: FRESNO COUNTY WEST ANNEX JAIL

CONTRACT: 16-S-04

BIDDER: Bernards Bros. Inc.

- 24 1 **SUBCONTRACTOR:** _____
 2 Business Address: _____
 3 Class _____ License No. _____ DIR Registration No. _____
 4 Item No. or Description of Work _____
 5 Dollar Amount or Percentage of Total Bid _____
 6 Email Address _____
 7
- 25 8 **SUBCONTRACTOR:** KONE, Inc.
 9 Business Address: 3727 Bradview Dr., Sacramento, CA 95827
 10 Class C11 License No. 179166 DIR Registration No. 1000003806
 11 Item No. or Description of Work _____ **ELEVATORS**
 12 Dollar Amount or Percentage of Total Bid 3.119%
 13 Email Address daniel.shaw@kone.com
 14
- 26 15 **SUBCONTRACTOR:** Jerico Fire Protection Co. Inc.
 16 Business Address: 1380 N. Hulbert Ave., Fresno, CA 95728
 17 Class C16 License No. 548570 DIR Registration No. 1000000984
 18 Item No. or Description of Work _____ **FIRE SPRINKLERS**
 19 Dollar Amount or Percentage of Total Bid 1.265%
 20 Email Address bruce@jericofire.com
 21
- 27 22 **SUBCONTRACTOR:** Pecoraro, Inc.
 23 Business Address: 1728 India St., San Diego, CA 92101
 24 Class C33 License No. 868925 DIR Registration No. 1000003195
 25 Item No. or Description of Work _____ **PAINTING**
 26 Dollar Amount or Percentage of Total Bid 1.106%
 27 Email Address onofrio@pecoraroinc.com
 28
- 28 29 **SUBCONTRACTOR:** _____
 30 Business Address: _____
 31 Class _____ License No. _____ DIR Registration No. _____
 32 Item No. or Description of Work _____
 33 Dollar Amount or Percentage of Total Bid _____
 34 Email Address _____
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 39

PROJECT: FRESNO COUNTY WEST ANNEX JAIL

CONTRACT: 16-S-04

BIDDER: Bernards Bros. Inc.

- 29 1 **SUBCONTRACTOR:** Prime Coat Coating Systems
 2 Business Address: 405 Oakwood Ave., Waukegan, IL 60085
 3 Class C33 License No. 952144 DIR Registration No. 1000038784
 4 Item No. or Description of Work 99602 Cell Coatings ALTERNATE #2 ONLY
 5 Dollar Amount or Percentage of Total Bid 0.761%
 6 Email Address chrispullos@yahoo.com
 7
- 30 8 **SUBCONTRACTOR:** _____
 9 Business Address: _____
 10 Class _____ License No. _____ DIR Registration No. _____
 11 Item No. or Description of Work _____
 12 Dollar Amount or Percentage of Total Bid _____
 13 Email Address _____
 14
- 31 15 **SUBCONTRACTOR:** _____
 16 Business Address: _____
 17 Class _____ License No. _____ DIR Registration No. _____
 18 Item No. or Description of Work _____
 19 Dollar Amount or Percentage of Total Bid _____
 20 Email Address _____
 21
- 32 22 **SUBCONTRACTOR:** _____
 23 Business Address: _____
 24 Class _____ License No. _____ DIR Registration No. _____
 25 Item No. or Description of Work _____
 26 Dollar Amount or Percentage of Total Bid _____
 27 Email Address _____
 28
- 33 29 **SUBCONTRACTOR:** _____
 30 Business Address: _____
 31 Class _____ License No. _____ DIR Registration No. _____
 32 Item No. or Description of Work _____
 33 Dollar Amount or Percentage of Total Bid _____
 34 Email Address _____
 35
 36
 37
 38 End of Section 00 43 36

EXHIBIT “C”

Contractor's License: 630669
DIR: 1000001876



SEBASTIAN
Putting people first.

7600 North Palm Avenue
Fresno, California 93711

559.432.5800

sebastiancorp.com

Electrical Scope (DIVISION 26)

For

FRESNO COUNTY –WEST ANNEX JAIL

16-S-04



Bid Date:

October 20th, 2017

Contractor's License: 630669
DIR: 1000001876

7600 North Palm Avenue
Fresno, California 93711

559.432.5800

sebastiancorp.com



SEBASTIAN
Putting people first.

October 20, 2017

Contractor,

We are pleased to be bidding the ELECTRICAL PORTION of the Our proposal is based on the following specifications, drawings, and addendums:

- Drawings are by DLR Group and plans dated May 03-28-2017
- Recognizing Addendum: #1, 2, 3, 4

This bid proposal is good for 30 business days from the date received. Acceptance of our proposal in writing, is Sebastian's agreement to the terms and conditions herein.

Base Bid: \$4,350,000.00

Division 27 Conduit Raceway System Only (Adder) \$350,000.00 (Not included in above quote)

Division 28 Conduit Raceway System Only (Adder) \$1,200,000.00 (Not included in above quote)

Inclusions:

- Division 26 per plans and Specs as it relates to Division 26 requirements. New electrical distribution system as shown on plans. Based upon normal working hours, not an accelerated schedule. Normal working hours are included.
- Overcurrent protective device short circuit study. Generator and ATSs.
- Light fixtures and lighting control.
- Ground ring around buildings. Per grounding specifications.
- Site work as shown on plans.
- Excavation, backfill, concrete encasement (as indicated on plans).
- Make safe for demolition by others as shown on plans.
- Temporary power only as shown on sheet E1.1 (Temporary construction power pedestal and conduit as shown only). Nothing else is included beyond what is shown on sheet E1.1
- Prevailing wage rates. Sales tax included

Contractor's License: 630669
DIR: 1000001876

7600 North Palm Avenue
Fresno, California 93711

559.432.5800

sebastiancorp.com



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Putting people first.

Exclusions:

- Bonding. If bond required our bond rate is approximately 0.9% and is not included in our quote.
- Concreate / Asphalt Saw cutting, removal and patching is excluded.
- Roof jack penetrations and sealing of roof penetrations is excluded. By others if needed.
- Painting, patching, backing or blocking of any electrical related installation.
- Low voltage systems. Coordination only included.
- Exporting of Spoils is excluded.
- Title 24 lighting test is excluded
- Removal of Concrete Pole Bases.
- Providing or installation of any concrete. Generator pad, housekeeping pad and any associated rebar is excluded.

Respectfully,

Kelly Yost, PE

SEBASTIAN
"Putting People First"
7600 N. Palm Ave
Fresno CA, 93711
Office: 559-432-5800
Direct: 559-261-8235
FAX: 559-261-8261

EXHIBIT “D”



CONTRACTORS STATE LICENSE BOARD



Contractor's License Detail for License # 302007

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.

Data current as of 10/25/2017 1:55:55 PM

Business Information

BERNARDS BROS INC
555 FIRST STREET
SAN FERNANDO, CA 91340
Business Phone Number:(818) 898-1521

Entity Corporation
Issue Date 01/20/1975
Expire Date 03/31/2019

License Status

This license is current and active.

All information below should be reviewed.

Classifications

A - GENERAL ENGINEERING CONTRACTOR
B - GENERAL BUILDING CONTRACTOR

Bonding Information

Contractor's Bond

This license filed a Contractor's Bond with SAFECO INSURANCE COMPANY OF AMERICA.

Bond Number: 6398075

Bond Amount: \$15,000

Effective Date: 01/01/2016

Contractor's Bond History

Bond of Qualifying Individual

This license filed Bond of Qualifying Individual number **024072541** for DOUGLAS DEAN BERNARDS in the amount of **\$12,500** with LIBERTY MUTUAL INSURANCE COMPANY.

Effective Date: 04/19/2017

BQI's Bond History

Workers' Compensation

This license has workers compensation insurance with the FEDERAL INSURANCE COMPANY

Policy Number: 54309469

Effective Date: 07/01/2017

Expire Date: 07/01/2018

Workers' Compensation History

Other

EXHIBIT “E”



CONTRACTORS STATE LICENSE BOARD



Contractor's License Detail for License # 952144

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 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.

Data current as of 10/31/2017 4:34:08 PM

Business Information

PRIME COAT II LLC
405 N OAKWOOD AVENUE
WAUKEGAN, IL 60085
Business Phone Number: (847) 362-5111

Entity Ltd Liability
Issue Date 09/09/2010
Reissue Date 04/07/2016
Expire Date **04/30/2018**

License Status

License is under suspension for the following reasons:

License is under Liability Insurance Suspension.

Classifications

C33 - PAINTING AND DECORATING

Bonding Information

Contractor's Bond

This license filed a Contractor's Bond with PLATTE RIVER INSURANCE COMPANY.

Bond Number: S2701977

Bond Amount: \$15,000

Effective Date: 04/07/2016

Contractor's Bond History

LLC EMPLOYEE/WORKER BOND

This license filed a LLC Employee/Worker Bond with PLATTE RIVER INSURANCE COMPANY.

Bond Number: S2701978

Bond Amount: \$100,000

Effective Date: 04/07/2016

Bond of Qualifying Individual

The qualifying individual CHRISTOPHER JAMES OBRIEN certified that he/she owns 10 percent or more of the voting stock/membership interest of this company; therefore, the Bond of Qualifying Individual is not required.

Effective Date: 04/07/2016

BQI's Bond History

Workers' Compensation

Attachment D

This license has workers compensation insurance with the AMERISURE MUTUAL INSURANCE COMPANY

Policy Number: WC2082082061

Effective Date: 10/01/2016

Expire Date: 10/01/2017

Workers' Compensation History

Liability Insurance Information

This license has liability insurance with AMERISURE MUTUAL INSURANCE COMPANY

Policy Number: GL2072237

Amount: \$3,000,000

Effective Date: 10/01/2015

Expiration Date: 10/01/2017

Suspended Date: 10/01/2017

Miscellaneous Information

04/07/2016 - LICENSE REISSUED TO ANOTHER ENTITY

Bernards Bros, Inc.
November 3, 2017
Response Letter



November 3, 2017

Ms. Erin Haagenson
 Fresno County Department of Public Works and Planning
 Office of the Design Engineer, 7th Floor
 Fresno County Plaza Building
 2220 Tulare Street
 Fresno, CA 93721

RE: County Contract No. 16-S-04 West Annex Jail
 USS Cal Builders Protest
 2nd response

Dear Ms. Haagenson,

Again, Bernards Bros. Inc. strongly opposes the October 24, 2017 and November 2, 2017 bid protest of second-low bidder, USS Cal Builders. And citing California law, as did USS Cal Builders, we note preliminarily that, as observed by the court in Ghilotti Construction Co. v. City of Richmond (1996) 45 Cal.App.4th 897, the bidding statutes must be:

"... viewed in light of the public interest, rather than the private interest of a *disappointed bidder*. It certainly would amount to a disservice to the public if a losing bidder were to be permitted to comb through the bid proposal or license application of the low bidder after the fact, and cancel the low bid on minor technicalities, with the hope of securing acceptance of his, a higher bid. Such construction would be adverse to the best interests of the public and contrary to public policy."

The Ghilotti court also held that "[t]he rule of strict compliance with bidding requirements does not preclude the contracting entity from waiving inconsequential deviations." As discussed below, Bernards' bid was fully responsive and did not deviate from the County's bidding requirements but, even if it did, the County is permitted to waive any immaterial irregularities in Bernards' bid.

