

AGENDA
SPECIAL MEETING
OF THE BOARD OF DIRECTORS OF THE
LEUCADIA WASTEWATER DISTRICT
Thursday, December 20, 2007 – 8:00 a.m.
1960 La Costa Avenue, Carlsbad, CA 92009

*NOTE: ITEMS ON THE AGENDA MAY BE TAKEN OUT OF SEQUENTIAL ORDER
AS THEIR PRIORITY IS DETERMINED BY THE BOARD OF DIRECTORS*

1. Call to Order

2. Roll Call

3. Pledge of Allegiance

4. Approval of Agenda

In the case of an emergency, items may be added to the Agenda by a majority vote of the Board of Directors. Also, items that arise after posting of the Agenda may be added, per Government Code Section 54954.2, by a 2/3 or unanimous vote of the Board.

5. Public Comment

Anyone wishing to address the Board or bring an agenda item forward may do so.

6. Site Improvement Project

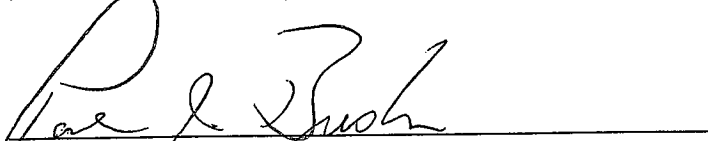
A. Authorize the General Manager to award the construction contract for the District's Site Improvement Project to Jaynes Corporation of California in the amount of \$8,750,000 as the lowest responsive and responsible bidder. (Pages 1 – 10)

7. Adjournment

AFFADAVIT OF POSTING

I, Paul J. Bushee, Secretary of the Leucadia Wastewater District, hereby certify that I posted a copy of the foregoing agenda in the lobby of the District office at 1960 La Costa Avenue, Carlsbad California at least 72 hours prior to the meeting, in accordance with Govt. Code Section 54954.2(a).

Date: December 17, 2007



Paul J. Bushee, Secretary/General Manager

MEMORANDUM

Ref: 08-1402

DATE: December 17, 2007
TO: Board of Directors
FROM: Paul J. Bushee, General Manager *Paul J. Bushee*
SUBJECT: Award of the District's Site Improvement Project Construction Contract

RECOMMENDATION:

Staff recommends that the Board of Directors:

1. Authorize the General Manager to award the construction contract for the District's Site Improvement Project to Jaynes Corporation of California in the amount of \$8,750,000 as the lowest responsive and responsible bidder.
2. Discuss and take other action as appropriate.

DISCUSSION:

In November 2007, the Board of Directors authorized Staff to bid for construction services for the District's Site Improvement Project. On November 15th, letters were sent to six pre-qualified contractors notifying them that the bid phase had commenced on the project. The bids were due on Friday, December 14th. Four of the six pre-qualified contractors submitted bids with the following results:

<u>Construction Firm</u>	<u>Bid Submitted</u>
Jaynes Corporation of California	\$8,750,000
Cox Construction Company	\$9,270,000
T.B Penick & Sons, Inc.	\$9,450,000
Douglas E. Barnhart, Inc.	\$9,692,759

The bids were reviewed by Shannon Goodrich and Eric Honour, Dudek Construction Managers. Upon completion of their review, it was determined that Jaynes Corporation of California (Jaynes) was the lowest responsive and responsible bidder and recommended awarding the contract to Jaynes, see letter attached. The bid price of \$8,750,000 is 3% less than the \$9,031,088 estimated construction cost (excluding installation of the photovoltaic system) for the new facilities and site work.

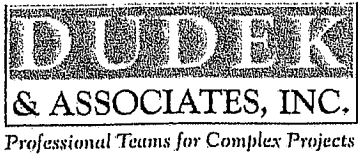
As indicated on Dudek's letter Jaynes had two discrepancies regarding their subcontractor's licensing. The attached letter from Rick Cohen, Executive Vice President for Jaynes, indicates that those discrepancies were clerical errors and have been corrected. The Board of Directors can waive any informality or irregularity in a bid and award the contract if it is in the best interest of the District. Therefore, Staff recommends that the Board waive the subcontractor irregularities in Jaynes' bid and award the contract to Jaynes as the lowest responsive and responsible bidder.

FISCAL IMPACT:

The approved capital budget for the Site Improvement Project is approximately \$6.6M of which \$4.15 was budgeted in Fiscal Year 2007 for construction. This appropriation is sufficient to commence construction. However, an additional \$4.6M is needed to cover the entire cost of construction. Also, funds will need to be budgeted for construction contingencies and to cover ancillary equipment such as the photovoltaic system, furniture and audio/visual equipment. Staff will request these additional funds in the Fiscal Year 2009 budget.

rym:PJB

Attachment



*Engineering, Planning,
Environmental Sciences and
Management Services*

1645 S. Rancho Santa Fe Rd., Suite 201
San Marcos, CA. 92078-5188
Tel: 760.744.4578
Fax 760.744.4570

December 14, 2007

Leucadia Wastewater District
1960 La Costa Avenue
Carlsbad, CA 92009

Attn: Robin Morishita-Project Manager

Proj: LWD-Site Improvement Project

Dear Robin,

Per your request, we have conducted a review of the contractor's bid documents submitted today for the subject project.

