



CITY OF STOCKTON

PUBLIC WORKS DEPARTMENT

22 East Weber Avenue, Room 301 • Stockton, CA 95202-2317 • 209 / 937-8411 • Fax 209 / 937-8277
www.stocktonca.gov

March 13, 2017

Mr. Thomas Amaral
T. Amaral's Done Right Construction
162 Remington Street
Brentwood, CA 94513

REPLY TO LETTER OF PROTEST REGARDING BID FOR CESAR CHAVEZ LIBRARY RESTROOM RENOVATION & ADA COMPLIANCE, PROJECT NO. PW1408

This letter is in response to your protest letter dated January 4, 2017, regarding your bid for the City of Stockton Cesar Chavez Library Restroom Renovation & ADA Compliance, Project No. PW1408. The Instructions to Bidders for the project states in Section 9, Subcontracting: "The Contractor shall perform with its own organization contract work amounting to not less than thirty percent of the original total contract price. The List of Subcontractors submitted with your bid listed a total of \$179,000.00 for the work to be done by subcontractors, out of a bid total of \$216,143.00. This leaves a total of \$37,143 or 17.2 percent of the work to be done by T. Amaral's Done Right Construction (T. Amaral's).

In your email of December 28, 2016, you explained that your subcontractors have requested that you not list their exact quotes in the bid forms because they quote different prices to different general contractors. Your Letter of Protest included copies of the quotes that the subcontractors had supplied, and those quotes are indeed lower than the amounts in the List of Subcontractors.

Unfortunately, using the new quotes, rather than the ones in the List of Subcontractors that you submitted to the City, would be a substantial revision of the bid, done after bidding has closed. Allowing a revision after bidding is closed, even with evidence that the revision is a correction, would give T. Amaral's an unfair advantage over other bidders. The List of Subcontractors must be accepted as submitted.

Amaral's Done Right Construction
March 13, 2017
Page 2

Because the bid fails to meet the express requirements set forth in Section 9 of the Instructions to Bidders, the bid from T. Amaral's had been deemed unresponsive and will be rejected pursuant to Stockton Municipal Code section 3.68.160, Opening of bids-Awards-Rejection of bids, for not following the Instructions to Bidders and not meeting the requirements of the City's standard forms that must be submitted.

If you have any questions, please contact me at (209) 937-8374.

GORDON A. MACKAY, DIRECTOR
PUBLIC WORKS DEPARTMENT



SHARLA HARDY
ASSISTANT ENGINEER

GAM:EA:WJ:JC:SH:cal

emc: Eric Alvarez, Deputy Public Works Director/City Engineer
Wes Johnson, Engineering Services Manager
Johnny Chang, Sr. Civil Engineer
Tara Mazzanti, Deputy City Attorney
Miguel Mendoza, Administrative Analyst I

T AMARALS DONE RIGHT CONSTRUCTION

162 REMINGTON STREET CA 94513
PHONE: 925-989-0871 FAX: 925-215-2159

January 4, 2017

Sharla Hardy

City of Stockton

425 N. El Dorado Street

Stockton, CA 95202

**SUBJECT: Bid Protest CHAVEZ LIBRARY RESTROOM RENOVATION & ADA COMPLIANCE
PROJECT NO. PW1408**

Dear Ms. Hardy-

Our firm submitted the lowest and responsive bid for the above mentioned project. It has come to my attention you are intending to award the second bidder, Art's, the contract because you claim we are not performing 30% of the work. **This will cost the City of Stockton \$33,000.00 more than our bid.**

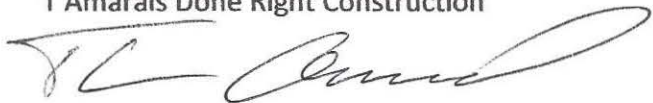
On December 28, 2016 I emailed you all of our subcontractor quotes clearly indicating **we would be performing more than 30% as verification.** Today we were were informed that email was never received. It was resent today.

We are protesting the award to Art's as we are the lowest and responsive bidder and have provided, in a timely fashion, the documentation to confirm. In an effort to save the City of Stockton \$33,000.00 we are requesting that you award the project to our firm.

Thank you for your time and please contact me with any questions.

Sincerely,

T Amarals Done Right Construction

A handwritten signature in black ink, appearing to read 'T Amaral', with a large, stylized loop at the end.

1-4-17

Thomas Amaral

Owner



Cesar Library Restroom Renovation Sub Quotes

From: "Thomas Amaral " <amaralestimating@mail.com>
To: sharla.hardy@stocktonca.gov
Bcc: "Tom Amaral" <amaralremodeling@yahoo.com>
Date: Dec 28, 2016 4:21:56 PM

Sharla-

It was a pleasure speaking with you.

I have attached the actual quotes from our listed subcontractors. These are the amounts that will be subcontracted and the work we will be performing is above 30% of our bid.