Here are the facts: The project bid and was publicly opened at 2:00 p.m. on October 20, 2017 at the Fresno County Facilities Offices. Two bids were received. The basis of the County's award was the total bid which included a base bid plus 6 alternates and 1 allowance for a total bid amount. Bernards was low bidder at \$81,756,000 and USS Cal was second at \$82,975,000 – a difference of \$1,219,000. USS Cal Builders then emailed a protest letter dated October 24, 2017. Despite USS Cal Builders' contentions to the contrary, there were no errors or irregularities in Bernards' low bid. We address the three points raised by USS Cal Builders in the order presented by USS Cal Builders, as follows:

Point 1: For the Detention scope of work, Bernards (exhibit 1) listed CML Security, who included both Division 27 and Division 28 work in its bid, including all conduit and wire for these two divisions. We did not use a separate communications subcontractor for this scope of work and, therefore, we were not required to separately list a subcontractor. All of this is very clearly stated in CML Security's bid.

Ms. Erin Haagenson
Fresno County Department of Public Works and Planning
Page Two

Point 2: Bernards listed Electrical subcontractor, Sebastian, has only Division 26 in its quote to Bernards (exhibit 2), which represents 4.832% of the project cost. As noted above, CML Detention has the Division 27 and Division 28 scope of work included in its quote, which represents 20.313% of the project cost.

Point 3: The bidding statutes require that prime contract bidders, such as Bernards, list their intended subcontractors whose work will equal or exceed one-half of one percent of the prime contractor's bid price. One-half of one percent of \$81,756,000 (Bernards' bid price) is \$408,700. The quote from Graham-Prewett, Bernards (exhibit 3) intended roofing subcontractor is \$403,700. Because Graham-Prewett's quoted price did not meet the statutory threshold, Bernards was not required to list a roofing subcontractor with its bid to the County.

Point 4: In USS Cal Builders second letter dated November 2, 2017 they felt compelled to cite a fourth and fifth unmerited accusation well after the statutory protest period has expired but as a courtesy Bernards will provide a response. USS Cal Builders states *"the painting subcontractor (Prime Coat II LLC) that was listed in the subcontractor list submitted by Bernards Bros. on bid day does not have a current active license, their license has been suspended and was suspended at bid time"*. First, Bernards' listed Painting subcontractor is Pecoraro Painting **not** Prime Coat II LLC. This is clearly shown in our bidders list. Secondly, Specification Section 099602-2.1 issued within Addendum #3 notes "Factory Primer shall be PC 105 as manufactured by Prime Coat Coating Systems aka Prime Coat II LLC – NO SUBSTITUTIONS ALLOWED". As required by the bidding statute, Bernards listed Prime Coat II LLC for Alternate #2 as the material provider and installer due to the bid amount being above the listing threshold. With regards to the *"suspended license"* Prime Coat II LLC has provided documentation (exhibit 4) that clearly displays they renewed (September 29, 2017), had continuous liability insurance coverage and had timely provided the CSLB the necessary information well before bid day. The fact that the CSLB did not update their website to reflect the renewal is out of Prime Coat II LLC and Bernards control and is in no way a violation of the bidding requirements.

In summary, it is clear that USS Cal Builders' bid protest is without merit. Indeed, the protest is nothing more than a disappointed second-low bidder seeking to "comb through the bid proposal or license application of the low bidder after the fact, and [attempt to] cancel the low bid on minor technicalities, with the hope of securing acceptance of his, a higher bid."

Bernards respectfully requests that the County reject USS Cal Builders' protest, and award the contract to Bernards.

Sincerely Yours,



Falco DiGiallonardo
Vice President
Bernards Bros. Inc.



Fresno County West Annex Jail
Fresno, CA

Client: Bidding GC's
Submittal Date: 10.20.2017, Rev 1
DEC/SEC
CA License #: 015730
CA DIR #: 1000040451

Scope Letter / Proposal

CML Security proposes to furnish all materials and engineering, as listed in the following scope in accordance with documents dated March 28th, 2017 to the terms and conditions listed herein:

We Acknowledge Addendums: 1, 2, 3 & 4

We Acknowledge Specifications:

Section 01 35 13.16 – Special Project Procedures for Detention Facilities
Section 05 31 00 – Steel Decking (as it applies to our scope or work only)
Section 05 59 63 – Detention Enclosures (partial)
Section 08 34 63 – Detention Doors and Frames
Section 08 51 13.53 – Security Access Doors (given as a unit cost)
Section 08 71 63 – Detention Door Hardware
Section 08 88 53 – Security Glazing
Section 09 57 53 – Security Ceiling Assemblies
Section 10 28 13.63 – Detention Toilet Accessories
Section 11 19 10 – Security Equipment
Section 11 19 15 – Resilient Cell Padding
Section 12 55 00 – Detention Furniture
Section 13 42 60 – Modular Metal Detention Wall Panel System

Section 27 05 48 – Vibration and Seismic Controls
Section 27 15 00 – Voice, Data & Video Communications Cabling System
Section 27 41 13 – Cable Television System
Section 27 51 23 – Intercom System
Section 27 53 20 – Distributed Antenna System
Section 28 05 00 – Common Work Results for Electronic Safety and Security
Section 28 05 00.1 – Uninterruptible Power Source
Section 28 05 00.2 – Conduit and Raceways
Section 28 05 48 – Vibration and Seismic Controls



Section 28 10 00 – Fiber Optic Testing

Section 28 13 00 – Access Control System

Section 28 23 00 – IP Video Surveillance

Section 28 31 11 – Digital Addressable Fire Alarm System

Section 28 46 00 – Touchscreen Interactive Computer

Section 28 46 00 .1 – Security Electronics Control Matrix

Section 28 46 00.2 – Event Recording System

Section 28 46 19 – PLC Electronic Detention Monitoring Control Systems

CLARIFICATIONS:

1. This scope letter and/or any subsequent revisions shall become part of any subcontract.
2. CML Security reserves the right to retract this bid in the event of no mutually agreeable subcontract.
3. We are assuming we can stock level 2 mezzanine and below with a fork lift through a precast panel opening large enough for product to fit through.

GENERAL INCLUSIONS:

1. All materials, engineering, coordination, installation, and project management required to complete our scope of work as listed herein.
2. On-Site supervision and coordination as required and deemed necessary by CML.
3. All coordination drawings, shop drawings, engineering drawings, submittal drawings and other supplemental CAD drawings required to complete our scope of work as listed herein and coordinate with other trades.
4. Required warranties on all workmanship as dictated by the specifications.
5. Standard shipping and freight cost for materials/equipment have been included. Costs to expedite items have not been included.
6. Adequate on-site space for office trailer, storage container, and vehicle parking is available at no cost to CML Personnel and its subcontractors.
7. Applicable sales and use tax at 7.975%.
8. Supply all BIM library components for our packages

INCLUDED:

1. Furnish and install detention enclosures
 - a. Mesh inside of detention hollow metal frames only
2. Furnish and install detention hollow metal doors
3. Furnish and install detention hollow metal frames
 - a. Includes grouting of large dayroom frames (~150k)
4. Furnish and install of detention hardware
5. Furnish and install security glazing
 - a. ~~Includes caulking of security glazing~~ (see voluntary add)
6. Furnish and install security ceiling
7. Furnish and install detention toilet accessories
8. Furnish and install security equipment
9. Furnish and install cell padding
10. Furnish and install detention furniture



11. Furnish and install detention metal wall panel
 - a. Includes grouting of wall panels
 - b. Includes shoring and engineered shoring plan (~85k)
12. Furnish and install Division 27 & 28 equipment per spec sections above
13. Installation and termination of Division 27 & 28 field devices
14. Installation and termination of Division 27 & 28 head end equipment
15. Furnish and install wire and cable for Division 27 & 28 equipment
16. Furnish and install conduit and raceway for Division 27 & 28 equipment

NOT INCLUDED:

1. Fees, permits or other assessments
2. Performance and Payment Bonds – If desired add 1% to contract amount
3. 110v or 220v temporary power, final clean, trash removal beyond dumpster
4. Fire caulking & fire proofing of any kind
5. ~~3D Modeling of equipment~~
6. Unloading, storage and distribution of materials not installed by CML
7. Any onsite storage fees
8. Grilles at HVAC ductwork, security wall penetrations, etc.
9. MEP shroud
10. Non-security/Commercial doors, frames, glazing and hardware
11. Security plumbing and light fixtures
12. Grouting at frames within masonry, painting, sealant or caulking of any kind
13. Concrete, rebar (please note rebar will need to be used for decking system) and control joints at mezzanine slab
14. Chain link sliding gates, operators and bi-fold doors of any kind
15. Bullet resistant transaction system
16. Furnish or install of commercial glazing in detention openings
17. Man Bar Barriers (to be furnished and installed by MEP)
18. SM1 and SM2 expanded metal (assuming to be by drywaller)
19. Hardware set SH6A and SH7B (not shown on plans)
20. Security access panels – we have only included one at the elevator shaft for smoke detector access (please add \$1,375 per 24"x24" non-rated panel, and \$1,725 per 24"x24" rated panel)
21. Tier railing
22. Install of owner furnished equipment
23. ~~Structural components for mezzanine floor~~
24. Viking key cabinet described in Detention Hardware spec section (this would not be required because of the electronic key cabinet per Security Equipment spec section)
25. \$300,000 CCTV storage allowance (this allowance is included in the GC's bid form)

**SEBASTIAN**
*Putting people first.***EXHIBIT 2**

October 20, 2017

Contractor,

We are pleased to be bidding the **ELECTRICAL PORTION** of the Our proposal is based on the following specifications, drawings, and addendums:

- Drawings are by DLR Group and plans dated May 03-28-2017
- Recognizing Addendum: #1, 2, 3, 4

This bid proposal is good for 30 business days from the date received. Acceptance of our proposal in writing, is Sebastian's agreement to the terms and conditions herein.

Base Bid: \$3,950,000.00**Division 27 Conduit Raceway System Only (Adder) \$280,000.00 (Not included in above quote)****Division 28 Conduit Raceway System Only (Adder) \$1,070,000.00 (Not included in above quote)****Inclusions:**

- Division 26 per plans and Specs as it relates to Division 26 requirements. New electrical distribution system as shown on plans. Based upon normal working hours, not an accelerated schedule. Normal working hours are included.
- Overcurrent protective device short circuit study. Generator and ATSS.
- Light fixtures and lighting control.
- Ground ring around buildings. Per grounding specifications.
- Site work as shown on plans.
- Excavation, backfill, concrete encasement (as indicated on plans).
- Make safe for demolition by others as shown on plans.
- Temporary power only as shown on sheet E1.1 (Temporary construction power pedestal and conduit as shown only). Nothing else is included beyond what is shown on sheet E1.1

Contractor's License: 630669
DIR: 1000001876

7600 North Palm Avenue
Fresno, California 93711

559.432.5800

sebastiancorp.com



SEBASTIAN
Putting people first.

Prevailing wage rates. Sales tax included

Exclusions:

- Bonding. If bond required our bond rate is approximately 0.9% and is not included in our quote.
- Concrete / Asphalt Saw cutting, removal and patching is excluded.
- Roof jack penetrations and sealing of roof penetrations is excluded. By others if needed.
- Painting, patching, backing or blocking of any electrical related installation.
- Low voltage systems. Coordination only included.
- Exporting of Spoils is excluded.
- Title 24 lighting test is excluded
- Removal of Concrete Pole Bases.
- Providing or installation of any concrete. Generator pad, housekeeping pad and any associated rebar is excluded.