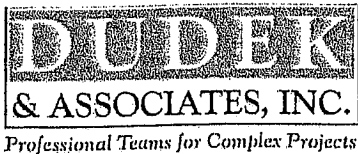
The following is a list of the bidders and associated bid amounts:

<u>Contractor</u>	<u>Base Bid</u>	<u>Unit Price A</u>	<u>Unit Price B</u>
Barnhart Construction	\$9,692,759.00	\$96.00 LF	\$6.00 SF
Cox Construction	\$9,270,000.00	\$195.00 LF	\$5.00 SF
Jaynes Corporation	\$8,750,000.00	\$275.00 LF	\$6.00 SF
T.B. Penick & Sons	\$9,450,000.00	\$100.00 LF	\$6.25 SF

After close and careful consideration of the pre-qualification information and bid documents for each listed bidder, we have determined that several irregularities exist within all of the contractor's bid documents. The irregularities are as follows:

- Barnhart:
- Listed subcontractor-"Cement Cutting"-No license number provided.
 - Listed subcontractor-"Sierra Pacific"-No license number provided.
 - Listed subcontractor for drilled concrete piers "Summit"-No C-9 license.
 - Listed subcontractor "GRM"-Incorrect license number provided.
 - Listed subcontractor "David Shaposhnick"-No license number provided.
 - Listed subcontractor "Pacific Coast"-No license number provided.
 - Listed subcontractor "Spooner's"-No license number provided.
 - Listed subcontractor "EMS Construction"-No license number provided
 - Listed subcontractor "Sun Pacific Glazing"-No license number provided.
 - Listed subcontractor "Brady"-No license number provided
 - Listed subcontractor "Rice Electric"-No license number provided
 - Listed subcontractor "Crown Fence"-No license number provided

Continued



Engineering, Planning,
Environmental Sciences and
Management Services

1645 S. Rancho Santa Fe Rd., Suite 201
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760.744.4578
Fax 760.744.4570

December 14, 2007
Leucadia Wastewater District-Site Improvement Project
Bidder Recommendation

Cox: Listed subcontractor for drilled concrete piers-"Summit"-No C-9 license.
Listed subcontractor "ISEC"-Incorrect location provided.
Listed subcontractor "Excel"-License suspended 9-24-07 (Worker's Comp)
Listed subcontractor "Sun Pacific"-Incorrect location provided.
Listed subcontractor "TMT"-Incorrect location provided.
Listed subcontractor "Pave West"-License suspended 11-13-07 (Worker's Comp)

Jaynes: Listed subcontractor "Spoooner's"-License expired 7-31-94
Listed subcontractor "Pave West"-License suspended 11-13-07 (Worker's Comp)

T.B Penick All listed subcontractors-No license numbers or locations provided.

The referenced irregularities appear to be minor administrative issues that may be resolved relatively easily. As you know, the Notice Inviting Bids, (page 2 of 94)" states that *"the Owner reserves the right to...waive any informality or irregularity in a bid, and make awards in the interest of the Owner"*.

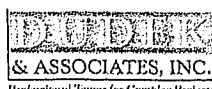
Based on the bidder's pre-qualification, the above referenced findings and the lowest bid, Dudek hereby recommends that the contract be awarded to: **Jaynes Corporation of California**

If you have any questions, please contact me.

Sincerely,
DUDEK & ASSOCIATES, INC.

Shannon Goodrich
Senior Construction Manager

Copy to: Dudek-CMHQ





December 17, 2007

Leucadia Wastewater District
1960 La Costa Avenue
Carlsbad, CA 92009

Attention: Robin Morishita
Project Manger

Subject: Leucadia Wastewater District Site Improvement Project

Dear Robin,

This letter is responding to two items concerning our subcontractor listing for the above subject project which was bid on Friday, December 14, 2007.

1.) Asphalt Paving Subcontractor, Pave West:

Attached is Pave West's current worker's compensation insurance certificate. This certificate was submitted to the California State Contractors License Board on November 19, 2007, but has not been updated in their computer system.

2.) Architectural Casework Subcontractor, Spooner's Woodwork:

The license number listed on our subcontractor listing was a typographical error (it was an older Spooner license number). Attached is the correct and current license number 672108 for Spooner's Woodwork who we plan on using for Architectural Casework.

We hope this will fulfill any concerns and we look forward to working with you.