In the past our subcontractors have requested we do not list their exact quote amount as they price each general contractor differently.

Thank you and please let me know if you need anything else.

Tom Amaral
T Amaral's Done Right Construction
925-989-0871
Fax 925-215-2159

PLEASE NOTE OUR NEW ADDRESS: 162 REMINGTON STREET BRENTWOOD, CA 94513

Attachments

- SUBQUOTES.pdf

Murphy Specialties Incorporated ATTACHMENT C

905B Cotting Lane, Suite 170, Vacaville CA 95688

(707)761-8000 Phone / (855)259-1080 Toll Free Fax

TO: Bidding Contractors
Attention: Estimating

Proposal #1600001222L
Date: 12/22/2016

Murphy Specialties Inc
Contractor's License #956735
Signatory to Northern California Carpenters
DIR#1000004027

PROJECT: *Cesar Chavez Library*
LOCATION: Stockton
PRICE GOOD FOR 30 DAYS
Addenda(s) noted: none
Memo's 1,2,3,4 noted

We are pleased to offer this proposal for:

Spec Section: 102800

Toilet Accessories

Furnished & Installed: \$5,180.00

(25) Bobrick.(4) Koala Accessories See attached listing.

Spec Section: 102113

Toilet Partitions

Furnished & Installed: \$4,855.00

(3)Compartment(s) (1) Urinal Screen Bobrick-Duraline Series 1082-Floor Mounted & Overhead braced-Standard Color

Total Proposal Furnished & Installed: \$10,035.00

Exclusions: Demolition / Under lavy guards-Work done by others
ADA Signs
See attached for job specific exclusions

Add: ADA Signs-Standard blue Plastic Only-\$35.00 per room set (1 wall / 1 Door)

Lorri Murphy
Estimating
Email / lorri@murphyspecialties.com

- General liability insurance is \$1,000,000 per occurrence, \$2,000,000 aggregate; Excess Umbrella \$1,000,000. Endorsement 2010 11-85 is not available, but we do include primary insurance. Auto is \$1,000,000 per occurrence.
- Pricing for one mobilization and shipment only unless otherwise noted. Full size samples or Mock ups will NOT be submitted. Attic stock & "extra's" are not part of this proposal. OFCI items must be on site during time of original installation & will not be considered as a punch list item
- All quotes include sales tax unless otherwise noted. Any obvious & conspicuous variances in this proposal are the responsibility of both parties to address, before award of contract.
- Material & labor are subject to future annual increases per manufactures & union schedules & are not part of this current proposal. Joint Check agreements will be a part of any contract with a material value over \$1,000.00
- All quotes exclude bonds.. ***This proposal is to become a part of any & all contracts.***
- All quotes exclude installation of owner-supplied accessories (not noted) or electric hand dryers, furring, backing, welding, cutting and patching, fillers at wainscot, sealants, caulking, core drilling or protection against dissimilar materials.
- By acceptance of this quote, the parties agree that passage of title shall not occur and MSI shall maintain a security interest in all items until MSI receives payment in full. Full size samples will NOT be provided for submittals at any time.
- MSI will not draw accessories on shop drawings, but will install per plans.
- All quotes exclude city employment / hiring requirements. Excludes city license fee's, ,program billing & usage fee's ie; Textura, contractor mate etc., if required, amount will be added to contract
- ALL materials FOB are to be paid in advance of material shipment-Credit cards are accepted with a 3.75% increase to TOTAL FOB proposal

APPLIED

Letter of Scope

Date: 12/22/16

To: Estimating Department

Project: Cesar Chavez Library Restroom Renovations – 605 N. El Dorado St. Stockton, CA

We propose to furnish labor and material for the proposed paint job located at the above address.

Total

\$6,831.00 (price is good for 30 days)

Inclusions:

Interior:

- Prep and protect.
- Prime all surfaces to be painted.
- Apply 2 coats of semi-gloss finish paint.
- Paint doors per finish schedule, all 6 sides as required.
- Includes restroom walls and ceilings on 1st and 2nd floors.
- All paint products to be Benjamin Moore.

Exterior: N/A

Clarifications: Prevailing wage rates applied.

Exclusions:

Stain and lacquer work at wood products. Crown molding and chair railings. Signage and striping.

APPLIED
10000 37979
#1014044

ATTACHMENT C



3709 Bradview Dr., Sacramento, CA 95827
(P) 916.569.1960 (F) 916.569.1970 Contractors LIC. #446458

December 22, 2016

RE: Cesar Chavez Library Restroom Renovations
SUBJECT: Flooring Proposal

Dear Estimator:

Please accept our proposal for the above referenced project. This proposal is per plans.

