

**MOORPARK CITY COUNCIL
AGENDA REPORT**

TO: Honorable City Council

FROM: Hugh R. Riley, Assistant City Manager 

DATE: September 17, 2008 (CC Meeting of 10/1/08)

SUBJECT: Consider Waiving Contractor Pre-Qualification Policy for the Ruben Castro Human Services Center

BACKGROUND

On December 19, 2001, the City Council adopted an amendment to City Council Policies requiring that general contractors be pre-qualified prior to bidding on public works construction projects where the architect's or engineer's estimate exceeds \$1,000,000 (Policy 15). Paragraph 2A of Policy 15 provides that the City Manager may waive bidder pre-qualification for any project, provided a report is forwarded to the City Council at least ten (10) days prior to the Notice Inviting Bids, stating the reasons for and/or the benefits resulting from such a waiver.

The City's past practice for providing construction management services for major construction projects has been to retain a construction management firm to provide basic services using the traditional "Design-Bid-Build" approach to project delivery. In view of the City's experience with this project delivery method for the Police Services Center, staff proposed that the City utilize the Construction Manager – Multiple Prime method to deliver the Ruben Castro Human Services Center. In this method the Construction Manager has an "agency" relationship with the City; manages multiple trade contractors; assists during all phases with planning, budgeting, and scheduling; provides constructability reviews, estimating and bid-ability reviews; and prepares the bid packages.

On January 16, 2008 the City Council authorized the release of a Request for Qualifications for Professional Services Construction Management of the Ruben Castro Human Services Center. As part of that decision the Council approved the use of Multiple Prime Contracts to deliver the project. Douglas E. Barnhart, Inc., now Barnhart, Inc. (Barnhart) was awarded the professional services contract.

DISCUSSION

Staff and consultants are now preparing construction plans and specifications including the numerous multiple prime contract bidding packages (16 in all) for the project. Preliminary cost estimates for the various bid packages are summarized in Attachment 1. As shown, the following Bid Packages are in excess of \$1 million:

No. 4 - Structural concrete, Masonry and Stone Veneer -	\$1,300,685
No. 5 - Structural and Miscellaneous Steel -	\$1,976,975
No. 9 - Drywall, Plaster, Insulation, Acoustical Ceilings, Doors, Frames, Hardware, Painting and Wall Covering.	\$ 2,055,010*
No.16- Electrical – Site and Building	\$ 1,315,413

* This Bid Package may be split into two separate ones.

After discussing the bidding method with City staff, and reviewing the City's Pre-Qualification Policy, Barnhart has proposed that the City Manager waive the Pre-Qualification Policy and authorize the use of a simplified qualification statement in lieu of the pre-qualification forms required by the policy. A copy of Barnhart's proposal is provided as Attachment 2. The reasons for waiving the formal pre-qualification policy are provided below:

1. The multi-prime method of contracting rather than the usual General Contractor method of construction, in which there will be approximately 16 – 20 prime contracts rather than one general contractor with multiple sub-contractors
2. There will be 2 – 5 prime contracts in excess of 1 million dollars.
3. The pre-qualifying of over 60 potential bidders will be cumbersome, time consuming and an expensive task to accomplish. The pre-qualification of said potential contractors could take several extra weeks in the bidding process, thus lengthening the overall bidding cycle and possibly limiting bidders that might otherwise be qualified due to the cumbersome nature of the responses required for the City's pre-qualification statement.

Attachment 3 is a copy of the bidders' qualification statement that Barnhart proposes to use in lieu of the pre-qualification statement. The contractors will be required to submit this form along with their bids. After the bids are reviewed the qualification statements will be reviewed and be part of the process of awarding the contracts. This is the generally accepted method of qualification while using the Multi-Prime Method of Contracting.

FISCAL IMPACT

The cost's to prequalify contractors were included in the Construction Management proposal from Barnart. Simplifying the procedure will save money and time.

STAFF RECOMMENDATION

Authorize the City Manager to waive the requirements of the Contractor Pre-Qualification Policy (No. 15) for the Ruben Castro Human Services Center.

