



# County of Fresno

Hall of Records, Rm. 301  
2281 Tulare Street  
Fresno, California  
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## Legislation Details (With Text)

**File #:** 17-1273 **Name:** Award Contract 16-S-04 West Annex Jail

**In control:** Public Works & Planning

**On agenda:** 11/14/2017 **Final action:** 11/14/2017

**Enactment date:** **Enactment #:** Resolution No. 17-513, Resolution No. 17-514, Resolution No. 17-515, Resolution No. 17-516

**Title:** Hear and consider, and take appropriate action, on: (a) Protest by apparent second-lowest responsible bidder, USS Cal Builders, Inc. (USS), 8051 Main Street, Stanton, CA, regarding proposed "Conditional Award" of Contract No. 16-S-04, West Annex Jail, for construction of West Annex Jail in downtown Fresno, to apparent lowest responsible bidder, Bernards Bros., Inc (Bernards), 555 First Street, San Fernando, CA; and (b) USS's request that "Conditional Award" of Contract No. 16-S-04, West Annex Jail, instead be made to USS (whose bid is in total amount of \$82,975,000, including base bid, all additive bids, and allowance); find that Bernards is lowest responsible bidder for Contract No. 16-S-04, West Annex Jail, and that deviations in Bernards's bid from strict bidding requirements are immaterial and are waived, in discretion of the Board and in furtherance of best interests of County; and award Contract No. 16-S-04, West Annex Jail, to lowest responsible bidder, Bernards, in total amount of \$81,756,000, including base bid, all additive bids, and allowance, subject to and conditioned upon approval of contract award to Bernards, including Bernards's bid proposal, by State of California Department of Finance (DOF) (collectively, the Conditional Award); authorize Director of Public Works and Planning (Director), or his designee, to execute Contract Change Orders up to \$210,000, which is approximately 0.26% of Bernards's total construction contract cost; adopt Budget Resolutions increasing FY 2017-18 appropriations and estimated revenues in various Orgs for West Annex Jail project, as appropriate, from State Senate Bill 1022 funding (\$74,511,353), Proposition 172 revenues (\$4,255,489), 2002 tobacco securitization bond proceeds (\$32,013), 2006 tobacco securitization bond proceeds (\$2,177,556), and other sources (\$7,309,742) (4/5 votes); and authorize Director and Chairman to take respective actions to consummate award of Contract No. 16-S-04, West Annex Jail, to Bernards, and related construction contract

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Agenda Item, 2. Location Map, 3. Resolution No. 17-513, 4. Resolution No. 17-514, 5. Resolution No. 17-515, 6. Resolution No. 17-516, 7. Resolution No. 17-517, 8. Attachments A-D, 9. Additional Information, 10. Contract No. 16-04-C West Annex Jail (executed Contract).pdf

Date	Ver.	Action By	Action	Result
11/14/2017	1	Board of Supervisors	Conducted Hearings	Pass
11/14/2017	1	Board of Supervisors	Conducted Hearings	Pass

**DATE:** November 14, 2017

**TO:** Board of Supervisors

**SUBMITTED BY:** Steven E. White, Director  
Department of Public Works and Planning

Margaret Mims, Sheriff-Coroner

Jean M. Rousseau, County Administrative Officer

SUBJECT: Contract No. 16-S-04, West Annex Jail

RECOMMENDED ACTION(S):

1. Hear and consider, and take appropriate action, on:
  - (a) Protest by apparent second-lowest responsible bidder, USS Cal Builders, Inc. (USS), 8051 Main Street, Stanton, CA, regarding the proposed “Conditional Award” of Contract No. 16-S-04, West Annex Jail, for the construction of the West Annex Jail in downtown Fresno, to the apparent lowest responsible bidder, Bernards Bros., Inc. (Bernards), 555 First Street, San Fernando, CA; and
  - (b) USS’s request that the “Conditional Award” of Contract No. 16-S-04, West Annex Jail, instead be made to USS (whose bid is in the total amount of \$82,975,000, including the base bid, all additive bids, and the allowance).
2. Find that Bernards is the lowest responsible bidder for Contract No. 16-S-04, West Annex Jail, and that the deviations in Bernards’s bid from strict bidding requirements are immaterial and are hereby waived, in the discretion of the Board and in furtherance of the best interests of the County.
3. Award Contract No. 16-S-04, West Annex Jail, to the lowest responsible bidder, Bernards, in the total amount of \$81,756,000, including the base bid, all additive bids, and the allowance, subject to and conditioned upon the approval of the contract award to Bernards, including Bernards’s bid proposal, by the State of California Department of Finance (DOF) (collectively, the Conditional Award).
4. Authorize the Director of Public Works and Planning (Director), following the DOF’s approval of the Conditional Award to Bernards, to (a) provide notice, and any related documents, pursuant to the County’s instructions to bidders, to the Chairman and Bernards of the County’s receipt of the DOF’s approval of the Conditional Award to Bernards, and that such receipt of approval by the DOF satisfies the condition of the Conditional Award to Bernards, and (b) do any and all things and take any and all actions and execute any and all notices, certificates, and other documents which he may deem necessary or advisable in order to consummate the award of Contract No. 16-S-04, West Annex Jail, to Bernards, and the related construction contract.
5. Authorize the Chairman, (a) following receipt of such notice from the Director, to provide the execution-ready Contract No. 16-S-04, West Annex Jail, and notice, pursuant to the County’s instructions to bidders, to Bernards of the County’s acceptance of Bernards’s bid and of the County’s award of the Contract No. 16-S-04, West Annex Jail, to Bernards for such construction contract, and that before the County executes the construction contract, Bernards’s must first provide the related documents as required by the County’s instructions to bidders, and (b) following receipt from Bernards of the executed Contract No. 16-S-04, West Annex Jail, and the related documents as required by the County’s instruction to bidders, to execute such construction contract on behalf of the County, and (c) to do any and all things and take any and all actions and execute any and all notices, certificates, and other documents which he may deem necessary or advisable in order to consummate the award of Contract No. 16-S-04, West Annex Jail, to Bernards and the related construction contract.
6. Authorize the Director, or his designee, to execute Contract Change Orders up to \$210,000, which is approximately 0.26% of Bernards’s total construction contract cost.
7. Adopt Budget Resolution increasing the FY 2017-18 appropriations in the Interest and

**Miscellaneous Org 2540 in the amount of \$7,309,742 (4/5 vote).**

- 8. Adopt Budget Resolution increasing the FY 2017-18 appropriations and estimated revenues in the State Senate Bill 1022 (West Annex Jail) Org 8845 in the amount of \$74,511,353 (4/5 vote).**
- 9. Adopt Budget Resolution increasing the FY 2017-18 appropriations and estimated revenues, including \$3,220,266 of Committed Fund Balance, \$4,255,489 of Proposition 172 revenues, \$32,013 of 2002 tobacco securitization bond proceeds, and \$2,177,556 of 2006 tobacco securitization bond proceeds, in the Leasehold Improvements (West Annex Jail) Org 8846 in the amount of \$9,685,324 (4/5 vote).**
- 10. Adopt Budget Resolution increasing the FY 2017-18 appropriations and estimated revenues in the Central Plant/Tunnel (West Annex Jail) Org 8847 in the amount of \$2,908,476 (4/5 vote).**
- 11. Adopt Budget Resolution increasing the FY 2017-18 appropriations and estimated revenues in the Intangibles (West Annex Jail) Org 8848 in the amount of \$1,181,000 (4/5 vote).**

See attachment entitled "Agenda Item."