Respectfully,

Kelly Yost, PE

SEBASTIAN

"Putting People First"

7600 N. Palm Ave

Fresno CA, 93711

Office: 559-432-5800

Direct: 559-261-8235

FAX: 559-261-8261

Graham-Prewett, Inc.

Commercial/Industrial Roofing and Waterproofing Specialists

BID QUOTATION

Bid Date: 10/20/2017

Bid Time: 2:00pm

Project Name: West Annex Jail

EXHIBIT 3

To: Bernard's Builders

E-mail: bbernards@bernards.com

Project Location: 2208 Merced St
Fresno, CA.

BID DESCRIPTION

Graham-Prewett, Inc. proposes to furnish the following scope of work for your consideration and review:

Specification Sections 07 55 52-Styrene Butadiene Styrene (SBS) Modified Bituminous Membrane Roofing:

- Supply all material and labor for Specification Section 07 55 52- Styrene Butadiene Styrene (SBS) Modified Bituminous Membrane Roofing as stated below.
- Prime concrete deck; mop 1 layer of basesheet as a vapor barrier.
- Mop 3/8" per foot tapered system with an R-33 average insulation value.
- Mop 1 layer of 1/2' fiberboard over tapered system.
- Mop 2 layers of modified ply sheet and one layer of modified mineral surfaced (Title 24) capsheet in hot asphalt.
- Base flashings, curbs and parapet walls to be applied in hot asphalt.
- Incorporate sheet metal/lead flashing into the roof system (**roof flashings/jacks supplied by others**)
- Supply and install roofing manufacturer's pre-finished Endura Edge Metal and Endura Coping.
- Remove all roofing- related debris from the premises.
- Provide 2-year workmanship warranty on the completed roof assemblies; BUR manufacturer's 20-year NDL warranty.

Exclusions: Supply and installation of treated wood nailer, supply of roof accessories, supply and installation of fall protection supports, supply of roof jacks for fall protection supports, general sheet metal and painting unless otherwise noted.

Bid Price: Four Hundred Three Thousand Seven Hundred Dollars

\$403,700.00

➤ Special Note : Bond Rate 1.25%

Addenda Noted: 4 Addendums

Contractor's License: CA #793065 – A, B, C-33, C-39, C-43, ASB, DIR# 1000002797

Union Affiliation: Local 27 – Fresno, CA.

Submitted By: Rick Chacon

Signed: _____

Date: 10/20/2017

2773 North Business Park Avenue, Suite 102, Fresno, CA 93727
(559)291-3741 FAX (559)291-5082



EXHIBIT 4

October 6, 2017

Contractors State License Board
9821 Business Park Drive
Sacramento, CA 95827

RE: CERTIFICATE OF INSURANCE
License: 952144

Attached please find an updated Certificate of Insurance per your requests (attached for your reference).

Sincerely,

PRIME COAT COATING SYSTEMS

A handwritten signature in cursive script that reads "Karen Graves". The signature is written over a horizontal line.

Karen Graves
Compliance Administrator



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

9/29/2017

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

| | | | | | | | | | | | | | |
|--|--|--|-------|---|-------|--|--|------------|--|------------|--|------------|--|
| PRODUCER Assurance Agency, Ltd. One Century Centre 1750 E. Golf Road Schaumburg IL 60173- | CONTACT NAME: Samantha Shock PHONE (A/C, No, Ext): 847-463-7144 FAX (A/C, No): 847-220-9234 E-MAIL ADDRESS: sshock@assuranceagency.com INSURER(S) AFFORDING COVERAGE <table style="width: 100%;"> <tr> <td style="width: 80%;">INSURER A: Amerisure Insurance Company</td> <td style="width: 20%;">19488</td> </tr> <tr> <td>INSURER B: AXIS Surplus Insurance Company</td> <td>26620</td> </tr> <tr> <td>INSURER C: Insurance Company of the West</td> <td></td> </tr> <tr> <td>INSURER D:</td> <td></td> </tr> <tr> <td>INSURER E:</td> <td></td> </tr> <tr> <td>INSURER F:</td> <td></td> </tr> </table> | INSURER A: Amerisure Insurance Company | 19488 | INSURER B: AXIS Surplus Insurance Company | 26620 | INSURER C: Insurance Company of the West | | INSURER D: | | INSURER E: | | INSURER F: | |
| INSURER A: Amerisure Insurance Company | 19488 | | | | | | | | | | | | |
| INSURER B: AXIS Surplus Insurance Company | 26620 | | | | | | | | | | | | |
| INSURER C: Insurance Company of the West | | | | | | | | | | | | | |
| INSURER D: | | | | | | | | | | | | | |
| INSURER E: | | | | | | | | | | | | | |
| INSURER F: | | | | | | | | | | | | | |
| INSURED Prime Coat II LLC d/b/a Prime Coat Coating Systems 1949 Swanson Court Gurnee IL 60031 | | | | | | | | | | | | | |

COVERAGES

CERTIFICATE NUMBER: 1016395904

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

| INSR LTR | TYPE OF INSURANCE | ADDL SUBR INSR WVD | POLICY NUMBER | POLICY EFF (MM/DD/YYYY) | POLICY EXP (MM/DD/YYYY) | LIMITS |
|----------|--|---|--------------------------------|-------------------------|-------------------------|--|
| A | GENERAL LIABILITY | | GL21063560002 GL20722370701 | 10/1/2017 10/1/2017 | 10/1/2018 10/1/2018 | EACH OCCURRENCE \$1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$250,000 MED EXP (Any one person) \$5,000 PERSONAL & ADV INJURY \$1,000,000 GENERAL AGGREGATE \$3,000,000 PRODUCTS - COMP/OP AGG \$3,000,000 \$ |
| | <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input checked="" type="checkbox"/> PROJECT <input type="checkbox"/> LOC | | | | | |
| A | AUTOMOBILE LIABILITY | | CA20722360701 | 10/1/2017 | 10/1/2018 | COMBINED SINGLE LIMIT (Ea accident) \$1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$ |
| | <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS | | | | | |
| B | UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR | | EAU789916/01/2017 | 10/1/2017 | 10/1/2018 | EACH OCCURRENCE \$5,000,000 AGGREGATE \$5,000,000 \$ |
| | <input checked="" type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> DED <input checked="" type="checkbox"/> RETENTION \$0 | | | | | |
| C | WORKERS COMPENSATION AND EMPLOYERS' LIABILITY | | WIL5037852-00 | 10/1/2017 | 10/1/2018 | <input checked="" type="checkbox"/> WC STATUTORY LIMITS <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$1,000,000 E.L. DISEASE - EA EMPLOYEE \$1,000,000 E.L. DISEASE - POLICY LIMIT \$1,000,000 |
| | ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below | Y/N <input checked="" type="checkbox"/> N <input type="checkbox"/> Y | N/A | | | |

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

RE: State of California License # 952144

Proof of Insurance

CERTIFICATE HOLDER

CANCELLATION

Contractors State License Board
 9821 Business Park Drive
 Sacramento CA 95827

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

USS Cal Builders, Inc.
November 6, 2017
Response Letter

Attachment D

November 6, 2017

VIA Fax & E-Mail

Erin M. Haagenson
Senior Staff Analyst, Design Division
Fresno County Public Works & Planning
Phone: 559-600-4528
Fax: 559-600-4399
Email: ehaagenson@co.fresno.ca.us

Re: Fresno County- West Annex Jail
Contract No- 16-S-04
Bid Date- October 19, 2017.
Response to Bernards Response to Bid Protest of USS Cal Builders Inc dated November 3, 2017.

Ms. Haagenson;

We received the response from Bernards Bros that was forwarded to us on Monday November 6, 2017. Again, we will keep it short and respond to the points made by the above contractor. Our response is as follows:

USS Cal Builders protests of Bernards Bros., Inc.'s Bid on the grounds that Bernards Bros., Inc.'s Bid is non-responsive to the bid and the Contract Documents for the Project due but not limited to the following.

Point 1: USS Cal Builders did not protest the Detention scope of work, USS Cal Builders protested the Communications scope of work or the Division 27 which was and still not included in the bid submitted at bid date. Contrary to the insinuations made by Bernards Bros, the Division 27 Communications scope of work is not included in Detention Equipment as clearly shown on the CML proposal. Please see attachment "F".

CML security might have and obviously did include it in their proposal to Bernards Bros but the fact is that Bernards Bros did not specify or select CML to perform the Communications scope of work which in fact exceeds the threshold of ½ of 1% of the total contract value. Bernards Bros should have listed CML for the work that they are supposedly covering and not just the Detention Equipment and Division 28 scopes of work. This is a clear violation of the Subletting and Subcontracting California Contract Public Code. See below.

- *"Bernards Bros., Inc. bid submittal failed to list a subcontractor for the Communication scope of work. The value of the Communication scope of Work exceeds the required threshold as noted on the contract documents and in specific the list of subcontractors where it states:" The following named subcontractor(s) will perform work or labor, or otherwise render service to the general contractor in or about the construction of the work or improvement, in an amount in excess of **one-half of one percent** of the total bid presented herewith. Please fill out as completely as possible when submitting your bid. Use subcontractor's business name style as registered with*

Attachment D

*the License Board. Each listed subcontractor's name, location of business and description of work, and both their contractor's license number and public works contractor registration number are **REQUIRED**, by Section 4104 of the California Public Contract Code, to be submitted prior to bid opening".*

Bernards Bros., Inc. knew or should have known its subcontractor for the Communications scope of work, and because the value of that scope exceeds one half of one percent, should have listed that subcontractor in its bid documents. Therefore, Bernards Bros omission of the Communications scope of work Subcontractor is a material variance from the bid instructions specifically since Bernards Bros., Inc. does not possess the C-7, C-10, C16 licenses to perform the work in house. Please see attached Exhibit "B & D".

Point 3: USS Cal Builders received bids for the roofing work at bid time, which was higher than the threshold of the ½ of 1% of the contract value. We kindly ask that you forward to our attention the subject **dated proposal** (the proposal needs to include time stamps, if faxed then it should already have one, if emailed then the original email).

While certain minor irregularities can be waived, material variances cannot. (See Stimson v. Hanley (1907) 151 Cal. 379). It is a basic rule of competitive bidding that an irregularity may not be waived if it affected the amount of the bid or gave the bidder an advantage not available to other bidders. (See Menefee v. County of Fresno (1985) 163 Cal. App. 3d 1175). Here Bernards Bros., Inc.'s bid must be found non-responsive due to their failure to list subcontractors with appropriate licensure, failure to provide evidence of necessary licensure with their bids, failure to list a known and specified supplier/installer/subcontractor, and submission of a materially unbalanced bid. Bernards Bros., Inc.'s deviation is material as of Bernards Bros., Inc.'s will enjoy a substantial benefit not enjoyed by other bidders by not listing an appropriately licensed subcontractor. (See Valley Crest Landscape, Inc. v. City Council of Davis (1996) 41 Cal. App. 4th 1432).

Finally, I would like to respond to Bernards Bros's comment regarding USS Cal Builders being a *"disappointed second-low bidder seeking to comb through the bid proposal or license application of the low bidder after the fact...."*. Although we were disappointed, the intent of the protest letter is due to the fact that irregularities clearly demonstrate the misunderstand of the requirements on behalf of Bernards Bros. These are legal and fair bidding practices that do indeed affect all bidders, regardless of determination of placement.

We respectfully request that the award of the Project be made to USS.