Attachments:

1. Preliminary Cost Estimates for Various Bid Packages
2. Proposal from Barnhart, Inc.
3. Pre-qualification Statement for Bidders

barnhart, inc
A Heery International Company

Preliminary Estimate Based on 50% Completed Drawings for
RUBEN CASTRO HUMAN SERVICES CENTER
Moorpark, Ca
September 11, 2008

DESCRIPTION	TOTALS PER DIVISION			SITE		BLOG A		BLOG B		BLOG A TENANT IMPROVEMENT		BLOG B TENANT IMPROVEMENT		
	QTY	UNIT	UNIT COST	TOTAL COST	QTY	TOTAL	QTY	TOTAL	QTY	TOTAL	QTY	TOTAL	QTY	TOTAL
1 SUMMARY:														
2 Bid Package #1 Demolition, Earthwork, Site Utilities, SWPPs			\$11.53	308,895	\$3,088,995.00		\$0.00		\$0.00		\$0.00		\$0.00	\$0.00
3 Bid Package #2 Landscaping, Irrigation			\$3.32	88,290	\$48,290.00		\$0.00		\$0.00		\$0.00		\$0.00	\$0.00
4 Bid Package #3 Site Concrete, Paving, Fencing			\$30.92	821,706	\$821,705.70		\$0.00		\$0.00		\$0.00		\$0.00	\$0.00
5 Bid Package #4 Structural Concrete, Masonry, Stone Veneer			\$48.95	1,300,685	\$37,980.00		\$514,701.50		\$746,559.25		\$37.60		\$1,406.80	\$1,406.80
6 Bid Package #5 Structural & Miscellaneous Steel			\$74.40	1,976,975	\$0.00		\$759,850.00		\$1,217,125.00		\$0.00		\$0.00	\$0.00
7 Bid Package #6 Rough Carpentry			\$0.75	19,931	\$0.00		\$0.00		\$0.00		\$7,665.00		\$12,285.50	\$12,285.50
8 Bid Package #7 Roofing, Decking, Sheet Metal, Waterproofing			\$22.01	584,969	\$16,326.00		\$209,031.00		\$359,611.50		\$0.00		\$0.00	\$0.00
9 Bid Package #8 Glass & Glazing, Store Front Doors			\$8.71	231,350	\$0.00		\$66,850.00		\$144,500.00		\$0.00		\$0.00	\$0.00
10 Bid Package #9 Drywall, Plaster, Insulation, Acoustical Ceilings, Doors, Frames and Hardware, Paint & Wallcovering			\$77.33	2,055,010	\$0.00		\$295,532.50		\$393,520.00		\$670,959.05		\$694,998.15	\$694,998.15
11 Bid Package #10 Finish Carpentry and Cabinetry			\$3.42	91,000	\$0.00		\$0.00		\$0.00		\$61,575.00		\$29,425.00	\$29,425.00
12 Bid Package #11 Flooring, Carpet, Ceramic Tile, Stone & Vinyl			\$6.26	166,405	\$0.00		\$0.00		\$0.00		\$85,566.23		\$80,836.30	\$80,836.30
13 Bid Package #12 Specialties, Toilet Accessories, Toilet Partitions, Signage			\$3.99	105,998	\$39,400.00		\$0.00		\$0.00		\$29,248.20		\$37,349.54	\$37,349.54
14 Bid Package #13 Fire Sprinklers			\$5.25	139,514	\$0.00		\$53,655.00		\$85,858.50		\$0.00		\$0.00	\$0.00
15 Bid Package #14 Plumbing, Site and Building			\$13.72	364,567	\$0.00		\$78,023.40		\$119,043.60		\$125,000.00		\$42,500.00	\$42,500.00
16 Bid Package #15 HVAC			\$32.00	850,368	\$0.00		\$327,040.00		\$523,328.00		\$0.00		\$0.00	\$0.00
17 Bid Package #16 Electrical, Site and Building			\$49.50	1,315,413	\$0.00		\$505,890.00		\$809,523.00		\$0.00		\$0.00	\$0.00

barnhart, inc.

4000 La Jolla Village Drive, Suite 200, San Diego, CA 92161

September 17, 2008

Mr. Hugh Riley, Assist City Manager
City of Moorpark
799 Moorpark Avenue
Moorpark, CA 93021

RECEIVED
SEP 22 2008

Manager's Office

Re: Pre-Qualification Requirements
Ruben Castro Human Services Center

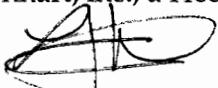
Mr. Riley,

After meeting and discussing the City of Moorpark's Pre-Qualification policy for construction projects, and specifically for the Ruben Castro Human Services Center, barnhart, inc. would like to propose that we use the attached qualification statement in lieu of a pre-qualification statement the city is currently using. Below are some of the reasons for consideration:

1. We are currently utilizing the multi-prime method of contracting rather than the usual General Contractor method of construction, in which we will have approximately 16 – 20 prime contracts rather than one used in the GC method.
2. We will have approximately 2 – 5 prime contracts in excess of 1 million dollars.
3. The pre-qualifying of over 60 potential bidders will be cumbersome, time consuming and expensive task to accomplish. The pre-qualification of said potential contractors could take several extra weeks in the bidding process, thus lengthening the overall bidding cycle.
4. Attached is a copy of the bidders' qualification statement that would be used in lieu of the pre-qualification statement. The contactors will be required to submit along with their bids. After the bids are reviewed the qualification statements will be reviewed and be part of the process of awarding the contracts. This is the generally accepted method of qualification while using the Multi-Prime Method of Contracting.