Our scope of work is as follows:

BASE BID:

- 1) Plans and specs call for two different flooring and wall tile, below is the different cost per plans and the Alternate 1 for the Specs.
- 2) Furnish and install Dal-Tile 2 Hexagon flooring tile per plans.
- 3) Furnish and install Dal-Tile 6 x 6 wall tiles per plans.
- 4) Alternate 1 Furnish and install Dal-Tile 2 x 2 Keystones floor tile per Specs.
- 5) Alternate 1 Furnish and install Dal-Tile 4 x 4 Semi-gloss wall tile per specs.
- 6) Tile is to be installed with standard thins set, mastic and gout.
- 7) Mortar Bed if applicable is excluded.

Total Cost for Base Bid per Plans:.....~~\$26,155.00~~

Total Cost for Alternate 1 per Specs:.....\$23,195.00

***** PLEASE SEE ATTACHED SHEET FOR GENERAL *****
***** JOB CONDITIONS REQUIREMENTS AND/OR EXCLUSIONS *****
***** THIS PROPOSAL IS TO FORM PART OF CONTRACT DOCUMENTS *****

Our proposal includes freight, delivery and sales tax on applicable materials. Final waxing and cleaning of floors are the responsibility of the owner. Work to be completed during normal business hours.

Sincerely,

Billy Robledo

Project Manager
billyr@ccfinc.net
DIR #1000002274
LIC #446458

GEHVAC & Technologies Inc.
Electrical & Mechanical Contractors
Small Business certificate: 1733215
Public Works Reg. # 100011603

ATTACHMENT C

**Project Name: Cesar Chavez Library
Restroom remodel, Stockton Ca**

Prevailing wage.

Addendum

12/22/2016

Prepared By: George Narsi

Scope of Work: HVAC & Electrical:

1. Pages: M2.00, E1 & E2.
2. 1st & 2nd floor Mechanical and electrical demolitions as per plans.
3. 1st & 2nd floor Remove and replace Grills and registers, Lighting fixtures, lamps, smoke detectors and strobes as per plans.
4. Shop drawings shall be as per plans, project Submittals 2-weeks, 8 weeks delivery after approval of submittals.

Fully updated Exclusion:

Engineering design & consultation, all other plans and specifications sections & divisions. All type of carpentry including wall/ceiling fire blocking, seismic and any other type of carpentry related to HVAC section, Plumbing, gas lines and condensation lines, concrete pads and concrete work, duct banks, & bollards, Concrete cutting and patching. Wall coring/cutting/patching & paintings others. Metal flashing, gutters, building Temperature control system & BacNet. Air balancing, Duct Air cleaning. Retentions, Payment/performance bonds and liquidated damages.

1740 Volendam Ave. Modesto, CA 95356
Phone (209) 289-3118
Questions by Email to: gehvacco@yahoo.com
C10 & C20 License #1013848

GEHVAC & Technologies Inc.
Electrical & Mechanical Contractors
Small Business certificate: 1733215
Public works Reg. # 100011603

ATTACHMENT C

Terms:

1. Bid proposal is conditioned on a mutually acceptable form of terms & conditions of Sub-contract document. GEHVAC & Technologies Inc. Rights and all benefits shall be protected & defended and integrated into the final negotiated version of Sub-contractor agreement by means of clauses and indemnifications. This bid is based on approved set of plans and Specifications as submitted by office of DLDA Partners to GEHVAC & Tech. Inc. & approved by Owner's representative any deviation, modifications, code upgrades, will cause a price modification to substantiate the changes therefore, price is subject to change based on market conditions and Engineering Design changes and code Improvements. Progress payments shall not exceed 30-days net regardless of specifications. ** A 10% percent payment of bid price is due in advance for mobilization & demobilization, Engineering design & shop drawings and submittals, this payment may be sent to us along with "Notice to Proceed" no exceptions. All payments are 30-day net every Month regardless of specifications and based on approval of credit and subject to 1.5% late interest charge per month & others no exception. Indemnification clauses, which equitably allocate risk. These bid documents shall become part of the original Sub-contract agreement document. Price escalation & security clauses. GEHVAC & Tech Inc. reserve the Rights to halt production and material delivery if the progress payment is not made within specified time frame of 30-day net, further more GEHVAC & Tech. Inc. reserve the rights to amend the Sub-contractor agreement document, and the contract terms & conditions and price without limitation and notices. Payment/performance bonds shall be furnished & paid for by General contractor. Upon signing this bid proposal; General contractor has informed everyone that he or she has agreed to our terms. These terms may never be altered &/or modified at any given time without full consent of GEHVAC & Tech. Inc. officers and its Attorney. GEHVAC & Tech. Inc. reserves the right to conduct quarterly audits of financial statement related to this project. In case of arbitrations the Awarded General contractor to pay for all legal fees including and not limited court fees and attorney fees.