Sincerely,



Rabih El-Zein
Sr. Vice President
USS Cal Builders, Inc.

EXHIBIT “B”

PROJECT: FRESNO COUNTY WEST ANNEX JAIL

CONTRACT: 16-S-04

BIDDER: Bernards Bros. Inc.**SUBCONTRACTORS**

The following named subcontractor(s) will perform work or labor, or otherwise render service to the general contractor in or about the construction of the work or improvement, in an amount in excess of **one-half of one percent** of the total bid presented herewith. Please fill out as completely as possible when submitting your bid. Use subcontractor's business name style as registered with the License Board. Each listed subcontractor's name, location of business and description of work, and both their contractor's license number and public works contractor registration number are REQUIRED, by Section 4104 of the California Public Contract Code, to be submitted prior to bid opening. (The "location of business" must specify the city in which the subcontractor's business is located, and the state if other than California.) All other requested information shall be submitted, either with the bid or within 24 hours after bid opening.

FAILURE TO LIST SUBCONTRACTORS AS DIRECTED MAY RENDER THE BID NON-RESPONSIVE, OR MAY RESULT IN ASSESSMENT OF A PENALTY AGAINST THE BIDDER IN ACCORDANCE WITH SECTION 4110 OF THE CALIFORNIA PUBLIC CONTRACT CODE."

SUBCONTRACTOR:

Business Address: _____

Class _____ License No. _____ DIR Registration No. _____

Item No. or Description of Work _____

Dollar Amount or Percentage of Total Bid _____

Email Address _____

SUBCONTRACTOR: Mass XBusiness Address: 2524 N. Fordham Ave., Fresno, CA 93727Class A License No. 902334 DIR Registration No. 1000005550Item No. or Description of Work _____ **EARTHWORK**Dollar Amount or Percentage of Total Bid 1.349%Email Address massx2@hotmail.com**SUBCONTRACTOR:** Malcolm Drilling Co.Business Address: 4926 N. Azusa Canyon Road, Irwindale, CA 91706Class C57,C61,D09,A License No. 259543 DIR Registration No. 1000000389Item No. or Description of Work _____ **SHORING**Dollar Amount or Percentage of Total Bid 0.879%Email Address brockn@malcolmdrilling.com

PROJECT: FRESNO COUNTY WEST ANNEX JAIL

CONTRACT: 16-S-04

BIDDER: Bernards Bros. Inc.

- 4 1 **SUBCONTRACTOR:** _____
 2 Business Address: _____
 3 Class _____ License No. _____ DIR Registration No. _____
 4 Item No. or Description of Work _____
 5 Dollar Amount or Percentage of Total Bid _____
 6 Email Address _____
 7
- 5 8 **SUBCONTRACTOR:** _____
 9 Business Address: _____
 10 Class _____ License No. _____ DIR Registration No. _____
 11 Item No. or Description of Work _____
 12 Dollar Amount or Percentage of Total Bid _____
 13 Email Address _____
 14
- 6 15 **SUBCONTRACTOR:** CMC Rebar
 16 Business Address: 2990 E. Annadale Ave., Fresno, CA 93725
 17 Class C50 License No. 778010 DIR Registration No. 100000298
 18 Item No. or Description of Work _____ **REBAR**
 19 Dollar Amount or Percentage of Total Bid 3.110%
 20 Email Address jason.thompson@cmc.com
 21
- 7 22 **SUBCONTRACTOR:** McGuire Contracting Inc.
 23 Business Address: 16579 Slover Ave., Fontana, CA 92337
 24 Class C-8 License No. 818119 DIR Registration No. 1000006002
 25 Item No. or Description of Work _____ **STRUCTURAL CONCRETE**
 26 Dollar Amount or Percentage of Total Bid 10.149%
 27 Email Address manny@mcguirecontracting.com
 28
- 8 29 **SUBCONTRACTOR:** Structure Cast
 30 Business Address: 8261 McCutchen Road, Bakersfield, CA 93311
 31 Class C-8, C13, B License No. 774870 DIR Registration No. 1000000308
 32 Item No. or Description of Work _____ **PRE-CAST CONCRETE**
 33 Dollar Amount or Percentage of Total Bid 2.082%
 34 Email Address anna@structurecast.com
 35
 36
 37
 38
 39

PROJECT: FRESNO COUNTY WEST ANNEX JAIL

CONTRACT: 16-S-04

BIDDER: Bernards Bros. Inc.

- 9 1 **SUBCONTRACTOR:** Bratton Masonry Inc.
 2 Business Address: 2763 N. Argyle Ave., Fresno, CA 93727
 3 Class C-29 License No. 274525 DIR Registration No. 1000005266
 4 Item No. or Description of Work MASONRY & BRICK VENEER
 5 Dollar Amount or Percentage of Total Bid 4.409%
 6 Email Address chuck@brattonmasonry.com
 7
- 10 8 **SUBCONTRACTOR:** _____
 9 Business Address: _____
 10 Class _____ License No. _____ DIR Registration No. _____
 11 Item No. or Description of Work _____
 12 Dollar Amount or Percentage of Total Bid _____
 13 Email Address _____
 14
- 11 15 **SUBCONTRACTOR:** _____
 16 Business Address: _____
 17 Class _____ License No. _____ DIR Registration No. _____
 18 Item No. or Description of Work _____
 19 Dollar Amount or Percentage of Total Bid _____
 20 Email Address _____
 21
- 12 22 **SUBCONTRACTOR:** Nuno Iron & Mfg. Inc.
 23 Business Address: 315 Bitterwater Road, King City, CA 93930
 24 Class C23, C51, B License No. 757760 DIR Registration No. 1000007597
 25 Item No. or Description of Work STRUCTURAL STEEL & MISC. METALS
 26 Dollar Amount or Percentage of Total Bid 2.944%
 27 Email Address jr@nunoiron.com
 28
- 13 29 **SUBCONTRACTOR:** Four C's Construction
 30 Business Address: 1560 H Street, Fresno, CA 93721
 31 Class C43 License No. 908294 DIR Registration No. 1000002824
 32 Item No. or Description of Work SHEET METAL
 33 Dollar Amount or Percentage of Total Bid 0.432%
 34 Email Address preston@fourcsmetal.com
 35
 36
 37
 38
 39

PROJECT: FRESNO COUNTY WEST ANNEX JAIL

CONTRACT: 16-S-04

BIDDER: Bernards Bros. Inc.

- 14 1 **SUBCONTRACTOR:** _____
 2 Business Address: _____
 3 Class _____ License No. _____ DIR Registration No. _____
 4 Item No. or Description of Work _____
 5 Dollar Amount or Percentage of Total Bid _____
 6 Email Address _____
 7
- 15 8 **SUBCONTRACTOR:** _____
 9 Business Address: _____
 10 Class _____ License No. _____ DIR Registration No. _____
 11 Item No. or Description of Work _____
 12 Dollar Amount or Percentage of Total Bid _____
 13 Email Address _____
 14
- 16 15 **SUBCONTRACTOR:** Tarleton & Son
 16 Business Address: 3562 S. Elm Ave., Fresno, CA 93706
 17 Class B,C-2,C-9,C35 License No. 342341 DIR Registration No. 1000004368
 18 Item No. or Description of Work METAL STUD FRAMING / DRYWALL
 19 Dollar Amount or Percentage of Total Bid 2.296%
 20 Email Address DHolland@tarltonandson.com
 21
- 17 22 **SUBCONTRACTOR:** CML Security LLC
 23 Business Address: 400 Young Ct., Unit 1, Erie, CO 80516
 24 Class B, C10 License No. 1015730 DIR Registration No. 1000040451
 25 Item No. or Description of Work DETENTION EQUIPMENT
 26 Dollar Amount or Percentage of Total Bid 20.313%
 27 Email Address jjramsey@cmlsecurity.us
 28
- 18 29 **SUBCONTRACTOR:** CML Security LLC
 30 Business Address: 400 Young Ct., Unit 1, Erie, CO 80516
 31 Class B, C10 License No. 1015730 DIR Registration No. 1000040451
 32 Item No. or Description of Work SECURITY ELECTRONICS (DIV 28)
 33 Dollar Amount or Percentage of Total Bid Included w/Detention Equip.
 34 Email Address jjramsey@cmlsecurity.us
 35
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PROJECT: FRESNO COUNTY WEST ANNEX JAIL

CONTRACT: 16-S-04

BIDDER: Bernards Bros. Inc.

19 1 **SUBCONTRACTOR:** _____
 2 Business Address: _____
 3 Class _____ License No. _____ DIR Registration No. _____
 4 Item No. or Description of Work _____
 5 Dollar Amount or Percentage of Total Bid _____
 6 Email Address _____
 7

20 8 **SUBCONTRACTOR:** New England Sheet Metal & Mechanical Co.
 9 Business Address: 2731 S. Cherry Ave., Fresno, CA 93706
 10 Class C20, C36 License No. 433674 DIR Registration No. 1000001449
 11 Item No. or Description of Work _____ **PLUMBING**
 12 Dollar Amount or Percentage of Total Bid Included w/HVAC
 13 Email Address keynaud@nesmw.com
 14

21 15 **SUBCONTRACTOR:** New England Sheet Metal & Mechanical Co.
 16 Business Address: 2731 S. Cherry Ave., Fresno, CA 93706
 17 Class C20, C36 License No. 433674 DIR Registration No. 1000001449
 18 Item No. or Description of Work _____ **HVAC**
 19 Dollar Amount or Percentage of Total Bid 19.081%
 20 Email Address keynaud@nesmw.com
 21

22 22 **SUBCONTRACTOR:** Sebastian Corp.
 23 Business Address: 7600 N. Palm Ave., Fresno, CA 93711
 24 Class C10 License No. 630669 DIR Registration No. 1000001876
 25 Item No. or Description of Work _____ **ELECTRICAL**
 26 Dollar Amount or Percentage of Total Bid 4.832%
 27 Email Address polivarez@sebastiancorp.com
 28

23 29 **SUBCONTRACTOR:** ABG Caulking Contractors
 30 Business Address: PO Box 544, Goodlettsville, TN 37070
 31 Class C33 License No. 526169 DIR Registration No. 1000016206
 32 Item No. or Description of Work _____ **JOINT SEALANTS**
 33 Dollar Amount or Percentage of Total Bid 1.063%
 34 Email Address arles@abgcaulking.com
 35
 36
 37
 38
 39

3,950,449
 .92

PROJECT: FRESNO COUNTY WEST ANNEX JAIL

CONTRACT: 16-S-04

BIDDER: Bernards Bros. Inc.

