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RECEIVED  
BOARD OF SUPERVISORS  
EL DORADO COUNTY  
10:40 am, Feb 14, 2011

# 16

LATE DISTRIBUTION  
Date 10:40 am, Feb 14, 2011

February 11, 2011

Board of Supervisors  
330 Fair Lane  
Placerville, CA 95667

Agenda Title: DOT 2/15/11 Security Project Award of Bid, Legistar # 11-0010

Meeting Date: February 15, 2011

Dear Members of the Board:

Department of Transportation recommending the following pertaining to the Access Control/CCTV/Intrusion Alarm System Project for the Departments of Human Services, Child Support Services, and Health Services (Contract No. PW 10-30566; CIP No. 90400):

- 1) Adopt the factual findings as stated in Department of Transportation's February 9, 2011 letter responding to 3D DATACOM's bid protest, and based thereon, deny the bid protest;
- 2) The Board waive the irregularities in which Security and Asset Management, LP dba Sonitrol of Sacramento failed to sign the Bidder's Bond and inserted the incorrect Contractor's license number on its bid Proposal; find that incomplete execution of the Equal Employment Opportunity Certification at the time of bid submittal is not an irregularity; and award the Construction Contract and the Monitoring and Maintenance Agreement for Services to Security and Asset Management, LP dba Sonitrol of Sacramento who submitted the lowest responsive, responsible bid of \$390,937;
- 3) The Board award both Bid Schedule A and Bid Schedule B work;
- 4) Authorize the Chair to sign the Construction Contract, subject to review and approval of the final Contract Documents by County Counsel and Risk Management; and
- 5) Authorize the Chair to sign Agreement for Services AGMT 10-53124 with Security and Asset Management, LP dba Sonitrol of Sacramento in a maximum not-to-exceed amount of \$92,160 for a term of three (3) years for Monitoring and Maintenance Services, subject to review and approval of the final Agreement by County Counsel and Risk Management. (Est. Time: 5 Min.)

Background:

The Departments of Human Services, Child Support Services and Health Services (Departments) are required to provide certain levels of security for the health related and/or sensitive information records established and maintained in the performance of the services they provide.

The Access Control/CCTV/Intrusion Alarm System Project (Project) will provide these Departments, in both Placerville and South Lake Tahoe, with either a new security system or an upgraded system for specific offices. In general, the Project consists of installing three (3) different types of building security systems. They are as follows:

- Access Control which allows the Department's Management to control, log, and detect who is coming and going into the secure portions of the building;
- CCTV (Closed Circuit Television) monitoring to record activities in and around the building both during normal business hours and after hours so that should an incident occur, those involved can be identified; and
- Intrusion Alarm System provides a notification both to a Central Monitoring facility and to the Department's Management that have certain access privileges that the building has been entered without proper authority during non-business hours.

On January 4, 2011 the Board adopted and approved the Plans and Specifications and authorized advertisement for construction bids for the Project with the bid opening scheduled for February 3, 2011.

Reason for Recommendation:

The Department of Transportation (DOT) opened bids on February 3, 2011. Brand-specific products were specified in the Contract Documents in accordance with the findings adopted by the Board. Only one bid was received. The Contract Documents include two bid schedules – Bid Schedule A for the construction and Bid Schedule B for the monitoring and maintenance. Award is based on the total amount bid for both Bid Schedules A and B. The bidders must bid on both schedules of work to be considered responsive. DOT recommends the award of both Bid Schedules A and B.

The Engineer's Estimate for Bid Schedule A work is \$235,650 and for Bid Schedule B work is \$30,000. The bid received is \$298,777 for Bid Schedule A work and \$92,160 for Bid Schedule B work for a total bid of \$390,937. Construction Administration is estimated at \$59,800. Sufficient funds are available within Human Services and Child Support Services Departments' budgets. The approximate \$55,000 shortfall in the Health Services Department's budget will be supplemented by Accumulated Capital Outlay funds.

Adopt the factual findings as stated in DOT's February 9, 2011 letter and deny the bid protest

On February 4, 2011 DOT received a bid protest via email from 3D DATACOM (3D). On February 4, 2011 DOT faxed a letter with a copy of the email protest to 3D and Security Asset and Management, LP dba Sonitrol of Sacramento (SAM-

LP) acknowledging the bid protest. In accordance with the bid protest procedures outlined in the Contract Documents, DOT sent to SAM-LP and 3D an All Bidders letter containing the bid protest procedure and a conditional recommendation of award of the Project to SAM-LP. On February 8, 2011 DOT received via fax and email a follow-up bid protest letter from 3D. On February 9, 2011, in accordance with the bid protest procedures, DOT responded to 3D's protest and sent a copy of the protest and response to SAM-LP.

A copy of the email protest, DOT's acknowledgement letter, 3D's protest letter, and DOT's response is attached. DOT recommends that the Board adopt the factual findings in our response letter and, based thereon, deny 3D's protest.

Award and Sign Construction Contract and Agreement for Services with Lowest, Responsive, Responsible Bidder

SAM-LP submitted a total bid of \$390,937. SAM-LP signed the bid proposal, but did not sign the Bidder's Bond. The surety properly executed the Bidder's Bond securing the bonding obligation. SAM-LP secured the obligation by signing its bid proposal. Since by these two actions the bond is not invalidated, DOT recommends that this irregularity be waived.

SAM-LP listed the incorrect Contractor's license number in its bid proposal. DOT has confirmed that SAM-LP has a valid Contractor's license in place at the time of this award. DOT recommends that the minor irregularity of the incorrect license number be waived.

The Equal Employment Opportunity Certification (EEO Cert) included in the Proposal includes the locations where the Bidder inserts its name and the name(s) of its subcontractors to certify whether or not each has participated in previous contract(s) subject to equal opportunity clauses. SAM-LP's EEO Cert included only its name and not the name of its subcontractor. Since the statutes requiring EEO Cert allow the certification to be executed with the contract execution, DOT recommends that the Board find the incomplete execution is not an irregularity. DOT will ensure that SAM-LP executes a new EEO Cert as part of the contract execution.

The Contract Documents provide that if Bid Schedule B is awarded, the County will consider the unit prices bid for Bid Schedule B work to determine the not-to-exceed amount of the Monitoring and Maintenance Agreement for Services. This not-to-exceed amount may be less than the total amount bid for Bid Schedule B. DOT recommends that the Board award the Construction Contract in the amount of \$298,777 and the Monitoring and Maintenance Agreement for Services in a maximum not-to-exceed amount of \$92,160 to SAM-LP who submitted the lowest responsive, responsible bid.

Action to be taken by DOT following Board approval:

1. Upon approval by County Counsel and Risk Management, DOT will forward the Construction Contract, together with the required bonds and insurance, and the approved Contract Routing Sheet to the Board Clerk for the Board Chair's signature.
2. Upon approval by County Counsel and Risk Management, DOT will forward the Agreement for Services Contract and the approved Contract Routing Sheet to the Board Clerk for the Board Chair's signature.

Action to be taken following Board approval:

1. The Board Clerk will obtain the Chair's signatures on the Construction Contract and the Agreement for Services Contract.
2. The Board Clerk will forward the fully executed Construction Contract and Agreement for Services Contract to DOT for further processing.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. Slater', with a long horizontal stroke extending to the right.

Robert S. Slater, P.E.  
Assistant Director of Transportation

Attachments