

OTAY WATER DISTRICT
ENGINEERING, OPERATIONS & WATER RESOURCES COMMITTEE MEETING
and
SPECIAL MEETING OF THE BOARD OF DIRECTORS

2554 SWEETWATER SPRINGS BOULEVARD
SPRING VALLEY, CALIFORNIA
Board Room

TUESDAY
January 19, 2016
12:00 P.M.

This is a District Committee meeting. This meeting is being posted as a special meeting in order to comply with the Brown Act (Government Code Section §54954.2) in the event that a quorum of the Board is present. Items will be deliberated, however, no formal board actions will be taken at this meeting. The committee makes recommendations to the full board for its consideration and formal action.

AGENDA

1. ROLL CALL
2. PUBLIC PARTICIPATION – OPPORTUNITY FOR MEMBERS OF THE PUBLIC TO SPEAK TO THE BOARD ON ANY SUBJECT MATTER WITHIN THE BOARD'S JURISDICTION BUT NOT AN ITEM ON TODAY'S AGENDA

DISCUSSION ITEMS

3. APPROVE CHANGE ORDER NO. 7 TO THE EXISTING CONTRACT WITH OLYMPUS AND ASSOCIATES, INC. IN THE CREDIT AMOUNT OF <\$87,259.87> FOR THE 944-1, 944-2, AND 458-2 RESERVOIR INTERIOR/EXTERIOR COATINGS AND UPGRADES PROJECT (MARTIN) [5 min]
4. REJECT LOWEST BID BY GRFCO, INC. FOR BEING NON-RESPONSIVE FOR THE RANCHO SAN DIEGO BASIN SEWER REHABILITATION – PHASE I PROJECT (PROJECT); AND AWARD A CONSTRUCTION CONTRACT TO THE SECOND LOWEST BIDDER TRANSTAR PIPELINE, INC. FOR THE PROJECT IN AN AMOUNT NOT-TO-EXCEED \$970,970 (BEPPLER) [5 min]
5. SAN DIEGO COUNTY WATER AUTHORITY UPDATE (WATTON) [10 minutes]
6. ADJOURNMENT

BOARD MEMBERS ATTENDING:

Tim Smith, Chair
Gary Croucher

All items appearing on this agenda, whether or not expressly listed for action, may be deliberated and may be subject to action by the Board.

The Agenda, and any attachments containing written information, are available at the District's website at www.otaywater.gov. Written changes to any items to be considered at the open meeting, or to any attachments, will be posted on the District's website. Copies of the Agenda and all attachments are also available through the District Secretary by contacting her at (619) 670-2280.

If you have any disability that would require accommodation in order to enable you to participate in this meeting, please call the District Secretary at 670-2280 at least 24 hours prior to the meeting.

Certification of Posting

I certify that on January 15, 2016 I posted a copy of the foregoing agenda near the regular meeting place of the Board of Directors of Otay Water District, said time being at least 24 hours in advance of the meeting of the Board of Directors (Government Code Section §54954.2).

Executed at Spring Valley, California on January 15, 2016.

/s/ Susan Cruz, District Secretary

AGENDA ITEM 3



STAFF REPORT

TYPE MEETING:	Regular Board	MEETING DATE:	February 3, 2016
SUBMITTED BY:	Dan Martin Engineering Manager	PROJECT:	P2531-001103 DIV. NOs.: 2 & 5 P2532-001103 P2535-001103
APPROVED BY:	<input checked="" type="checkbox"/> Rod Posada, Chief, Engineering <input checked="" type="checkbox"/> German Alvarez, Assistant General Manager <input checked="" type="checkbox"/> Mark Watton, General Manager		
SUBJECT:	Approve Change Order No. 7 to the Contract with Olympus & Associates, Inc. for the 944-1, 944-2, & 458-2 Reservoir Interior/Exterior Coatings & Upgrades Project		

GENERAL MANAGER'S RECOMMENDATION:

That the Otay Water District (District) Board of Directors (Board) approve Change Order No. 7 (Exhibit B) to the existing contract with Olympus & Associates, Inc. (Olympus) in the credit amount of <\$87,259.87> for the 944-1, 944-2, & 458-2 Reservoir Interior/Exterior Coatings & Upgrades Project. See Exhibits A-1 and A-2 for Project locations.