Thank you for your consideration, if you have any questions, or wish to discuss this further, please contact me in the Oxnard office at 805-983-1558.

Sincerely,
Barnhart, inc., a Heery International Company



Leighton J. Hickman
Sr. Project Manager

ATTACHMENT 2

SECTION 00240

STATEMENT OF BIDDER'S QUALIFICATIONS

1 Bidder's Organization

1.1 Form of entity of Bidder, i.e, corporation, partnership, etc.

1.1.1 If a corporation, state the following:

State of Incorporation: _____

Date of Incorporation: _____

President/Chief Executive Officer _____

Secretary _____

Treasure/Chief Financial Officer _____

1.1.2 If a partnership, state the following:

Date of Organization _____

Type of Partnership (general, limited) _____

Names of all general partners; if any of the general partners are not natural persons, provide the information for each such general partner requested by Paragraphs 1.1.1, 1.1.2 and 1.1.4 as appropriate:

1.1.3 If a proprietorship, state the following:

Names of all proprietors: _____

1.1.4 If a joint venture, state the following:

Date of organization: _____

Names of all Joint Venture members. For each Joint Venture member, identify the form of entity and provide the information requested by Paragraphs 1.1.1, 1.1.2 and 1.1.3 for each Joint Venture member as appropriate: _____

1.1.5 If Bidder's form of entity is other than listed above, describe the type of entity or organization and identify all principals or owners of equity in the entity or organization _____

1.2 Number of years your organization has been in business as a contractor: _____

1.3 Number of years your organization has conducted business under its present name: _____

1.3.1 If your organization has conducted business under a name or name style different than your organization's present name, identify all prior name(s) or name style(s): _____

1.3.2 For each name or name style identified in Paragraph 1.3.1, state the dates during which you conducted business under each name or style:

2 Financial

2.1 If required by the City, attach a current audited, reviewed or compiled Financial Statement for your organization prepared by a Certified Public Accountant licensed under the laws of the State of California utilizing generally accepted accounting practices applied in a consistent manner. The Financial Statement must include a current balance sheet and income statement showing: (i) current assets (i.e., cash, accounts receivable, accrued income, deposits, material inventory, etc.); (ii) net fixed assets; (iii) other assets; (iv) current liabilities (i.e., accounts payable, accrued salaries, accrued payroll taxes, etc.); and (v) other liabilities (i.e., capital, capital stock, earned surplus, retained earnings, etc.).

2.2 Is the attached Financial Statement for the identical organization as the Bidder?
_____ Yes _____ No.

If not, explain the relationship and financial responsibility of the organization whose Financial Statement is provided (i.e., parent/subsidiary, etc.).

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3 Licensing

3.1 California Contractors License:

License Number: _____

Expiration Date: _____

Responsible Managing Employee/Officer _____

License Classification(s): _____

3.2 Has a claim or other demand ever been made against your organization's California Contractors License Bond? Yes No

If yes, on a separate attachment, state the following: (i) the name, address and telephone number of each person or entity making claim or demand; (ii) the date of each claim or demand; (iii) the circumstances giving rise to each such claim or demand; and (iv) the disposition of each such claim or demand.

3.3 Has a complaint ever been filed against your organization's California Contractors License with the California Contractors State License Board? Yes No

If yes, on a separate attachment, state the following for each complaint: (i) the name, address and telephone number of each person or entity making the complaint; (ii) the date of each complaint; (iii) the circumstances giving rise to each such complaint; and (iv) the disposition of each such complaint, including without limitation, any disciplinary or other action imposed or taken by the California Contractors State License Board as a result of any such complaint.

3.4 Attach to this Statement true and correct copies of the following:

3.4.1 Your organization's California Contractors License (the copy must clearly and legibly show: (i) the licensee name; (ii) the expiration date; (iii) the classification(s) of licensure).

3.4.2 The Contractors License Bond posted by your organization in connection with your California Contractors License pursuant to California Business & Professions Code §§7071.5 and 7071.6.

