

Attachment "C"

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Hayward, CA 94545
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June 3, 2008

Don DeWald
City of San Jose
Department of Public Works
City Facilities Architectural Services Division
200 E. Santa Clara St., 6th Floor
San Jose, CA 95113-1905

Re: Bascom Library & Community Center Project Bid Protest

Dear Mr. DeWald

This letter shall act as a formal protest to the bids submitted by Zolman Construction & Development and John Plane Construction based on the following reasons. Zolman Constructions sub list is illegible & inconsistent as subs listed are written in between lines making it unclear if they are being crossed out. Also, it appears there are two subcontractors listed for the same portion of work, plastering(JIP & Dasco). John Plane Constructions sub list failed to list a subcontractor to perform book theft protection equipment work. Per specification section #11055-1.4A it states "installers qualifications: firm with minimum 5 years successful experience installing library book security systems and self-checkout systems similar to application indicated and acceptable to system manufacturer." & 1.6A states "maintain book security system installation for 12 months after system is placed into operation." Also per public contract code all subcontractors to be used on the project in excess of 1/2 of one percent of the bid amount must be designated on the subcontractor list. Attached is a proposal from a qualified book theft protection equipment contractor for this project, listed by Zovich Construction, which clearly shows this scope of work is well in excess of 1/2 percent of the bid amount. John Plane failed to meet these requirements in both instances.

In conclusion, based on the information provided, Zovich Construction would respectfully request the City of San Jose deem both Zolman Construction & John Plane Constructions bids non responsive and/or non responsible and award the project to Zovich Construction as the low responsive responsible bidder.

Sincerely,

Ante Zovich Jr
Zovich Construction

FAX BID FORM

Date: 05/29/08

Project: Bascom Branch Library

No. of Pages: 1

Yamada Enterprises

16552 Burke Lane
 Huntington Beach, CA 92647
 (800) 444-4594
 (714) 843-9202 FAX

Contact: Beth Hamilton
 beth@yamadaenterprises.com

License No.: (CA) 582159

Exp. Date: (CA) 3-31-10

Bondable: Yes No

Rate: 1 1/2%

DBE / WBE: Yes No

Addendum: 1-5

Plans: Yes No

Specifications: Yes No

Substitution: Yes No

Installed: Yes No

Tax Included: Yes No

Union: Yes No

Item	Description	Bid Amount
1.	Section 11055-Book Theft Protection Equipment (Includes): -(1) #3802 Dual corridor system, 36" corridor, buried cable, installed -(4) #6420 V2 Table Top SelfCheck w/Corian Top & Laminate Base -(2) #943 Staff Workstation -One year warranty / service agreement	\$181,000.00

Clarifications: GC to provide blockouts, conduit, concrete fill and all electrical service for book detection system. GC to cut all holes and install all hardware/mounting heads if #943's are to be in-counter. Corian and laminate selections for #6420 quoted as mfg. std. Providing standard installation and submittal package for system (with regard to anchoring and system components). Price does not include gates as they are being phased out by 3M, rarely used and are not shown on plans. Specified remote control switch has been discontinued (no replacement). 3M provides an instruction manual and instructional DVD in lieu of discontinued on-site training (neither 3M nor Yamada provide training). Testing of equipment to be done at the time of installation. GC to be responsible to coordinate with architect/owner to be present at the time of installation to view testing, if required. Yamada carries 2 million in liability (agg) with a 4 million umbrella and 1 million auto coverage. No CG2010 form or other CG endorsements, per project agg, mold/pollution, builders risk or XCU coverage. Waiver of subrogation wording in body of policy only. No separate document can be provided. Acceptance of this bid implies GC accepts Yamada's standard insurance with all associated forms and documents.

Exclusions: Cost of bonds.

By: 
 Beth Hamilton, Representative

Attachment "C"



John Plane Construction Inc.

June 5, 2008

**E-MAILED
HAND DELIVERED**

CITY OF SAN JOSE
DEPARTMENT OF PUBLIC WORKS
City Facilities Architectural Services Division
200 East Santa Clara Street, Tower 6
San Jose CA 95113-1905

ATTENTION: Don DeWald, Project Manager
REGARDING: BASCOM LIBRARY AND COMMUNITY CENTER
ZOVICH PROTEST OF JOHN PLANE BID

Gentlemen:

Thank you for forwarding Zovich's letter to John Plane Construction Inc., for our review and response.