COMMITTEE ACTION:

Please see Attachment A.

PURPOSE:

To obtain Board authorization for the General Manager to execute Change Order No. 7 in the credit amount of <\$87,259.87> to the construction contract with Olympus for the 944-1, 944-2, & 458-2 Reservoir Interior/Exterior Coatings & Upgrades Project.

ANALYSIS:

At the October 1, 2014 Board Meeting, the Board awarded a construction contract in an amount of \$1,206,008 to Olympus to replace the existing interior and exterior coatings for the 944-1,

944-2, and 458-2 Reservoirs. In addition to replacing the coatings of the reservoirs, the Project includes structural upgrades to comply with the current American Water Works Association (AWWA) and the Occupational Safety and Health Administration standards for both Federal (OSHA) and State (Cal-OSHA) levels.

Since the award of the construction contract, substantial structural repair work was identified at the 944-1 (Install Date January 1963), 944-2 (Install Date June 1992), and 458-2 (Install Date October 1967) Reservoirs. Although an internal (dive) inspection was performed at the Reservoirs in advance of the Project, the extent of the required repairs could not be assessed until removal of the existing coating was completed. The contract does include a Board approved Structural Modification Allowance item, which was established to address structural deficiencies identified during construction. A Work Order was approved against the allowance on June 12, 2015, to construct structural roof support system repairs at the 944-2 Reservoir.

On September 2, 2015 the Board approved a budget increase in the amount of \$325,000 to cover the costs of change orders associated with the Project. Additionally, at the September 2, 2015 and October 7, 2015 Board Meetings, the Board approved contract Change Order Nos. 2 through 6. Table 1 below provides a summary of the approved contract change orders for the Project. Each change order addressed both cost and time impacts associated with the unforeseen work and serves as total compensation to the contractor.

Table 1. Summary of Board Approved Change Orders

Change Order	Description	Approval Date	Value	Time (Days)
1	458-2 Structural floor repairs	6/17/15	\$41,778.00	20
2	458-2 Idled Equipment during structural floor and roof repairs	9/10/15	\$44,458.00	30
3	458-2 Disposal of additional Coal Tar	9/10/15	\$4,073.00	3
4	458-2 Floor coating change to 100% solids product	10/16/15	\$28,071.00	0
5	944-1 Structural rafter repairs	10/16/15	\$46,204.33	32
6	944-1 Overflow replacement/repairs	10/16/15	\$11,413.89	2
		Total	\$175,998.22	87

With the approval of the change orders summarized above, the contract completion date was revised from June 13, 2015 to September 8, 2015. Throughout the contract, Olympus has been notified that the District

will be assessing liquidated damages associated with the late delivery of the Project.

Section 00400 (Form A) of the contract between the District and Olympus includes provisions for liquidated damages associated with completion of the work beyond the contract time. Per the contract, liquidated damages accrue at a rate of one thousand dollars (\$1,000) per calendar day until substantial completion is reached. Olympus substantially completed the contract on December 3, 2015. In accordance with the contract provisions, the District has withheld liquidated damages from progress payment requests. Change Order No. 7, Exhibit B which is the subject of this staff report, reconciles the final number of liquidated damages assessed and adjusts the final contract amount accordingly.

Additionally, Change Order No. 7 serves as a contract closeout change order and will credit the contract for items furnished by the District to Olympus at the request of Olympus, including the following: replacement of an existing 14-inch butterfly valve which was damaged by the contractor; compensation for damaged pavement; and premium time associated with specialty inspection on weekends. In total, Change Order No. 7 is a credit to the District in the amount of <\$87,259.87>.

The District's Construction Manager sent Change Order No. 7 to Olympus on December 17, 2015. To date, Olympus has not executed the change order and returned it to the Construction Manager. In the absence of an executed change order from Olympus, staff is recommending that approval of Change Order No. 7 be processed unilaterally in substantially the same form as shown in Exhibit B so that closeout of the contract can be completed.