Confirmed Price:

We hereby propose to furnish material and labor in accordance with Plans and specification section as stated above and terms of bid proposal for the amount of:

Base Bid Amount: \$27,000.00

Advanced payment of: \$3,000.00

1740 Volendam Ave. Modesto, CA 95356
Phone (209) 289-3118
Questions by Email to: gehvacco@yahoo.com
C10 & C20 License #1013848

WEST COAST ENVIRONMENTAL

Let Us Clean Up Your World

100000 2083

December 22, 2016

Prospective Bidders

Attn: Estimating Department

Re: Cesar Chavez Library Restroom Renovations
Asbestos Abatement

Dear Bidder:

West Coast Environmental proposes to remove and dispose of asbestos containing materials on the Cesar Chavez Library Restroom Renovation Project located in Stockton, CA in accordance with the project plans and specifications per the following scope of work:

1ST FLOOR

*Remove and dispose of ceilings from two unisex restroom and spot abate RACM sprayed-on fireproofing for new ceiling wires and framing attachments.

BASE BID = \$10,500.00

2nd FLOOR

*Remove and dispose of ceilings from two unisex restroom and spot abate RACM sprayed-on fireproofing for new ceiling wires and framing attachments.

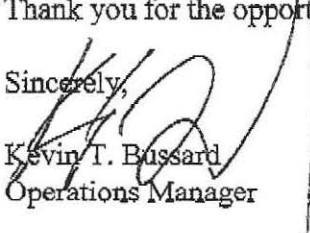
BASE BID = \$18,900.00

This proposal is subject to the following terms and conditions:

- 1) Excludes third party independent air monitoring services.
- 2) POWER/WATER SERVICES TO BE PROVIDED BY OTHERS.
- 3) WCE, Inc. will provide a \$2,000,000 Commercial Liability Insurance Policy.
- 4) Bid is based on work areas being free and clear of all stored materials, furnishings, cabinets, plumbing fixtures, partitions, etc. prior to the commencement of work by WCE.

Should you have any questions regarding this proposal, please contact me at (916) 852-7200.
Thank you for the opportunity to bid on this project.

Sincerely,


Kevin T. Bussard
Operations Manager

3181 Fitzgerald Road
Rancho Cordova, CA 95742
(916) 852-7200 Fax (916) 852-1811
License # 718733



OWNER

Dir # 1000040708
CA Lic # 1007603, C-36
Sam # 7mFV3
Telephone

fax (209) 910-9745
Email rjr_plumbing@hotmail.com
Address 929 Sunnyoak way
Stockton CA 95209

Bid Estimate For: T. Amaral's Done Right!

Work Site Title: Cesar Chavez Library Restroom Renovations

SCOPE OF WORK: Division 22, Addenda 4 files, P2.00, P8.00

Exclusions: Saw cutting, X-raying removal or replacement of concrete. Permits or fees.

Bid Total \$ 34,000

BID PROPOSAL

AL GARCIA DRYWALL

1541 S. Prospect, Fresno, CA. 93706
 Phone: (559) 445-1324 Fax: (559) 486-5651
 E-Mail (Al.drywall@att.net) License #320692

Job: Cesar Chavez Library Restroom Renovations 605 N EL Dorado Street, Stockton Ca.	Date: 12/22/16
To: T Amaral's Done Right Construction	Addendums: 2
Att: Tom	Plans Dated: 11/1/16

WE ARE SUBMITTING A BID FOR THE FOLLOWING SCOPE OF WORK
Section 092900 Metal studs, Gypsum Board and Finish

Inclusions

- (1) 5/8" gypsum board at ceilings per plan.
- (2) 5/8" Cement board at restroom walls per plan. (Tile by others)
- (3) Corner beads figured regular square edge.
- (4) Finish figured level 5 with smooth texture .
- (5) Prep-coat noted and figured.
- (6) Interior cold formed metal framing per plan.
- (7) No suspended acoustic ceilings figured.
- (8) No Insulation of any kind.
- (9) No wood framing of any kind.

10000 8055

Price \$ 13,763

STANDARD EXCLUSIONS:

Temporary Heat, Power and Water
 Permits Testing & Inspections
 Wood of Any Kind, Access Panels
 Caulking of Any Kind, Insulation of any kind
 Dumpster for waste

Authorized Signature: AL GARCIA
Cell # 559-907-6941

Payment schedule: The payment schedule set forth in the contract shall be strictly construed in all respects. Contractor's obligation to pay subcontractor is an independent obligation and is not dependant upon Owner's payment. Interest shall accrue at a rate of 2% per month on unpaid invoices.

Upon acceptance, this bid proposal shall become part of the contract as though set forth herein in its entirety.

Price fluctuations. Stated prices are effected for a period thirty (30) days from the date of this proposal. Contractor reserves the right to modify and/or withdraw this bid in the event of material price increases.