3.4.3 If your organization's California Contractors License is issued by virtue of the qualification of a responsible managing employee or responsible managing officer, the Qualifiers Bond if required pursuant to California Business & Professions Code §7071.9).

4 Experience

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4.1 List the categories of work your organization typically performs with your own forces: _____

4.2 Claims and lawsuits (if you answer yes to any of the following, you must attach details).

4.2.1 Have any lawsuits or other administrative, legal, arbitration or other proceedings, ever been brought or commenced against your organization or any of its principals, officers or equity owners in connection with any construction contract or construction project? Yes No

If so, describe the circumstances, the amount demanded or other relief demand and the disposition of each such lawsuit or other proceeding.

4.2.2 Has your organization ever filed a lawsuit or commenced other administrative, legal or other proceedings in connection with any construction contract or construction project? Yes No

If so, describe the circumstances, the amount demanded or other relief demand and the disposition of each such lawsuit or other proceeding.

4.2.3 Are there any judgements, orders, decrees or arbitration awards pending, outstanding against your organization or any of the officers, directors, employees or principals of your organization? Yes No

If so, describe each such judgement, order, decree or arbitration award and the present status of the satisfaction or discharge thereof.

4.3 On a separate attachment, list all construction projects your organization has in progress and for each project listed, state: (i) a general description of the work performed by your organization on the project; (ii) the dollar value of the work performed or to be performed by your organization; (iii) the owner's name, name of the owner's representative and the address and telephone number of the owner and the owner's representative; (iv) the project architect's name, address, telephone number and contact person; (v) percent presently complete; and (vi) the current scheduled completion date.

4.4 On a separate attachment, list all construction projects completed by your organization in the past five (5) years and for each project identified, state: (i) a general description of the work performed by your organization on the project; (ii) the dollar value of the work performed or to be performed by your organization; (iii) the owner's name, name of the owner's representative and the address and telephone number of the owner and the owner's representative; (iv) the project architect's name, address, telephone

number and contact person; (v) percent presently complete; and (vi) the current scheduled completion date.

4.5 Has your organization ever refused to sign a contract awarded to it? Yes No

If so, on a separate attachment, state the following: (i) describe each such contract; (ii) the owner's name, address, telephone number and contact person; and (iii) the circumstances of your refusal to sign such contract.

4.6 Has your organization ever failed to complete a construction contract? Yes No

If so, on a separate attachment, state the following: (i) describe each such contract; (ii) the owner's name, address, telephone number and contact person; and (iii) the circumstances of your failure to complete such contract.

4.7 Has your organization ever been declared in default of a construction contract?

Yes No

If so, on a separate attachment, state the following: (i) describe each such contract; (ii) the owner's name, address, telephone number and contact person; and (iii) the circumstances of each such declaration of default.

4.8 Has any construction contract to which your organization is a party been terminated for the convenience of the project owner? Yes No

If so, identify the project and project owner along with a description of the circumstances under which the convenience termination occurred.

4.9 Has a claim or other demand ever been asserted against any Bid Bond, Performance Bond, or Payment Bond posted by your organization in connection with any construction contract or your submittal of a bid proposal for a construction contract?

Yes No

If so, on a separate attachment, state the following: (i) the name, address, telephone number and contact person for each claimant; (ii) the date upon which each such demand or claim was made; and (iii) the disposition of each such demand or claim.

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5 References

(include name, contact person, telephone/FAX and address for each reference provided)

5.1 Trade References (three (3) minimum)

5.2 Bank References

5.3 Public Works Inspectors of Record

5.4 Owner references (three (3) minimum, preferably California Public Works Projects)

5.5 Insurance Carriers (General Liability, Auto, and Workers' Compensation)

5.6 Surety Firms (issuing your Bid, Performance and Payment Bonds)

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6 Accuracy and Authority

The undersigned is duly authorized to execute this Statement of Bidders Qualifications under penalty of perjury on behalf of the Bidder. The undersigned warrants and represents that he/she has personal knowledge of each of the responses to this Statement of Bidder's Qualifications and/or that he/she has conducted all necessary and appropriate inquiries to determine the truth, completeness and accuracy of responses to this Statement of Bidder's Qualifications.

The undersigned declares and certifies that the responses to this Statement of Bidder's Qualifications are complete and accurate; there are no omissions of material fact or information that render any response to be false or misleading and there are no misstatements of fact in any of the responses.

Executed this _____ day of _____, 20_____, at _____

(City and State)

I declare under penalty of perjury under California law that the foregoing is true and correct.

(Signature)

(Typed or written name)