FISCAL IMPACT: Joe Beachem, Chief Financial Officer

Funding for the overall Project comes from CIP's P2531, P2532, and P2535. The total budget is \$2,175,000.

The total budget for CIP P2531 (944-1 Reservoir), as approved by the Board at the September 2, 2015 Board Meeting, is \$390,000. Total expenditures, plus outstanding commitments and forecast, are \$345,384. See Attachment B-1 for budget detail.

The total budget for CIP P2532 (944-2 Reservoir), as approved by the Board at the September 2, 2015 Board Meeting, is \$946,000. Total expenditures, plus outstanding commitments and forecast, are \$939,584. See Attachment B-2 for budget detail.

The total budget for CIP P2535 (458-2 Reservoir), as approved by the Board at the September 2, 2015 Board Meeting, is \$839,000. Total expenditures, plus outstanding commitments and forecast, are \$794,657. See Attachment B-3 for budget detail.

Based on a review of the financial budget, the Project Manager anticipates that the budgets for CIP's P2531, P2532, and P2535 are sufficient to support the Project.

The Finance Department has determined that, under the current rate model, 100% of the funding is available from the Replacement Fund for CIP's P2531, P2532, and P2535.

STRATEGIC GOAL:

This Project supports the District's Mission statement, "To provide high value water and wastewater services to the customers of the Otay Water District in a professional, effective, and efficient manner" and the General Manager's Vision, "A District that is at the forefront in innovations to provide water services at affordable rates, with a reputation for outstanding customer service."

LEGAL IMPACT:

None.

DM/RP:jf

P:\WORKING\CIP P2531 & P2532 - 944-1 & 2 Reservoir Int-Ext Coating\Staff Reports\BD 02-03-16\BD 02-03-16 Staff Report 944-1 944-2 458-2 Reservoir CO 07(DM-RP).docx

- Attachments:
- Attachment A - Committee Action
 - Attachment B-1 - Budget Detail for P2531
 - Attachment B-2 - Budget Detail for P2532
 - Attachment B-3 - Budget Detail for P2535
 - Exhibit A-1 - Location Map for 944-1 & 944-2
 - Exhibit A-2 - Location Map for 458-2
 - Exhibit B - Change Order No. 7



ATTACHMENT A

SUBJECT/PROJECT: P2531-001103 P2532-001103 P2535-001103	Approve Change Order No. 7 to the Contract with Olympus & Associates, Inc. for the 944-1, 944-2, & 458-2 Reservoir Interior/Exterior Coatings & Upgrades Project
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COMMITTEE ACTION:

The Engineering, Operations, and Water Resources Committee (Committee) reviewed this item at a meeting held on January 19, 2016. The Committee supported Staff's recommendation.

NOTE:

The "Committee Action" is written in anticipation of the Committee moving the item forward for Board approval. This report will be sent to the Board as a Committee approved item, or modified to reflect any discussion or changes as directed from the Committee prior to presentation to the full Board.



ATTACHMENT B-1 – Budget Detail for P2531

SUBJECT/PROJECT:	Approve Change Order No. 7 to the Contract with Olympus & Associates, Inc. for the 944-1, 944-2, & 458-2 Reservoir Interior/Exterior Coatings & Upgrades Project
P2531-001103	
P2532-001103	
P2535-001103	