- 24 1 **SUBCONTRACTOR:** _____
 2 Business Address: _____
 3 Class _____ License No. _____ DIR Registration No. _____
 4 Item No. or Description of Work _____
 5 Dollar Amount or Percentage of Total Bid _____
 6 Email Address _____
 7
- 25 8 **SUBCONTRACTOR:** KONE, Inc.
 9 Business Address: 3727 Bradview Dr., Sacramento, CA 95827
 10 Class C11 License No. 179166 DIR Registration No. 1000003806
 11 Item No. or Description of Work _____ **ELEVATORS**
 12 Dollar Amount or Percentage of Total Bid 3.119%
 13 Email Address daniel.shaw@kone.com
 14
- 26 15 **SUBCONTRACTOR:** Jerico Fire Protection Co. Inc.
 16 Business Address: 1380 N. Hulbert Ave., Fresno, CA 95728
 17 Class C16 License No. 548570 DIR Registration No. 1000000984
 18 Item No. or Description of Work _____ **FIRE SPRINKLERS**
 19 Dollar Amount or Percentage of Total Bid 1.265%
 20 Email Address bruce@jericofire.com
 21
- 27 22 **SUBCONTRACTOR:** Pecoraro, Inc.
 23 Business Address: 1728 India St., San Diego, CA 92101
 24 Class C33 License No. 868925 DIR Registration No. 1000003195
 25 Item No. or Description of Work _____ **PAINTING**
 26 Dollar Amount or Percentage of Total Bid 1.106%
 27 Email Address onofrio@pecoraroinc.com
 28
- 28 29 **SUBCONTRACTOR:** _____
 30 Business Address: _____
 31 Class _____ License No. _____ DIR Registration No. _____
 32 Item No. or Description of Work _____
 33 Dollar Amount or Percentage of Total Bid _____
 34 Email Address _____
 35
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 37
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PROJECT: FRESNO COUNTY WEST ANNEX JAIL

CONTRACT: 16-S-04

BIDDER: Bernards Bros. Inc.

- 29 1 **SUBCONTRACTOR:** Prime Coat Coating Systems
 2 Business Address: 405 Oakwood Ave., Waukegan, IL 60085
 3 Class C33 License No. 952144 DIR Registration No. 1000038784
 4 Item No. or Description of Work 99602 Cell Coatings ALTERNATE #2 ONLY
 5 Dollar Amount or Percentage of Total Bid 0.761%
 6 Email Address chrispullos@yahoo.com
 7
- 30 8 **SUBCONTRACTOR:** _____
 9 Business Address: _____
 10 Class _____ License No. _____ DIR Registration No. _____
 11 Item No. or Description of Work _____
 12 Dollar Amount or Percentage of Total Bid _____
 13 Email Address _____
 14
- 31 15 **SUBCONTRACTOR:** _____
 16 Business Address: _____
 17 Class _____ License No. _____ DIR Registration No. _____
 18 Item No. or Description of Work _____
 19 Dollar Amount or Percentage of Total Bid _____
 20 Email Address _____
 21
- 32 22 **SUBCONTRACTOR:** _____
 23 Business Address: _____
 24 Class _____ License No. _____ DIR Registration No. _____
 25 Item No. or Description of Work _____
 26 Dollar Amount or Percentage of Total Bid _____
 27 Email Address _____
 28
- 33 29 **SUBCONTRACTOR:** _____
 30 Business Address: _____
 31 Class _____ License No. _____ DIR Registration No. _____
 32 Item No. or Description of Work _____
 33 Dollar Amount or Percentage of Total Bid _____
 34 Email Address _____
 35
 36
 37
 38 End of Section 00 43 36

EXHIBIT “D”



CONTRACTORS STATE LICENSE BOARD



Contractor's License Detail for License # 302007

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.

Data current as of 10/25/2017 1:55:55 PM

Business Information

BERNARDS BROS INC
555 FIRST STREET
SAN FERNANDO, CA 91340
Business Phone Number:(818) 898-1521

Entity Corporation
Issue Date 01/20/1975
Expire Date 03/31/2019

License Status

This license is current and active.

All information below should be reviewed.

Classifications

A - GENERAL ENGINEERING CONTRACTOR
B - GENERAL BUILDING CONTRACTOR

Bonding Information

Contractor's Bond

This license filed a Contractor's Bond with SAFECO INSURANCE COMPANY OF AMERICA.

Bond Number: 6398075

Bond Amount: \$15,000

Effective Date: 01/01/2016

Contractor's Bond History

Bond of Qualifying Individual

This license filed Bond of Qualifying Individual number **024072541** for DOUGLAS DEAN BERNARDS in the amount of **\$12,500** with LIBERTY MUTUAL INSURANCE COMPANY.

Effective Date: 04/19/2017

BQI's Bond History

Workers' Compensation

This license has workers compensation insurance with the FEDERAL INSURANCE COMPANY

Policy Number: 54309469

Effective Date: 07/01/2017

Expire Date: 07/01/2018

Workers' Compensation History

Other

EXHIBIT “F”



Fresno County West Annex Jail
Fresno, CA

Client: Bidding GC's
Submittal Date: 10.20.2017, Rev 1
DEC/SEC
CA License #: 015730
CA DIR #: 1000040451

Scope Letter / Proposal

CML Security proposes to furnish all materials and engineering, as listed in the following scope in accordance with documents dated March 28th, 2017 to the terms and conditions listed herein:

We Acknowledge Addendums: 1, 2, 3 & 4

We Acknowledge Specifications:

Section 01 35 13.16 – Special Project Procedures for Detention Facilities
Section 05 31 00 – Steel Decking (as it applies to our scope or work only)
Section 05 59 63 – Detention Enclosures (partial)
Section 08 34 63 – Detention Doors and Frames
Section 08 51 13.53 – Security Access Doors (given as a unit cost)
Section 08 71 63 – Detention Door Hardware
Section 08 88 53 – Security Glazing
Section 09 57 53 – Security Ceiling Assemblies
Section 10 28 13.63 – Detention Toilet Accessories
Section 11 19 10 – Security Equipment
Section 11 19 15 – Resilient Cell Padding
Section 12 55 00 – Detention Furniture
Section 13 42 60 – Modular Metal Detention Wall Panel System

Section 27 05 48 – Vibration and Seismic Controls
Section 27 15 00 – Voice, Data & Video Communications Cabling System
Section 27 41 13 – Cable Television System
Section 27 51 23 – Intercom System
Section 27 53 20 – Distributed Antenna System
Section 28 05 00 – Common Work Results for Electronic Safety and Security
Section 28 05 00.1 – Uninterruptible Power Source
Section 28 05 00.2 – Conduit and Raceways
Section 28 05 48 – Vibration and Seismic Controls



Section 28 10 00 – Fiber Optic Testing

Section 28 13 00 – Access Control System

Section 28 23 00 – IP Video Surveillance

Section 28 31 11 – Digital Addressable Fire Alarm System

Section 28 46 00 – Touchscreen Interactive Computer

Section 28 46 00 .1 – Security Electronics Control Matrix

Section 28 46 00.2 – Event Recording System

Section 28 46 19 – PLC Electronic Detention Monitoring Control Systems

CLARIFICATIONS:

1. This scope letter and/or any subsequent revisions shall become part of any subcontract.
2. CML Security reserves the right to retract this bid in the event of no mutually agreeable subcontract.
3. We are assuming we can stock level 2 mezzanine and below with a fork lift through a precast panel opening large enough for product to fit through.

GENERAL INCLUSIONS:

1. All materials, engineering, coordination, installation, and project management required to complete our scope of work as listed herein.
2. On-Site supervision and coordination as required and deemed necessary by CML.
3. All coordination drawings, shop drawings, engineering drawings, submittal drawings and other supplemental CAD drawings required to complete our scope of work as listed herein and coordinate with other trades.
4. Required warranties on all workmanship as dictated by the specifications.
5. Standard shipping and freight cost for materials/equipment have been included. Costs to expedite items have not been included.
6. Adequate on-site space for office trailer, storage container, and vehicle parking is available at no cost to CML Personnel and its subcontractors.
7. Applicable sales and use tax at 7.975%.
8. Supply all BIM library components for our packages

INCLUDED:

1. Furnish and install detention enclosures
 - a. Mesh inside of detention hollow metal frames only
2. Furnish and install detention hollow metal doors
3. Furnish and install detention hollow metal frames
 - a. Includes grouting of large dayroom frames (~150k)
4. Furnish and install of detention hardware
5. Furnish and install security glazing
 - a. ~~Includes caulking of security glazing~~ (see voluntary add)
6. Furnish and install security ceiling
7. Furnish and install detention toilet accessories
8. Furnish and install security equipment
9. Furnish and install cell padding
10. Furnish and install detention furniture



11. Furnish and install detention metal wall panel
 - a. Includes grouting of wall panels
 - b. Includes shoring and engineered shoring plan (~85k)
12. Furnish and install Division 27 & 28 equipment per spec sections above
13. Installation and termination of Division 27 & 28 field devices
14. Installation and termination of Division 27 & 28 head end equipment
15. Furnish and install wire and cable for Division 27 & 28 equipment
16. Furnish and install conduit and raceway for Division 27 & 28 equipment

NOT INCLUDED:

1. Fees, permits or other assessments
2. Performance and Payment Bonds – If desired add 1% to contract amount
3. 110v or 220v temporary power, final clean, trash removal beyond dumpster
4. Fire caulking & fire proofing of any kind
5. ~~3D Modeling of equipment~~
6. Unloading, storage and distribution of materials not installed by CML
7. Any onsite storage fees
8. Grilles at HVAC ductwork, security wall penetrations, etc.
9. MEP shroud
10. Non-security/Commercial doors, frames, glazing and hardware
11. Security plumbing and light fixtures
12. Grouting at frames within masonry, painting, sealant or caulking of any kind
13. Concrete, rebar (please note rebar will need to be used for decking system) and control joints at mezzanine slab
14. Chain link sliding gates, operators and bi-fold doors of any kind
15. Bullet resistant transaction system
16. Furnish or install of commercial glazing in detention openings
17. Man Bar Barriers (to be furnished and installed by MEP)
18. SM1 and SM2 expanded metal (assuming to be by drywaller)
19. Hardware set SH6A and SH7B (not shown on plans)
20. Security access panels – we have only included one at the elevator shaft for smoke detector access (please add \$1,375 per 24"x24" non-rated panel, and \$1,725 per 24"x24" rated panel)
21. Tier railing
22. Install of owner furnished equipment
23. ~~Structural components for mezzanine floor~~
24. Viking key cabinet described in Detention Hardware spec section (this would not be required because of the electronic key cabinet per Security Equipment spec section)
25. \$300,000 CCTV storage allowance (this allowance is included in the GC's bid form)

Bernards Bros, Inc.
November 6, 2017
Response Letter



350 South Grand Avenue
Two California Plaza
Suite 3400
Los Angeles, CA 90071-3427
213.928.9800
Fax 213.928.9850

Ted R. Gropman
direct dial: 213.928.9812
direct fax: 213.928.9850
gropmant@pepperlaw.com

November 6, 2017

Via U.S. Mail and E-Mail
ehaagenson@co.fresno.ca.us

Erin Haagenon
County of Fresno
Department of Public Works & Planning
Office of the Design Engineer
2220 Tulare Street, 7th Floor
Fresno, CA 93721

Re: Fresno County Annex Jail Project

Ms. Haagenon:

I am writing on behalf of Bernards Bros. Inc., the responsive low bidder on the Fresno County Annex Jail project. Bernards has asked me to respond to the October 27, 2017 letter from Travis Alexander of Carpenters Local 701, which contains irrelevant and misleading information about the experience of Bernards' listed structural steel subcontractor, Nuno Iron & Manufacturing.

First, Nuno is in fact qualified to, and experienced in, structural steel framing and has been licensed by the California Contractors State License Board since 1999. As shown at the CSLB webpage for Nuno,¹ Nuno carries not just a C-51 specialty license for structural steel erection, but also a C-23 ornamental metals specialty license, as well as a B general contracting license.

