



County of El Dorado

Chief Administrative Office

Procurement & Contracts Division

Phone (530)621-5830 Fax (530)295-2537

April 11, 2019

Norwood Construction Services
Post Office Box 2303
Orangevale, CA 95662
Attn: Brian Norwood

RE: Bid Protest Response
BID # 19-968-041
South Lake Tahoe Health & Human Services Agency Tenant Improvement Project

The County of El Dorado, Chief Administrative Office, Procurement & Contracts Division (Division) advertised the South Lake Tahoe Health & Human Services Tenant Improvement Project (Project) on behalf of the Facilities Division and received five (5) bids in total from the following bidders:

- A) Roebbelen Contracting, Inc. - \$1,064,000
- B) Norwood Construction Services - \$974,000
- C) CNW Construction, Inc. - \$994,000
- D) DML Construction, Inc. - \$1,144,679
- E) Kaler/Dobler Construction, Inc. - \$1,136,000

The County's estimated cost for the Project was \$800,000.

The All Bidders Letter for the Project was issued on Monday, April 1, 2019 which stated that two (2) bidders were rejected for failure to submit a complete bid packet and that Roebbelen Contracting, Inc. was deemed the apparent lowest responsive, responsible qualified bidder for the Project and that the item was scheduled to be heard by the Board of Supervisors on Tuesday, April 23, 2019.

The five (5) day bid protest period began when the All Bidders Letter was sent and ended Monday, April 8, 2019. One (1) bid protest was received from Norwood Construction Services (NCS) on April 5, 2019, and is attached for reference. NCS's bid protest states the following reason:

- The return of the specifications is not a requirement set forth in the instructions; therefore, NCS should be awarded the Project based on being the lowest responsive, responsible bidder.

The Division's response to NCS's protest is as follows:

- The Division does not agree that the return of the specifications is not a requirement set forth in the instructions for the following reason:

Instructions to Bidders, Item 3, states "Bidders must submit bids only on forms provided in the Bid Documents provided at the Mandatory Pre-Bid Meeting, and shall be accompanied by all documents and information required to be submitted by these Instructions to Bidders, the Notice to Bidders, and by law. Bids not submitted on the required forms shall be deemed nonresponsive

and shall not be considered. The Proposal is attached together with the Notice to Bidders, Instructions to Bidders, Agreement, and related documents. A Proposal shall be deemed "Non-Responsive" if the Bid is submitted without the entire package provided at the Mandatory Pre-Bid Meeting."

The Division feels that it has done its due diligence in reviewing this bid and recommends the Board of Supervisors award this Project to Roebbelen Contracting, Inc. as the lowest responsive, responsible bidder. The County's Facilities Division instructed bidders to return the entire package provided at the Mandatory Pre-Bid Meeting to ensure that all of the requirements were received and understood by the bidders. It is important to note that when the bids were submitted, one of the bidders pointed out the partial bid packet submission. This observation provided further evidentiary support that the County's bid instructions were clear. Therefore, based on the size of the contract, the nature of the work, and the importance of following specific instructions, the Division stands by the award determination for this contract.

Sincerely,



Michele Weimer
Procurement & Contracts Manager/
Purchasing Agent



April 4, 2019

Procurement and Contracts Division
2850 Fair Lane
Placerville, CA 95667

RE:
Bid Protest
HHS Job #19-968-041

Dear Procurement and Contracts Division,

The purpose of this letter is to protest your findings as it relates to the aforementioned project.

Introduction; I am Brian A. Norwood, owner of Norwood Construction Services (Hereafter "NCS"). I am a certified small business enterprise (Certificate # 9136). NCS is a general contracting company with an extraordinary resume. NCS builds schools, medical office, college buildings, TI work all over Northern California and I am also a DSA Class I state building inspector.

On March 20, 2019 a bid for the aforementioned project was opened and NCS was at the time the apparent low bidder. NCS was at \$974,000.00 and the #2 contractor was Jeff Fuchs who owns "CNW Construction, Inc". and he was at \$994,000.00. On April 1st and 4:49 PM I received an e-mail that I had been disqualified and my bid rejected for "Failure to submit a complete bid package".