Otay Water District					Date Updated: 12/28/15
P2531-944-1 Reservoir Interior/Exterior Coating					
<i>Budget</i>	<i>Committed</i>	<i>Expenditures</i>	<i>Outstanding Commitment & Forecast</i>	<i>Projected Final Cost</i>	<i>Vendor/Comments</i>
390,000					
Planning					
Standard Salaries	468	468	-	468	
Consultant Contracts	3,411	3,411	-	3,411	HDR ENGINEERING INC
Regulatory Agency Fees	25	25	-	25	PETTY CASH CUSTODIAN
Total Planning	3,904	3,904	-	3,904	
Design					
Standard Salaries	4,196	4,196	-	4,196	
Service Contracts	45	45	-	45	SAN DIEGO DAILY TRANSCRIPT
Construction Contracts	90	90	-	90	CLARKSON LAB & SUPPLY INC
Total Design	4,331	4,331	-	4,331	
Construction					
Standard Salaries	50,000	38,297	11,703	50,000	
Construction Contract	245,846	196,698	49,148	245,846	OLYMPUS & ASSOCIATES
	(43,375)	-	(43,375)	(43,375)	OLYMPUS & ASSOCIATES CO 07
Service Contracts	50,000	15,240	34,760	50,000	RF YEAGER
	16,000	13,650	2,350	16,000	ALYSON CONSULTING-CM
Equipment	15,000	7,285	7,715	15,000	VALVE REPLACEMENT
Equipment Charges	78	78	-	78	EQUIPMENT CHARGES
Professional Legal Fees	600	580	20	600	STUTZ ARTIANO SHINOFF
Regulatory Agency Fees	-	-	-	-	PETTY CASH CUSTODIAN
Project Closeout	3,000	-	3,000	3,000	CLOSEOUT
Project Contingency	-	-	-	-	5% CONTINGENCY
Total Construction	337,149	271,828	65,321	337,149	
Grand Total	345,384	280,063	65,321	345,384	



ATTACHMENT B-2 – Budget Detail for P2532

SUBJECT/PROJECT:	Approve Change Order No. 7 to the Contract with Olympus & Associates, Inc. for the 944-1, 944-2, & 458-2 Reservoir Interior/Exterior Coatings & Upgrades Project
P2531-001103	
P2532-001103	
P2535-001103	

Otay Water District					Date Updated: 12/28/15
P2532-944-2 Reservoir Interior/Exterior Coating					
Budget	Committed	Expenditures	Outstanding Commitment &	Projected Final Cost	Vendor/Comments
946,000					
Planning					
Standard Salaries	468	468	-	468	
Consultant Contracts	3,412	3,412	-	3,412	HDR ENGINEERING INC
Regulatory Agency Fees	25	25	-	25	PETTY CASH CUSTODIAN
Total Planning	3,905	3,905	-	3,905	
Design					
Standard Salaries	7,599	7,599	-	7,599	
Professional Legal Fees	-	-	-	-	STUTZ ARTIANO SHINOFF
Consultant Contracts	-	-	-	-	CONSULTANT CONTRACT
Service Contracts	1,129	1,129	-	1,129	MAYER
	45	45	-	45	SAN DIEGO DAILY TRANSCRIPT
Total Design	8,773	8,773	-	8,773	
Construction					
Standard Salaries	180,000	178,423	1,577	180,000	
Construction Contract	587,616	587,616	-	587,616	OLYMPUS & ASSOCIATES
	(82)	-	(82)	(82)	OLYMPUS & ASSOCIATES CO 07
Service Contracts	120,493	120,493	-	120,493	HDR-SPECIALTY INSPECTION
	34,820	34,820	-	34,820	ALYSON CONSULTING-CM
	90	90	-	90	CLARKSON LAB & SUPPLY
	2,356	2,356	-	2,356	WATCHLIGHT CORPORATION
Equipment Charge	1,283	1,283	-	1,283	EQUIPMENT CHARGE
Professional Legal Fees	330	327	3	330	STUTZ ARTIANO SHINOFF
Regulatory Agency Fees	-	-	-	-	PETTY CASH CUSTODIAN
Project Closeout	-	-	-	-	CLOSEOUT
Project Contingency	-	-	-	-	5% CONTINGENCY
Total Construction	926,907	925,408	1,498	926,906	
Grand Total	939,585	938,086	1,498	939,584	