¹ <https://www2.cslb.ca.gov/OnlineServices/CheckLicenseII/LicenseDetail.aspx?LicNum=757760>

Erin Haagenson
November 6, 2017
Page 2

With regard to Mr. Alexander's contention that Nuno is not listed as an AISC-Certified Erector on the American Institute of Steel Construction's website, I note that a search of the AISC site also reveals that the steel subcontractor listed by USS Cal Builders (for whom Mr. Alexander is lending his support), Quality Steel Inc. of Anaheim, California, is also not listed the AISC as a certified erector.

More importantly, however, is that a bid is not nonresponsive simply because a listed subcontractor – at the time of bidding – does not strictly comply with the requirements of the underlying project specifications. It is only during construction when the bidding requirements are to be considered by the public agency owner. On that, the law is clear. *D. H. Williams Construction, Inc. v. Clovis Unified School District* (2007) 146 Cal.App.4th 757.

Bernards affirms that Nuno is qualified to perform the structural steel erection work on the project and, if necessary, is prepared to provide additional supporting information concerning Nuno's structural steel erection experience.

I turn now to the second issue raised by Mr. Alexander in his October 27 letter; Bernards' listing of subcontractors. As you know, Public Contract Code section 4104 only requires prime contractors such as Bernards to list their intended subcontractors when the value of the subcontractors' work exceeds one half of one percent of the prime contract bid. In this case, and because Bernards' bid was in the sum of \$81,756,000, Bernards was only required to list a subcontractor whose subcontract quote was \$408,700 or more. Bernards fully complied with the statute, as explained below:

Sheet Metal/Metal Roofing/Metal Wall Panel: Bernards listed Four C's Construction, Inc. out of Fresno.

Moisture Protection-Roofing: Graham-Prewett is Bernards' intended roofing subcontractor. However, because Graham-Prewett's quoted price did not meet the statutory threshold, Bernards was not required to list this trade

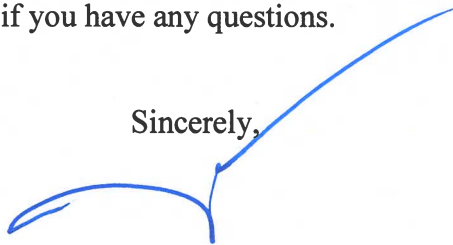
Doors and Hardware: The doors, frames and hardware material is being provided by Childs Inc. and is being installed by Construction Unlimited. Both bid amounts do not meet the statutory threshold, therefore Bernards was not required to list these subcontractors.

Erin Haagenson
November 6, 2017
Page 3

Rough Carpentry: The amount of rough carpentry for the project does not meet the statutory threshold and, therefore, Bernards was not required to list a rough carpentry subcontractor.

Please let me know if you have any questions.

Sincerely,

A handwritten signature in blue ink, consisting of a large, sweeping 'T' followed by a series of loops and a final upward stroke.

Ted R. Gropman
Partner

TRG:bh

cc: Falco DiGiallonardo, Bernards – *Via E-Mail Only*

Bernards Bros, Inc.
November 7, 2017
Response Letter



November 7, 2017

Ms. Erin Haagenson
 Fresno County Department of Public Works and Planning
 Office of the Design Engineer, 7th Floor
 Fresno County Plaza Building
 2220 Tulare Street
 Fresno, CA 93721

RE: County Contract No. 16-S-04 West Annex Jail
 USS Cal Builders Protest
 3rd response

Dear Ms. Haagenson,

Again, Bernards Bros. Inc. strongly opposes the October 24, 2017, November 2, 2017 and November 6th bid protest of second-low bidder, USS Cal Builders. And citing California law, as did USS Cal Builders, we note preliminarily that, as observed by the court in Ghilotti Construction Co. v. City of Richmond (1996) 45 Cal.App.4th 897, the bidding statutes must be:

" . . . viewed in light of the public interest, rather than the private interest of a *disappointed bidder*. It certainly would amount to a disservice to the public if a losing bidder were to be permitted to comb through the bid proposal or license application of the low bidder after the fact, and cancel the low bid on minor technicalities, with the hope of securing acceptance of his, a higher bid. Such construction would be adverse to the best interests of the public and contrary to public policy."

The Ghilotti court also held that "[t]he rule of strict compliance with bidding requirements does not preclude the contracting entity from waiving inconsequential deviations." As discussed below, Bernards' bid was fully responsive and did not deviate from the County's bidding requirements but, even if it did, the County is permitted to waive any immaterial irregularities in Bernards' bid.

Here are the facts: The project bid and was publicly opened at 2:00 p.m. on October 20, 2017 at the Fresno County Facilities Offices. Two bids were received. The basis of the County's award was the total bid which included a base bid plus 6 alternates and 1 allowance for a total bid amount. Bernards was low bidder at \$81,756,000 and USS Cal was second at \$82,975,000 – a difference of \$1,219,000. USS Cal Builders then emailed a protest letter dated October 24, 2017, November 2, 2017 and November 6th. Despite USS Cal Builders' contentions to the contrary, there were no errors or irregularities in Bernards' low bid. We again address the final two points raised by USS Cal Builders in the order presented by USS Cal Builders, as follows:

Point 1: For the Detention scope of work, Bernards (exhibit 1) listed CML Security, who included both Division 27 and Division 28 work in its bid, including all conduit and wire for these two divisions. We did not use a separate communications subcontractor for this scope of work and, therefore, we were not required to separately list a subcontractor. All of this is very clearly stated in CML Security's bid.

Ms. Erin Haagenson
Fresno County Department of Public Works and Planning
Page Two

Point 3: The bidding statutes require that prime contract bidders, such as Bernards, list their intended subcontractors whose work will equal or exceed one-half of one percent of the prime contractor's bid price. One-half of one percent of \$81,756,000 (Bernards' bid price) is \$408,700. The original email quote from Graham-Prewett (exhibit 1), Bernards intended roofing subcontractor is \$403,700. Because Graham-Prewett's quoted price did not meet the statutory threshold, Bernards was not required to list a roofing subcontractor with its bid to the County.

Sincerely Yours,



Falco DiGiallonardo
Vice President
Bernards Bros. Inc.

bid

From: Brian Bernards
Sent: Friday, October 20, 2017 11:53 AM
To: bid
Subject: FW: Roofing Quote for West Annex Jail
Attachments: West Annex Jail Bernards.doc

EXHIBIT 1

From: Rick Chacon [mailto:RChacon@GrahamPrewett.com]
Sent: Friday, October 20, 2017 11:45 AM
To: Brian Bernards <bbernards@bernards.com>
Subject: Roofing Quote for West Annex Jail

Please accept my proposal for the roofing and roof related flashing.
Sincerely,
Rick Chacon

*Rick Chacon
Project Manager
Graham Prewett, Inc.
2773 N Business Park Ave # 102
Fresno, CA. 93727
Ph. (559) 291-3741
Fax (559) 291-5082
Cell (559) 779-2737*

Graham-Prewett, Inc.

Commercial/Industrial Roofing and Waterproofing Specialists

BID QUOTATION

Bid Date: 10/20/2017

Bid Time: 2:00pm

Project Name: West Annex Jail

To: Bernard's Builders

E-mail: bbernards@bernards.com

Project Location: 2208 Merced St

Fresno, CA.

BID DESCRIPTION

Graham-Prewett, Inc. proposes to furnish the following scope of work for your consideration and review:

Specification Sections 07 55 52-Styrene Butadiene Styrene (SBS) Modified Bituminous Membrane Roofing:

- Supply all material and labor for Specification Section 07 55 52- Styrene Butadiene Styrene (SBS) Modified Bituminous Membrane Roofing as stated below.
- Prime concrete deck; mop 1 layer of basesheet as a vapor barrier.
- Mop 3/8" per foot tapered system with an R-33 average insulation value.
- Mop 1 layer of 1/2" fiberboard over tapered system.
- Mop 2 layers of modified ply sheet and one layer of modified mineral surfaced (Title 24) capsheet in hot asphalt.
- Base flashings, curbs and parapet walls to be applied in hot asphalt.
- Incorporate sheet metal/lead flashing into the roof system (**roof flashings/jacks supplied by others**)
- Supply and install roofing manufacturer's pre-finished Endura Edge Metal and Endura Copping.
- Remove all roofing- related debris from the premises.
- Provide 2-year workmanship warranty on the completed roof assemblies; BUR manufacturer's 20-year NDL warranty.

Exclusions: Supply and installation of treated wood nailer, supply of roof accessories, supply and installation of fall protection supports, supply of roof jacks for fall protection supports, general sheet metal and painting unless otherwise noted.

Bid Price: Four Hundred Three Thousand Seven Hundred Dollars. \$403,700.00

➤ **Special Note : Bond Rate 1.25%**

Addenda Noted: 4 Addendums

Contractor's License: CA #793065 – A, B, C-33, C-39, C-43, ASB, DIR# 1000002797

Union Affiliation: Local 27 – Fresno, CA.

Submitted By: Rick Chacon

Signed: _____

Date: 10/20/2017

USS Cal Builders, Inc.
November 7, 2017
Response Letter



November 7, 2017

VIA Fax & E-Mail

Erin M. Haagenson
Senior Staff Analyst, Design Division
Fresno County Public Works & Planning
Phone: 559-600-4528
Fax: 559-600-4399
Email: ehaagenson@co.fresno.ca.us

Re: Fresno County- West Annex Jail
Contract No- 16-S-04
Bid Date- October 19, 2017.
Response to Bernards Response to Bid Protest of USS Cal Builders Inc dated November 7, 2017.

Ms. Haagenson;

We received the response from Bernards Bros that was forwarded to us on Monday November 7, 2017. Again, we will keep it short and respond to the point made by the above contractor. Since the above-mentioned contractor keeps answering in the same fashion and not addressing the issue at hand, we will just underline the deviation. Our response is as follows:

USS Cal Builders protests of Bernards Bros., Inc.'s Bid on the grounds that Bernards Bros., Inc.'s Bid is non-responsive to the bid and the Contract Documents for the Project due but not limited to the following.

Point 1: USS Cal Builders did not protest the Detention scope of work, USS Cal Builders protested the Communications scope of work or the Division 27 which was and still not included in the bid submitted at bid date. Contrary to the insinuations made by Bernards Bros, the Division 27 Communications scope of work is not included in the Detention Equipment and Division 28 as clearly shown on the CML proposal. Please see attachment "F".

CML Security might have and obviously did include it in their proposal but the fact is that Bernards Bros DID NOT specify or select CML to perform the Communications scope of work which in fact exceeds the threshold of ½ of 1% of the total contract value. Bernards Bros should have listed CML for the work that they are supposedly covering and not just the Detention Equipment and Division 28 scopes of work. This is a clear violation of the Subletting and Subcontracting California Contract Public Code. See below.

- *"Bernards Bros., Inc. bid submittal failed to list a subcontractor for the Communication scope of work. The value of the Communication scope of Work exceeds the required threshold as noted on the contract documents and in specific the list of subcontractors where it states:" The following named subcontractor(s) will perform work or labor, or otherwise render service to the general contractor in or about the construction of the work or improvement, in an amount in excess of*



one-half of one percent of the total bid presented herewith. Please fill out as completely as possible when submitting your bid. Use subcontractor's business name style as registered with the License Board. Each listed subcontractor's name, location of business and description of work, and both their contractor's license number and public works contractor registration number are **REQUIRED**, by Section 4104 of the California Public Contract Code, to be submitted prior to bid opening".

Bernards Bros., Inc. knew or should have known its subcontractor for the Communications scope of work, and because the value of that scope exceeds one half of one percent, should have listed that subcontractor in its bid documents. Therefore, Bernards Bros omission of the Communications scope of work Subcontractor is a material variance from the bid instructions specifically since Bernards Bros., Inc. does not possess the C-7, C-10, C16 licenses to perform the work in house. Please see attached Exhibit "B & D".