As you know JPC has successfully completed the Edenvale Branch Library and is on the verge of completing the Ellington Branch Library for the City of San Jose. We have benefited substantially from the experience. We have learned how to streamline various items of work to make the installation and completion of the item more efficient. To that end, it has been our experience that due to the technical nature and precise electrical rough-in required for the Book Theft Protection Equipment, this is an item of work best covered by those ultimately responsible for the precise and exact installation of the rough-in. Prior to bid, John Plane Construction Inc. spoke to Smith and Sons and requested that they include this scope of work in their bid to JPC. David Smith advised that he had included this scope of work, by Yamada Enterprises, in other projects he has completed and was happy to include this complete scope in his bid to JPC for the Bascom Library and Community Center.

Therefore, this scope of work is covered by Smith and Sons and included as part of our bid to the City of San Jose.

If you have any questions, please call.

Sincerely,

Ben Ortiz
Project Manager

cc: John Plane/Paul Grech

100 North Hill Drive, Suite 12 - Brisbane CA 94005 - (415)468-0555 - FAX (415)468-0540



Attachment "C"

Smith & Sons

Electrical Contractors, Inc.

The Electrical Advantage

IBEW & NECA

REVISED SCOPE LETTER

John Plane Construction-Ben

RE.: Bascom Branch Library & Community Center

May 29, 2008

Dear Gentlemen:

Smith & Sons Electric is a professional electrical contractor serving the greater Bay Area for over 35 years. We have completed numerous public works, school, industrial, conveyor and process control projects. As a NECA and IBEW electrical contractor, we have excellent sources for business development, education and trained craftsmen. Our quotation for this project is per plans and specifications dated 4/9/08 including addendums 1, 2, 3, 4 & 5, a mutually agreed upon contract & a mutually agreed upon schedule.

INCLUSIONS:

- | | |
|--|--|
| 1. Divisions 16 Sections 16010 Through 16718 | 4. Fire Alarm System Per Spec. Section 13852 |
| 2. Intrusion/Surveillance Systems Per Spec. Sections 13720 & 13760 | 5. 2 Streetlights Per Public Works Drawings |
| 3. Lighting Controls Per Spec. Section 13845 | 6. All Duct Banks And Precast Pull Boxes |
| | 7. Electrical Start-Up And Test As Specified |

EXCLUSIONS:

- | | |
|---|--|
| 1. Clock System Per Spec. Sect. 13830, Not Shown On Drawings | 18. Surveying if Required |
| 2. Fixture Types HSA, ESA & HSD Custom Mounting Plates & Brackets See A9.10 | 19. Painting |
| 3. Concrete Collar Per E6.1 Detail 1 | 20. Dust Control |
| 4. Fire Sprinkler Alarm Bell | 21. Permits |
| 5. VFD's Furnished & Installed By Mechanical | 22. Patching of All Surfaces Asphalt, Concrete, Sheetrock, Etc. |
| 6. Pole Identification Painted Number Tags | 23. Repair or Replacement of Electrical Work Damaged by Other Trades During Course of Construction |
| 7. All Site Electrical Demolition | 24. PG&E/PTT Charges |
| 8. Conduit & Wire For LV Mech. Controls | 25. Landscape Repair |
| 9. Any Formed Concrete (Equip. Pads, Etc.) | 26. Seismic Wires For Light Fixtures |
| 10. Compaction Testing | 27. Overtime Unless Specifically Notes |
| 11. Formed Block Outs | 28. Bond Premium (Approx. 1.25% Based on Contract Value) |
| 12. Temporary Power or Lighting | 29. Fire/Sound Proofing/Stopping |
| 13. Spoils Removal | 30. Plywood Backboards |
| 14. Engineering Calculations | 31. Scaffolding |
| 15. Dumpster Charges Not Previously Approved | 32. Elevator Lift |
| 16. Fire Rated Enclosures | |
| 17. Blocking, Backing or Framing | |

BASE BID WITHOUT A/V EQUIPEMENT: \$ 2,332,500.00

ADD TO BASE BID (Audio Visual System Per Spec. Section 11132) \$ 314,500.00

ADDER AS REQUESTED TO Provide 3M Book Theft System \$190,050.00

(Note Labor to install is included in our Base Bid)

Sincerely, Shane Berger