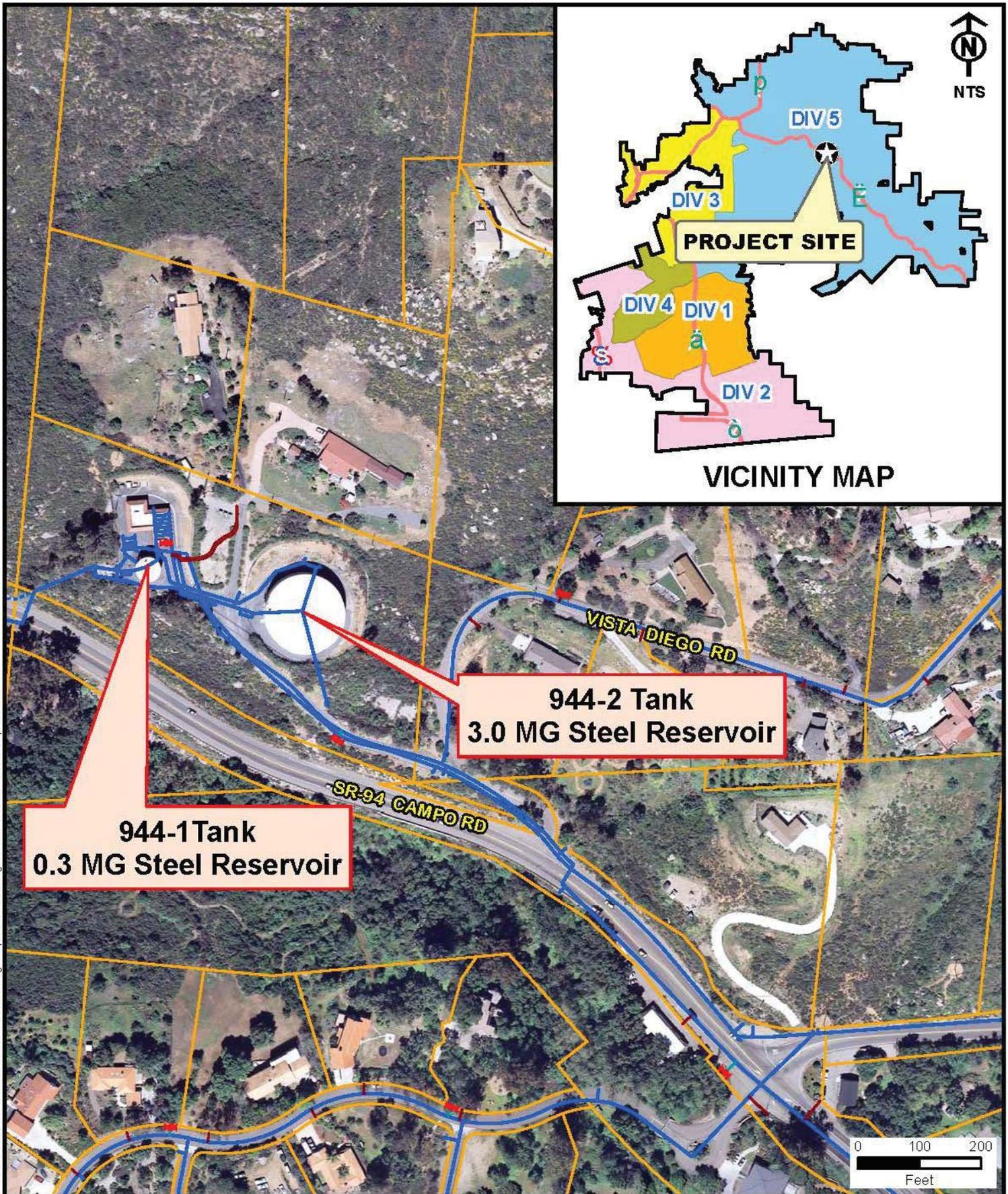


ATTACHMENT B-3 – Budget Detail for P2535

SUBJECT/PROJECT:	Approve Change Order No. 7 to the Contract with Olympus & Associates, Inc. for the 944-1, 944-2, & 458-2 Reservoir Interior/Exterior Coatings & Upgrades Project
P2531-001103	
P2532-001103	
P2535-001103	