While certain minor irregularities can be waived, material variances cannot. (See Stimson v. Hanley (1907) 151 Cal. 379). It is a basic rule of competitive bidding that an irregularity may not be waived if it affected the amount of the bid or gave the bidder an advantage not available to other bidders. (See Menefee v. County of Fresno (1985) 163 Cal. App. 3d 1175). Here Bernards Bros., Inc.'s bid must be found non-responsive due to their failure to list subcontractors with appropriate licensure, failure to provide evidence of necessary licensure with their bids, failure to list a known and specified supplier/installer/subcontractor, and submission of a materially unbalanced bid. Bernards Bros., Inc.'s deviation is material as of Bernards Bros., Inc.'s will enjoy a substantial benefit not enjoyed by other bidders by not listing an appropriately licensed subcontractor. (See Valley Crest Landscape, Inc. v. City Council of Davis (1996) 41 Cal. App. 4th 1432).

Finally, I would like to respond to Bernards Bros's comment regarding USS Cal Builders being a "disappointed second-low bidder seeking to comb through the bid proposal or license application of the low bidder after the fact....". Although we were disappointed, the intent of the protest letter is due to the fact that irregularities clearly demonstrate the misunderstand of the requirements on behalf of Bernards Bros. These are legal and fair bidding practices that do indeed affect all bidders, regardless of determination of placement.

We respectfully request that the award of the Project be made to USS.

Sincerely,

Rabih El-Zein
Sr. Vice President
USS Cal Builders, Inc.

EXHIBIT “B”

PROJECT: FRESNO COUNTY WEST ANNEX JAIL

CONTRACT: 16-S-04

BIDDER: Bernards Bros. Inc.**SUBCONTRACTORS**

The following named subcontractor(s) will perform work or labor, or otherwise render service to the general contractor in or about the construction of the work or improvement, in an amount in excess of **one-half of one percent** of the total bid presented herewith. Please fill out as completely as possible when submitting your bid. Use subcontractor's business name style as registered with the License Board. Each listed subcontractor's name, location of business and description of work, and both their contractor's license number and public works contractor registration number are REQUIRED, by Section 4104 of the California Public Contract Code, to be submitted prior to bid opening. (The "location of business" must specify the city in which the subcontractor's business is located, and the state if other than California.) All other requested information shall be submitted, either with the bid or within 24 hours after bid opening.

FAILURE TO LIST SUBCONTRACTORS AS DIRECTED MAY RENDER THE BID NON-RESPONSIVE, OR MAY RESULT IN ASSESSMENT OF A PENALTY AGAINST THE BIDDER IN ACCORDANCE WITH SECTION 4110 OF THE CALIFORNIA PUBLIC CONTRACT CODE."

SUBCONTRACTOR:

Business Address: _____

Class _____ License No. _____ DIR Registration No. _____

Item No. or Description of Work _____

Dollar Amount or Percentage of Total Bid _____

Email Address _____

SUBCONTRACTOR: Mass XBusiness Address: 2524 N. Fordham Ave., Fresno, CA 93727Class A License No. 902334 DIR Registration No. 1000005550Item No. or Description of Work _____ **EARTHWORK**Dollar Amount or Percentage of Total Bid 1.349%Email Address massx2@hotmail.com**SUBCONTRACTOR:** Malcolm Drilling Co.Business Address: 4926 N. Azusa Canyon Road, Irwindale, CA 91706Class C57,C61,D09,A License No. 259543 DIR Registration No. 1000000389Item No. or Description of Work _____ **SHORING**Dollar Amount or Percentage of Total Bid 0.879%Email Address brockn@malcolmdrilling.com

PROJECT: FRESNO COUNTY WEST ANNEX JAIL

CONTRACT: 16-S-04

BIDDER: Bernards Bros. Inc.

- 4 1 **SUBCONTRACTOR:** _____
 2 Business Address: _____
 3 Class _____ License No. _____ DIR Registration No. _____
 4 Item No. or Description of Work _____
 5 Dollar Amount or Percentage of Total Bid _____
 6 Email Address _____
 7
- 5 8 **SUBCONTRACTOR:** _____
 9 Business Address: _____
 10 Class _____ License No. _____ DIR Registration No. _____
 11 Item No. or Description of Work _____
 12 Dollar Amount or Percentage of Total Bid _____
 13 Email Address _____
 14
- 6 15 **SUBCONTRACTOR:** CMC Rebar
 16 Business Address: 2990 E. Annadale Ave., Fresno, CA 93725
 17 Class C50 License No. 778010 DIR Registration No. 100000298
 18 Item No. or Description of Work _____ **REBAR**
 19 Dollar Amount or Percentage of Total Bid 3.110%
 20 Email Address jason.thompson@cmc.com
 21
- 7 22 **SUBCONTRACTOR:** McGuire Contracting Inc.
 23 Business Address: 16579 Slover Ave., Fontana, CA 92337
 24 Class C-8 License No. 818119 DIR Registration No. 1000006002
 25 Item No. or Description of Work _____ **STRUCTURAL CONCRETE**
 26 Dollar Amount or Percentage of Total Bid 10.149%
 27 Email Address manny@mcguirecontracting.com
 28
- 8 29 **SUBCONTRACTOR:** Structure Cast
 30 Business Address: 8261 McCutchen Road, Bakersfield, CA 93311
 31 Class C-8, C13, B License No. 774870 DIR Registration No. 1000000308
 32 Item No. or Description of Work _____ **PRE-CAST CONCRETE**
 33 Dollar Amount or Percentage of Total Bid 2.082%
 34 Email Address anna@structurecast.com
 35
 36
 37
 38
 39

PROJECT: FRESNO COUNTY WEST ANNEX JAIL

CONTRACT: 16-S-04

BIDDER: Bernards Bros. Inc.

- 9 1 **SUBCONTRACTOR:** Bratton Masonry Inc.
 2 Business Address: 2763 N. Argyle Ave., Fresno, CA 93727
 3 Class C-29 License No. 274525 DIR Registration No. 1000005266
 4 Item No. or Description of Work MASONRY & BRICK VENEER
 5 Dollar Amount or Percentage of Total Bid 4.409%
 6 Email Address chuck@brattonmasonry.com
 7
- 10 8 **SUBCONTRACTOR:** _____
 9 Business Address: _____
 10 Class _____ License No. _____ DIR Registration No. _____
 11 Item No. or Description of Work _____
 12 Dollar Amount or Percentage of Total Bid _____
 13 Email Address _____
 14
- 11 15 **SUBCONTRACTOR:** _____
 16 Business Address: _____
 17 Class _____ License No. _____ DIR Registration No. _____
 18 Item No. or Description of Work _____
 19 Dollar Amount or Percentage of Total Bid _____
 20 Email Address _____
 21
- 12 22 **SUBCONTRACTOR:** Nuno Iron & Mfg. Inc.
 23 Business Address: 315 Bitterwater Road, King City, CA 93930
 24 Class C23, C51, B License No. 757760 DIR Registration No. 1000007597
 25 Item No. or Description of Work STRUCTURAL STEEL & MISC. METALS
 26 Dollar Amount or Percentage of Total Bid 2.944%
 27 Email Address jr@nunoiron.com
 28
- 13 29 **SUBCONTRACTOR:** Four C's Construction
 30 Business Address: 1560 H Street, Fresno, CA 93721
 31 Class C43 License No. 908294 DIR Registration No. 1000002824
 32 Item No. or Description of Work SHEET METAL
 33 Dollar Amount or Percentage of Total Bid 0.432%
 34 Email Address preston@fourcsmetal.com
 35
 36
 37
 38
 39

PROJECT: FRESNO COUNTY WEST ANNEX JAIL

CONTRACT: 16-S-04

BIDDER: Bernards Bros. Inc.

- 14 1 **SUBCONTRACTOR:** _____
 2 Business Address: _____
 3 Class _____ License No. _____ DIR Registration No. _____
 4 Item No. or Description of Work _____
 5 Dollar Amount or Percentage of Total Bid _____
 6 Email Address _____
 7
- 15 8 **SUBCONTRACTOR:** _____
 9 Business Address: _____
 10 Class _____ License No. _____ DIR Registration No. _____
 11 Item No. or Description of Work _____
 12 Dollar Amount or Percentage of Total Bid _____
 13 Email Address _____
 14
- 16 15 **SUBCONTRACTOR:** Tarleton & Son
 16 Business Address: 3562 S. Elm Ave., Fresno, CA 93706
 17 Class B,C-2,C-9,C35 License No. 342341 DIR Registration No. 1000004368
 18 Item No. or Description of Work METAL STUD FRAMING / DRYWALL
 19 Dollar Amount or Percentage of Total Bid 2.296%
 20 Email Address DHolland@tarltonandson.com
 21
- 17 22 **SUBCONTRACTOR:** CML Security LLC
 23 Business Address: 400 Young Ct., Unit 1, Erie, CO 80516
 24 Class B, C10 License No. 1015730 DIR Registration No. 1000040451
 25 Item No. or Description of Work DETENTION EQUIPMENT
 26 Dollar Amount or Percentage of Total Bid 20.313%
 27 Email Address jjramsey@cmlsecurity.us
 28
- 18 29 **SUBCONTRACTOR:** CML Security LLC
 30 Business Address: 400 Young Ct., Unit 1, Erie, CO 80516
 31 Class B, C10 License No. 1015730 DIR Registration No. 1000040451
 32 Item No. or Description of Work SECURITY ELECTRONICS (DIV 28)
 33 Dollar Amount or Percentage of Total Bid Included w/Detention Equip.
 34 Email Address jjramsey@cmlsecurity.us
 35
 36
 37
 38
 39

PROJECT: FRESNO COUNTY WEST ANNEX JAIL

CONTRACT: 16-S-04

BIDDER: Bernards Bros. Inc.

19 1 **SUBCONTRACTOR:** _____
 2 Business Address: _____
 3 Class _____ License No. _____ DIR Registration No. _____
 4 Item No. or Description of Work _____
 5 Dollar Amount or Percentage of Total Bid _____
 6 Email Address _____
 7

20 8 **SUBCONTRACTOR:** New England Sheet Metal & Mechanical Co.
 9 Business Address: 2731 S. Cherry Ave., Fresno, CA 93706
 10 Class C20, C36 License No. 433674 DIR Registration No. 1000001449
 11 Item No. or Description of Work _____ **PLUMBING**
 12 Dollar Amount or Percentage of Total Bid Included w/HVAC
 13 Email Address keynaud@nesmw.com
 14

21 15 **SUBCONTRACTOR:** New England Sheet Metal & Mechanical Co.
 16 Business Address: 2731 S. Cherry Ave., Fresno, CA 93706
 17 Class C20, C36 License No. 433674 DIR Registration No. 1000001449
 18 Item No. or Description of Work _____ **HVAC**
 19 Dollar Amount or Percentage of Total Bid 19.081%
 20 Email Address keynaud@nesmw.com
 21

22 22 **SUBCONTRACTOR:** Sebastian Corp.
 23 Business Address: 7600 N. Palm Ave., Fresno, CA 93711
 24 Class C10 License No. 630669 DIR Registration No. 1000001876
 25 Item No. or Description of Work _____ **ELECTRICAL**
 26 Dollar Amount or Percentage of Total Bid 4.832%
 27 Email Address polivarez@sebastiancorp.com
 28

23 29 **SUBCONTRACTOR:** ABG Caulking Contractors
 30 Business Address: PO Box 544, Goodlettsville, TN 37070
 31 Class C33 License No. 526169 DIR Registration No. 1000016206
 32 Item No. or Description of Work _____ **JOINT SEALANTS**
 33 Dollar Amount or Percentage of Total Bid 1.063%
 34 Email Address arles@abgcaulking.com
 35
 36
 37
 38
 39

3,950,449
 .92

PROJECT: FRESNO COUNTY WEST ANNEX JAIL

CONTRACT: 16-S-04

BIDDER: Bernards Bros. Inc.