After reading the letter on April 2, 2019 I phone called and spoke to Kady Leitner who could not be specific, but implied that I didn't return the entire specification book. The instructions are to provide the following;

1. The County of El Dorado will receive bids from Bidders as stipulated in the Notice to Bidders.
2. The County of El Dorado reserves the right after opening bids to reject any or all bids, or to waive any irregularity in a bid, or to make award to lowest responsive, responsible bidder and reject all other bids, as it best serve the interests of the county.
3. Bidders must submit bids only on forms provided in the Bid Documents provided at the Mandatory Pre-Bid Meeting, and shall be accompanied by all documents and information required to be submitted by these Instructions to Bidders, the Notice to Bidders, and by law. Bids not submitted on the required forms shall be deemed nonresponsive and shall not be considered. The Proposal is attached together with the Notice to Bidders, Instructions to

Norwood Construction Services

Bidders, Agreement, and related documents. A proposal shall be deemed "Non-Responsive" if the Bid is submitted without the entire package provided at the Mandatory Pre-Bid Meeting.

4. Bidders must submit Non-Collusion Affidavit form with their bids. Bids submitted without the affidavit will be deemed nonresponsive and will not be considered.
5. Bidders must submit Confidentiality of Information provided form with their bid. Bids submitted without the affidavit will be deemed nonresponsive and will not be considered.
6. Bidders must supply all information required by Bid Documents and specifications. Bids must be full and complete. The County reserves the right as its sole discretions to reject any bid as nonresponsive as result of any error or omission in the bid.
7. Bidders may not modify Proposal Document or qualify their bids.
8. Submission of a bid signifies that the Bidder has done a careful examination of the Bid Documents and has a complete understanding of the nature, extent and location of Work to be performed. Bidder must complete the tasks listed below in subsections "a" and "b" as a condition to bidding and submission of bid shall constitute the Bidder's express representation to the County that the Bidder has fully completed the following:
 - a. Bidder has attended the mandatory pre-bid meeting and has examined thoroughly and understands the nature and extent of the Bid Documents, Work, Site, locality, actual conditions, as-built conditions, and all local conditions and federal, state and local laws and regulations that in any manner may affect cost, progress, performance or furnishing of Work or which relate to any aspect of the means, methods, techniques. Sequences or procedures of construction to be employed by Bidder and safety precautions and programs incident thereto.
 - b. Bidder has given the County representative during the bid period prompt written notice of all conflicts, errors, ambiguities or discrepancies that it has discovered in or among the Bid Documents and as built and actual conditions and the written resolution thereof by County is acceptable to Bidder.
9. **Substitutions:** If the bidder lists a manufacturer in its Proposal that is a substitute (i.e. "or equal"), such listing shall be considered a substitution request by the Bidder. If the Bidder is the apparent low Bidder, the Bidder shall, within two (2) business days following the bid opening, submit data substantiating the request for the substitution with the "or equal" item. Failure to submit such substantiating data within two (2) business days following the bid opening may result in the County deeming the apparent low Bidder non-responsive. If no substitute manufacturer is listed in its Proposal, the Bidder shall supply all materials as specified in the Technical Specifications. NO substitution request will be considered after bid opening.

10. The following documents are to be executed and submitted by the apparent low Bidder after bids have been opened and duly inspected, and the County transmits the Notice of Award package to the successful Bidder. Failure to properly and timely submit these documents entitles the County to determine that the Bidder has abandoned the contract, and the bidder's security shall be forfeited to County.

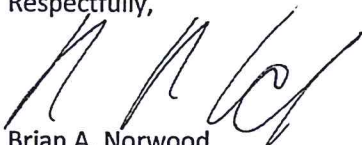
Submit the following documents to Michele Weimer, Chief Administrative Office, Procurement & Contracts Division, 330 Fair Lane, Placerville, CA 95667 by 5:00 p.m. of the TENTH calendar day, following the date of the NOTICE OF AWARD OF CONTRACT letter. Execution of Contracts by the County depend upon approval of Insurance Certificates and Bonds, and associated contract documents.