Otay Water District					Date Updated: 12/30/15
P2535-458-2 Reservoir Interior/Exterior Coating					
Budget	Committed	Expenditures	Outstanding Commitment & Forecast	Projected Final Cost	Vendor/Comments
839,000					
Planning					
	-	-	-	-	
Total Planning	-	-	-	-	
Design					
Standard Salaries	15,441	15,441	-	15,441	
Professional Legal Fees	440	440	-	440	STUTZ ARTIANO SHINOFF
Consultant Contracts	2,715	2,715	-	2,715	CSI SERVICES INC
Service Contracts	4,610	4,610	-	4,610	MAYER
	89	89	-	89	SAN DIEGO DAILY TRANSCRIPT
Total Design	23,295	23,295	-	23,295	
Construction					
Standard Salaries	125,000	114,328	10,672	125,000	
Construction Contract	548,544	502,041	46,503	548,544	OLYMPUS & ASSOCIATES
	(43,803)		(43,803)	(43,803)	OLYMPUS & ASSOCIATES - CO 07
Service Contracts	47	47	-	47	SAN DIEGO DAILY TRANSCRIPT
	730	730	-	730	S & R TESTING SERVICES
	3,515	3,515	-	3,515	FERGUSON WATERWORKS
	666	666	-	666	CLARKSON LAB & SUPPLY INC
	3,794	3,794	-	3,794	PSOMAS
	3,081	3,081	-	3,081	PACIFIC PIPELINE
	400	400	-	400	R&M SOLUTIONS
	2,958	2,958	-	2,958	DJA INSPECTION
	37,845	37,845	-	37,845	HDR-SPECIALTY INSPECTION
	629	629	-	629	WATCHLIGHT CORPORATION
	13,000	7,650	5,350	13,000	ALYSON CONSULTING-CM
	372	372	-	372	NINYO & MOORE
	63,435	63,435	-	63,435	RF YEAGER - SPECIALTY INSPECTION
Equipment Charge	1,093	1,093	-	1,093	EQUIPMENT CHARGE
Standard Materials	18	18	-	18	STANDARD MATERIALS
Regulatory Agency Fees	38	38	-	38	PETTY CASH CUSTODIAN
Project Closeout	5,000	-	5,000	5,000	
Professional Legal Fees	5,000	-	5,000	5,000	
Project Contingency	-	-	-	-	5% CONTINGENCY
Total Construction	771,362	742,640	28,722	771,362	
Grand Total	794,657	765,936	28,722	794,657	

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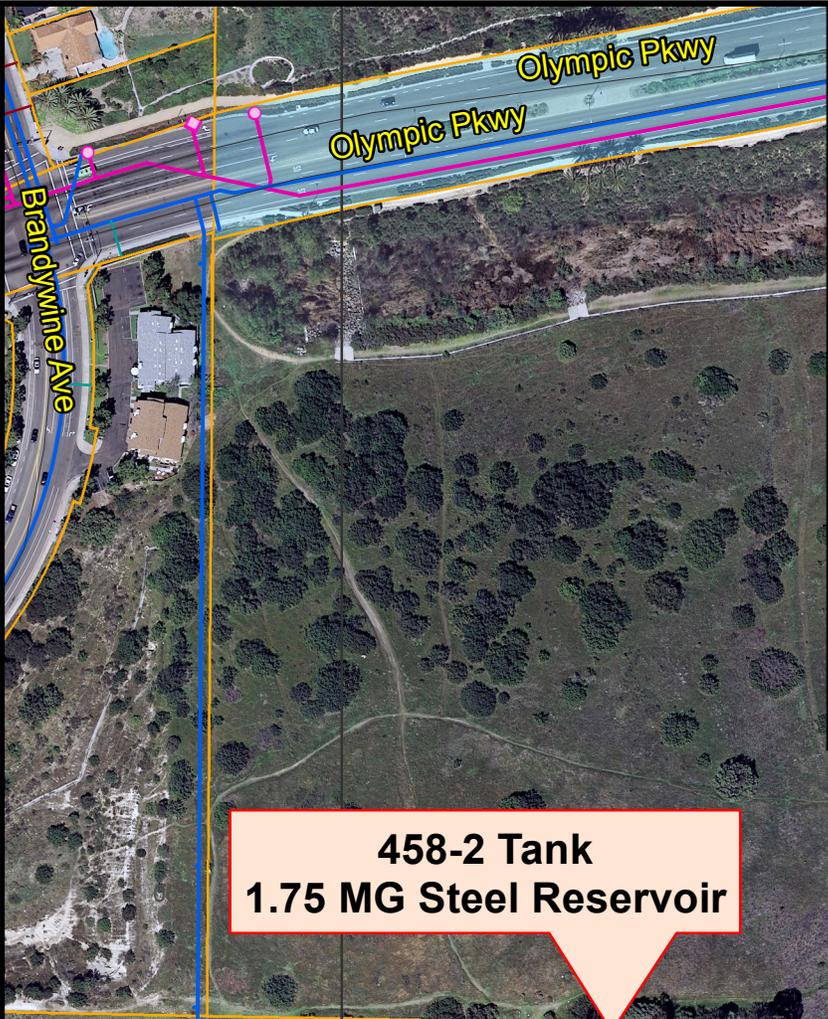
**944-1 Tank
0.3 MG Steel Reservoir**