Sincerely,

JAYNES CORPORATION
OF CALIFORNIA

Rick Cohen
Executive Vice President

: attachments



PAVE WEST

State Contractors License #709265
Grading, Asphalt Paving, Concrete, & Repairs

TO TRANSMITTAL

TO:	Carson	FROM:	Pat Bolde Administrator 562-694-3113 FAX 928-438-8678 Pbolde@pavewest.com
COMPANY:	Jaynes Corp.	DATE:	12/14/07
FAX:	619-234-4090		
SUBJECT:	Insurance Certificate		

Carson,

Here is the insurance certificate that was sent to the State Contractors License Board back on November 19, 2007.

As you can see, our insurance runs from March to March of each year, so this is a State of California glitch.

Not surprising.

Sincerely,

Pat Bolde

ACORD™ CERTIFICATE OF LIABILITY INSURANCE

Page 1 of 2

DATE
11/19/2007

PRODUCER
877-945-7378

Willis North America, Inc.
26 Century Blvd.
P. O. Box 305191
Nashville, TN 37205191

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

INSURED
D.P. Mangon, Inc. dba Fave West
401 S. Harbor Blvd., F305
La Habra, CA 90631

INSURERS AFFORDING COVERAGE
NAIC#
INSURER A: Zurich American Insurance Company of Illi 27855-003
INSURER B:
INSURER C:
INSURER D:
INSURER E:

COVERAGES

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. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR ACQ'L LTC	INSRC	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS
		GENERAL LIABILITY <input type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS MADE <input type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC				EACH OCCURRENCE \$ DAMAGE TO RENTED PREMISES (EA OCCURRENCE) \$ MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$ GENERAL AGGREGATE \$ PRODUCTS - COM/PROP AGG \$
		AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> NON-OWNED AUTOS				COMBINED SINGLE LIMIT (EA ACCIDENT) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
		GARAGE LIABILITY <input type="checkbox"/> ANY AUTO				AUTO ONLY - EA ACCIDENT \$ OTHER THAN AUTO ONLY: EA ACC \$ AGG \$
		EXCESS/UMBRELLA LIABILITY <input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS MADE <input type="checkbox"/> DEDUCTIBLE RETENTION \$				EACH OCCURRENCE \$ AGGREGATE \$ \$ \$
A		WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? If yes, describe under SPECIAL PROVISIONS below	WC926033100	3/7/2007	3/7/2008	<input checked="" type="checkbox"/> WC & STATL. TORY LIMITS <input type="checkbox"/> OTHER EL EACH ACCIDENT \$ 1,000,000 EL DISEASE - EA EMPLOYEE \$ 1,000,000 EL DISEASE - POLICY LIMIT \$ 1,000,000
		OTHER				

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/EXCLUSIONS ADDED BY ENDORSEMENT/SPECIAL PROVISIONS
License No. 709265

CERTIFICATE HOLDER

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

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES.
AUTHORIZED REPRESENTATIVE

ACORD 25 (2001/08)

Call: 2179016 Tpl: 707218 Cert: 9825357

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IMPORTANT

If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

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).

DISCLAIMER

The Certificate of Insurance on the reverse side of this form does not constitute a contract between the issuing insurer(s), authorized representative or producer, and the certificate holder, nor does it affirmatively or negatively amend, extend or alter the coverage afforded by the policies listed thereon.

ACORD 25 (2001/08) coll:2179016 tpl:707218 Cert:9825357



**CONTRACTORS
STATE LICENSE BOARD**



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WHAT YOU CAN DO

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- CSLB Library
- Frequently Asked Questions
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 - Check A License or HIS Registration
 - Filing a Construction Complaint
 - Processing Times
 - Check Application Status
 - Search for a Surety Bond Insurance Company
 - Search for a Workers' Compensation Company
- How to Participate

CONTRACTOR'S LICENSE DETAIL

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.

License Number:	672108	Extract Date:	12/17/2007
Business Information:	SPOONER'S WOODWORKS INC 12305 CROSTHWAITE CIRCLE POWAY, CA 92064 Business Phone Number: (858) 679-9086		
Entity:	Corporation		
Issue Date:	05/28/1993		
Expire Date:	05/31/2009		
License Status:	This license is current and active. All information below should be reviewed.		
Classifications:	CLASS	DESCRIPTION	
	C-6	CABINET, MILLWORK AND FINISH CARPENTRY	
Bonding:	CONTRACTOR'S BOND		
	This license filed Contractor's Bond number 9045011 in the amount of \$12,500 with the bonding company AMERICAN CONTRACTORS INDEMNITY COMPANY. Effective Date: 01/01/2007 Contractor's Bonding History		
	BOND OF QUALIFYING INDIVIDUAL		
	1. The Responsible Managing Officer (RMO) STEPHEN WILLIAM SPOONER certified that he/she owns 10 percent or more of the voting stock/equity of the corporation. A bond of qualifying individual is not required. Effective Date: 05/28/1993		
Workers' Compensation:	This license has workers compensation insurance with the INSURANCE COMPANY OF THE WEST		

Policy Number: WSD216252000

Effective Date: 02/16/2007

Expire Date: 02/16/2008

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