

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
ACTION AGENDA SUMMARY

DEPT: Chief Executive Office

BOARD AGENDA # *B-2

Urgent

Routine

AGENDA DATE July 13, 2010

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Approval of the Substitution of the Glazing Subcontractor for Diede Construction, Inc. for the Design-Build Construction of the New Animal Services Facility

STAFF RECOMMENDATIONS:

Approve the substitution of the glazing subcontractor for Diede Construction, Inc. for the design-build construction of the new Animal Services Facility.

FISCAL IMPACT:

The total project budget approved by the Board of Supervisors for the design-build construction of the new Animal Services Facility on January 26, 2010 was \$8,744,528 which included \$515,837 for the costs incurred during the bridging design phase and a construction budget of \$8,228,691.

At this time, the Chief Executive Office is returning to the Board for approval of the substitution of the glazing subcontractor for Diede Construction, Inc. With the Board's approval of the substitution, there is no impact to the project budget.

BOARD ACTION AS FOLLOWS:

No. 2010-451

On motion of Supervisor Monteith, Seconded by Supervisor O'Brien
and approved by the following vote,

Ayes: Supervisors: O'Brien, Chiesa, Monteith, DeMartini, and Chairman Grover

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) Approved as recommended

2) Denied

3) Approved as amended

4) Other:

MOTION:



ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No.

DISCUSSION:

On October 27, 2009, the Board of Supervisors approved to award the design-build construction contract to Diede Construction, Inc. of Lodi, California for the design-build construction of the new Animal Services Facility at Crows Landing Road and Cornucopia Way. As part of that contract and in accordance with Public Contract Code Section 4100-4113, Diede Construction, Inc. was required to list the name of each subcontractor who would perform the work or labor in excess of one-half of one percent of the base bid.

At this time, Diede Construction, Inc. has notified the Project Manager and the Construction Manager that their listed glazing subcontractor, Custom Glasswerks of Oakdale, California has notified them that they will not be able to perform the contract due to insolvency. The County may legally consent to a substitution of a listed subcontractor only in limited cases. One of the limited cases is when the subcontractor listed in the bid, becomes insolvent.

Per California Public Contract Code Section 4107 (a)(2), A prime contractor whose bid is accepted may not: (a) Substitute a person as subcontractor in place of the subcontractor listed in the original bid, except that the awarding authority, or its duly authorized officer, may, except as otherwise provided in Section 4107.5, consent to the substitution of another person as a subcontractor in any of the following situations including:

- When the listed subcontractor becomes insolvent or the subject of an order for relief in bankruptcy.

With the Board's approval of substitution request, Diede Construction, Inc. will substitute Mountain Valley Glass, Inc. of Valley Springs, California as the glazing subcontractor.

Any financial impact must be borne by the General Contractor. There is no impact to the project budget.

POLICY ISSUE:

Approval of this item supports the Board of Supervisors' priority of Efficient Delivery of Public Services by ensuring the Animal Service Capital Project proceeds timely with appropriate resources and is required pursuant to the Public Contract Code.

STAFFING:

There is no additional staffing impact associated with this item. Existing Capital Projects will manage the project.

CONTACT PERSON:

Tim Fedorchak, Senior Management Consultant. Telephone: (209)525-6333



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May 29th 2010

Don Phemister
Stanislaus County
1010 10th Street
Suite 6800
Modesto, CA 95354

Job: Animal Services Facility

Re: Subcontractor Substitution

Diede Construction, Inc. is requesting the substitution of "Custom Glasswerks" per California Public Contract Code 4107a.2 which reads:

"A prime contractor whose bid is accepted may not: (a) Substitute a person as subcontractor in place of the subcontractor listed in the original bid, except that the awarding authority, or its duly authorized officer, may, except as otherwise provided in Section 4107.5, consent to the substitution of another person as a subcontractor in any of the following situations:

(2) When the listed subcontractor becomes bankrupt or insolvent.

(3) When the listed subcontractor fails or refuses to perform his or her subcontract.

Diede Construction, Inc. is submitting "Mountain Valley Glass, Inc.", located at 2140 Pealoma, Valley Springs, CA 95252 License 887953, as a Substitution for "Custom Glasswerks".

If you have any questions please do not hesitate to call.

Thank you,


Paul Bickford
Project Manager



Custom Glasswerks

1221 Post Road

Oakdale, Calif 95361

T 209 847-0220 fax 209 845-8649

Ca. Cont. Lic. #917744

May 27, 2010

Diede Construction

Project manager, Paul Bickford

Re: Animal Services Facility

Gentlemen:

**Because of the economy and Jims Health problems
Custom Glasswerks is shutting down and can not
perform on your project.**

Yours truly,

A handwritten signature in black ink, appearing to read 'James Jackson'. The signature is written in a cursive, flowing style with a long horizontal stroke extending to the right.

James Jackson