**944-2 Tank
3.0 MG Steel Reservoir**

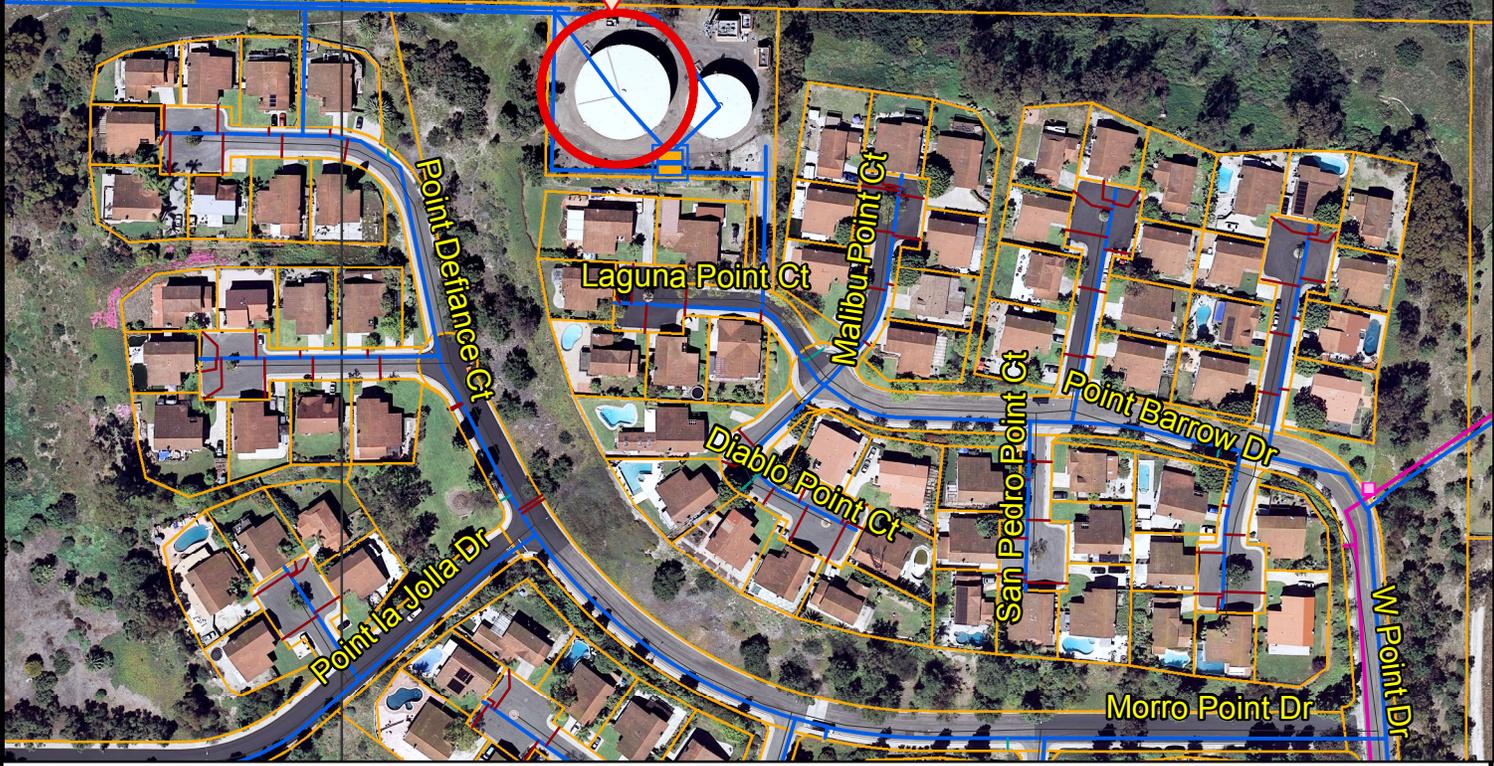
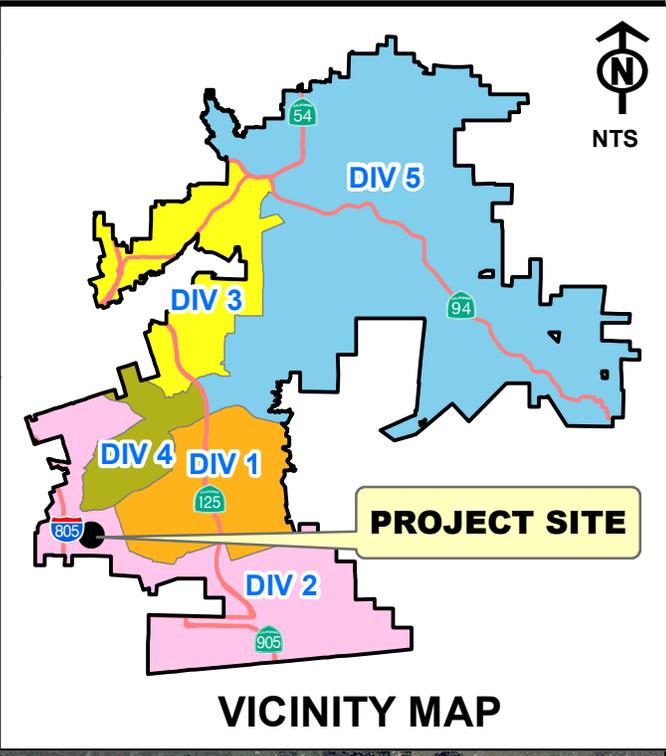
OTAY WATER DISTRICT