- i. Contracts: The successful Bidder shall execute and submit the Agreements for the work associated with the Proposal Lump Sum Bid Price Schedule (See Draft Agreement). Submit two (2) originals of Agreement, each bearing an original signature.
- ii. County of El Dorado Performance Bond: To be executed by successful Bidder and surety each with notary acknowledgement.
- iii. County of El Dorado Payment Bond: To be executed by successful Bidder and surety each with notary acknowledgement.
- iv. Insurance certificates required by Contract Conditions and Article 8.
- v. California Form 560- Withholding Exemptions and County Payee Data Record Form.

NCS is arguing we met the requirements as set forth in the instructions, and NCS is arguing the return of the specifications is NOT a requirement as outlined above. NCS further states at no time in our 28 year history has the specifications book been part of the bid process on bid day, therefore there is no precedence by which the County can claim precedence.

NCS therefore request to be awarded said project based on being the lowest responsive and responsible bidder.

Respectfully,



Brian A. Norwood
Norwood Construction Services
Post Office Box 2303
Orangevale, CA 95662
916-628-3563 Cell
916-476-3386 Office



County of El Dorado
Chief Administrative Office

Procurement & Contracts Division

Phone (530)621-5830 Fax (530)295-2537

TO: All Bidders

DATE: April 1, 2019

RE: BID # 19-968-041
South Lake Tahoe Health & Human Services Agency Tenant Improvement Project

The apparent lowest responsive, responsible qualified bidder for the subject bid is Roebbelen of El Dorado Hills, California. Two (2) bids were rejected for failure to submit a complete bid packet in accordance with Instructions to Bidders, Item 3, "Bidders must submit bids only on forms provided in the Bid Documents provided at the Mandatory Pre-Bid Meeting, and shall be accompanied by all documents and information required to be submitted by these Instructions to Bidders, the Notice to Bidders, and by law. Bids not submitted on the required forms shall be deemed nonresponsive and shall not be considered. The Proposal is attached together with the Notice to Bidders, Instructions to Bidders, Agreement, and related documents. A Proposal shall be deemed "Non-Responsive" if the Bid is submitted without the entire package provided at the Mandatory Pre-Bid Meeting."

Ranking	Bidder	Total Bid Amount
1	Roebbelen	1,069,367
2	DML	1,147,364
3	Kaler/Dobler	1,155,150

Per the Contract Documents, Notice to Bidders section, a Bidder must submit a formal written Protest to the Procurement and Contracts Division of the Chief Administrative Office within five (5) working days of the County's Notice of Intent to Award. Protest procedures are attached for your reference.

This item is scheduled to be awarded by the Board of Supervisors on Tuesday, April 23, 2019. All bids are on file in the Procurement & Contracts Office, and are available to review between 8:00 a.m. – 12:00 p.m. and 1:00 p.m. – 5:00 p.m., Monday through Friday.

For questions, please contact Kady Leitner, Sr. Department Analyst at (530) 621-5150.

Thank you for your participation.

Michele Weimer
Purchasing Agent

BIDDERS PROTEST PROCEDURES:

Upon completion of the bid evaluation, the County of El Dorado Chief Administrative Office, Procurement & Contracts Division, will notify all bidders in writing of its recommendation including for award or rejection of bids, and the date and time on which the recommendation for award will be considered and acted upon by the Board of Supervisors ("Notice of Intent to Award"). All bidders may attend the Board of Supervisors meeting, address the Board, and be heard.

Within 5 working days from the date of the Notice of Intent to Award, the Bidder protesting the recommendation for award must submit a formal written protest to the Procurement & Contracts Division, stating in detail the basis and reason for the protest. The Bidder must provide facts to support the protest including any evidence Bidder wishes to be considered together with the law, rule, regulation, or criteria on which the protest is based. The Bidder may attend the Board of Supervisors meeting at which the recommendation and bid protest will be considered. If the Bidder is not in attendance at that time, the bid protest may be dismissed by the Board of Supervisors without further consideration of the merits and the decision of the Board of Supervisors on the bid protest will be final.

The decision of the Board of Supervisors on the bid protest will be final.

2850 Fair Lane Placerville, CA 95667