- 24 1 **SUBCONTRACTOR:** _____
 2 Business Address: _____
 3 Class _____ License No. _____ DIR Registration No. _____
 4 Item No. or Description of Work _____
 5 Dollar Amount or Percentage of Total Bid _____
 6 Email Address _____
 7
- 25 8 **SUBCONTRACTOR:** KONE, Inc.
 9 Business Address: 3727 Bradview Dr., Sacramento, CA 95827
 10 Class C11 License No. 179166 DIR Registration No. 1000003806
 11 Item No. or Description of Work _____ **ELEVATORS**
 12 Dollar Amount or Percentage of Total Bid 3.119%
 13 Email Address daniel.shaw@kone.com
 14
- 26 15 **SUBCONTRACTOR:** Jerico Fire Protection Co. Inc.
 16 Business Address: 1380 N. Hulbert Ave., Fresno, CA 95728
 17 Class C16 License No. 548570 DIR Registration No. 1000000984
 18 Item No. or Description of Work _____ **FIRE SPRINKLERS**
 19 Dollar Amount or Percentage of Total Bid 1.265%
 20 Email Address bruce@jericofire.com
 21
- 27 22 **SUBCONTRACTOR:** Pecoraro, Inc.
 23 Business Address: 1728 India St., San Diego, CA 92101
 24 Class C33 License No. 868925 DIR Registration No. 1000003195
 25 Item No. or Description of Work _____ **PAINTING**
 26 Dollar Amount or Percentage of Total Bid 1.106%
 27 Email Address onofrio@pecoraroinc.com
 28
- 28 29 **SUBCONTRACTOR:** _____
 30 Business Address: _____
 31 Class _____ License No. _____ DIR Registration No. _____
 32 Item No. or Description of Work _____
 33 Dollar Amount or Percentage of Total Bid _____
 34 Email Address _____
 35
 36
 37
 38
 39

PROJECT: FRESNO COUNTY WEST ANNEX JAIL

CONTRACT: 16-S-04

BIDDER: Bernards Bros. Inc.

- 29 1 **SUBCONTRACTOR:** Prime Coat Coating Systems
 2 Business Address: 405 Oakwood Ave., Waukegan, IL 60085
 3 Class C33 License No. 952144 DIR Registration No. 1000038784
 4 Item No. or Description of Work 99602 Cell Coatings ALTERNATE #2 ONLY
 5 Dollar Amount or Percentage of Total Bid 0.761%
 6 Email Address chrispullos@yahoo.com
 7
- 30 8 **SUBCONTRACTOR:** _____
 9 Business Address: _____
 10 Class _____ License No. _____ DIR Registration No. _____
 11 Item No. or Description of Work _____
 12 Dollar Amount or Percentage of Total Bid _____
 13 Email Address _____
 14
- 31 15 **SUBCONTRACTOR:** _____
 16 Business Address: _____
 17 Class _____ License No. _____ DIR Registration No. _____
 18 Item No. or Description of Work _____
 19 Dollar Amount or Percentage of Total Bid _____
 20 Email Address _____
 21
- 32 22 **SUBCONTRACTOR:** _____
 23 Business Address: _____
 24 Class _____ License No. _____ DIR Registration No. _____
 25 Item No. or Description of Work _____
 26 Dollar Amount or Percentage of Total Bid _____
 27 Email Address _____
 28
- 33 29 **SUBCONTRACTOR:** _____
 30 Business Address: _____
 31 Class _____ License No. _____ DIR Registration No. _____
 32 Item No. or Description of Work _____
 33 Dollar Amount or Percentage of Total Bid _____
 34 Email Address _____
 35
 36
 37
 38 End of Section 00 43 36

EXHIBIT “D”



CONTRACTORS STATE LICENSE BOARD



Contractor's License Detail for License # 302007

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.

Data current as of 10/25/2017 1:55:55 PM

Business Information

BERNARDS BROS INC
555 FIRST STREET
SAN FERNANDO, CA 91340
Business Phone Number:(818) 898-1521

Entity Corporation
Issue Date 01/20/1975
Expire Date 03/31/2019

License Status

This license is current and active.

All information below should be reviewed.

Classifications

A - GENERAL ENGINEERING CONTRACTOR
B - GENERAL BUILDING CONTRACTOR

Bonding Information

Contractor's Bond

This license filed a Contractor's Bond with SAFECO INSURANCE COMPANY OF AMERICA.

Bond Number: 6398075

Bond Amount: \$15,000

Effective Date: 01/01/2016

Contractor's Bond History

Bond of Qualifying Individual

This license filed Bond of Qualifying Individual number **024072541** for DOUGLAS DEAN BERNARDS in the amount of **\$12,500** with LIBERTY MUTUAL INSURANCE COMPANY.

Effective Date: 04/19/2017

BQI's Bond History

Workers' Compensation

This license has workers compensation insurance with the FEDERAL INSURANCE COMPANY

Policy Number: 54309469

Effective Date: 07/01/2017

Expire Date: 07/01/2018

Workers' Compensation History

Other

EXHIBIT “F”



Fresno County West Annex Jail
Fresno, CA

Client: Bidding GC's
Submittal Date: 10.20.2017, Rev 1
DEC/SEC
CA License #: 015730
CA DIR #: 1000040451

Scope Letter / Proposal

CML Security proposes to furnish all materials and engineering, as listed in the following scope in accordance with documents dated March 28th, 2017 to the terms and conditions listed herein:

We Acknowledge Addendums: 1, 2, 3 & 4

We Acknowledge Specifications:

Section 01 35 13.16 – Special Project Procedures for Detention Facilities
Section 05 31 00 – Steel Decking (as it applies to our scope or work only)
Section 05 59 63 – Detention Enclosures (partial)
Section 08 34 63 – Detention Doors and Frames
Section 08 51 13.53 – Security Access Doors (given as a unit cost)
Section 08 71 63 – Detention Door Hardware
Section 08 88 53 – Security Glazing
Section 09 57 53 – Security Ceiling Assemblies
Section 10 28 13.63 – Detention Toilet Accessories
Section 11 19 10 – Security Equipment
Section 11 19 15 – Resilient Cell Padding
Section 12 55 00 – Detention Furniture
Section 13 42 60 – Modular Metal Detention Wall Panel System

Section 27 05 48 – Vibration and Seismic Controls
Section 27 15 00 – Voice, Data & Video Communications Cabling System
Section 27 41 13 – Cable Television System
Section 27 51 23 – Intercom System
Section 27 53 20 – Distributed Antenna System
Section 28 05 00 – Common Work Results for Electronic Safety and Security
Section 28 05 00.1 – Uninterruptible Power Source
Section 28 05 00.2 – Conduit and Raceways
Section 28 05 48 – Vibration and Seismic Controls



Section 28 10 00 – Fiber Optic Testing

Section 28 13 00 – Access Control System

Section 28 23 00 – IP Video Surveillance

Section 28 31 11 – Digital Addressable Fire Alarm System

Section 28 46 00 – Touchscreen Interactive Computer

Section 28 46 00 .1 – Security Electronics Control Matrix

Section 28 46 00.2 – Event Recording System

Section 28 46 19 – PLC Electronic Detention Monitoring Control Systems

CLARIFICATIONS:

1. This scope letter and/or any subsequent revisions shall become part of any subcontract.
2. CML Security reserves the right to retract this bid in the event of no mutually agreeable subcontract.
3. We are assuming we can stock level 2 mezzanine and below with a fork lift through a precast panel opening large enough for product to fit through.

GENERAL INCLUSIONS:

1. All materials, engineering, coordination, installation, and project management required to complete our scope of work as listed herein.
2. On-Site supervision and coordination as required and deemed necessary by CML.
3. All coordination drawings, shop drawings, engineering drawings, submittal drawings and other supplemental CAD drawings required to complete our scope of work as listed herein and coordinate with other trades.
4. Required warranties on all workmanship as dictated by the specifications.
5. Standard shipping and freight cost for materials/equipment have been included. Costs to expedite items have not been included.
6. Adequate on-site space for office trailer, storage container, and vehicle parking is available at no cost to CML Personnel and its subcontractors.
7. Applicable sales and use tax at 7.975%.
8. Supply all BIM library components for our packages

INCLUDED:

1. Furnish and install detention enclosures
 - a. Mesh inside of detention hollow metal frames only
2. Furnish and install detention hollow metal doors
3. Furnish and install detention hollow metal frames
 - a. Includes grouting of large dayroom frames (~150k)
4. Furnish and install of detention hardware
5. Furnish and install security glazing
 - a. ~~Includes caulking of security glazing~~ (see voluntary add)
6. Furnish and install security ceiling
7. Furnish and install detention toilet accessories
8. Furnish and install security equipment
9. Furnish and install cell padding
10. Furnish and install detention furniture



11. Furnish and install detention metal wall panel
 - a. Includes grouting of wall panels
 - b. Includes shoring and engineered shoring plan (~85k)
12. Furnish and install Division 27 & 28 equipment per spec sections above
13. Installation and termination of Division 27 & 28 field devices
14. Installation and termination of Division 27 & 28 head end equipment
15. Furnish and install wire and cable for Division 27 & 28 equipment
16. Furnish and install conduit and raceway for Division 27 & 28 equipment

NOT INCLUDED:

1. Fees, permits or other assessments
2. Performance and Payment Bonds – If desired add 1% to contract amount
3. 110v or 220v temporary power, final clean, trash removal beyond dumpster
4. Fire caulking & fire proofing of any kind
5. ~~3D Modeling of equipment~~
6. Unloading, storage and distribution of materials not installed by CML
7. Any onsite storage fees
8. Grilles at HVAC ductwork, security wall penetrations, etc.
9. MEP shroud
10. Non-security/Commercial doors, frames, glazing and hardware
11. Security plumbing and light fixtures
12. Grouting at frames within masonry, painting, sealant or caulking of any kind
13. Concrete, rebar (please note rebar will need to be used for decking system) and control joints at mezzanine slab
14. Chain link sliding gates, operators and bi-fold doors of any kind
15. Bullet resistant transaction system
16. Furnish or install of commercial glazing in detention openings
17. Man Bar Barriers (to be furnished and installed by MEP)
18. SM1 and SM2 expanded metal (assuming to be by drywaller)
19. Hardware set SH6A and SH7B (not shown on plans)
20. Security access panels – we have only included one at the elevator shaft for smoke detector access (please add \$1,375 per 24"x24" non-rated panel, and \$1,725 per 24"x24" rated panel)
21. Tier railing
22. Install of owner furnished equipment
23. ~~Structural components for mezzanine floor~~
24. Viking key cabinet described in Detention Hardware spec section (this would not be required because of the electronic key cabinet per Security Equipment spec section)
25. \$300,000 CCTV storage allowance (this allowance is included in the GC's bid form)