**944-1 & 944-2 Reservoir Exterior/Interior Coatings Project
Location Map**

CIP P2531
CIP P2532



**458-2 Tank
1.75 MG Steel Reservoir**



OTAY WATER DISTRICT

458-2 Reservoir Interior/Exterior Coating and Upgrades



CIP P2535

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OTAY WATER DISTRICT

2554 SWEETWATER SPRINGS BLVD., SPRING VALLEY, CA. 91978, (619) 670-2222

CONTRACT/P.O. CHANGE ORDER No. 7**PROJECT/ITEM:** 944-1, 944-2, & 458-2 Reservoir Interior/Exterior Coating & Upgrades**CONTRACTOR/VENDOR:** Olympus and Associates Inc.**REF.CIP No.:** P2531/P2532/P2535**APPROVED BY:** Board**REF. P.O. No:** 718662**DATE:** 12/17/15**DESCRIPTION:**

See attached page 2 of 3 for continuation.

REASON:

See attached page 2 of 3 for continuation.

CHANGE P.O. TO READ:

Revise Contract to deduct \$87,259.87 and add 3 days time for a total Contract amount of \$1,294,746.35 with a Contract Duration of 312 Calendar Days.

ORIGINAL CONTRACT/P.O. AMOUNT:	\$	1,206,008.00
ADJUSTED AMOUNT FROM PREVIOUS CHANGE:	\$	175,998.22
TOTAL COST OF THIS CHANGE ORDER:	\$	(87,259.87)
NEW CONTRACT/P.O. AMOUNT IS:	\$	1,294,746.35
ORIGINAL CONTRACT COMPLETION DATE:		06/13/15
CONTRACT/P.O. TIME AFFECTED BY THIS CHANGE:		Yes
REVISED CONTRACT COMPLETION DATE:		09/11/15

IT IS UNDERSTOOD WITH THE FOLLOWING APPROVALS, THAT THE CONTRACTOR/VENDOR IS AUTHORIZED AND DIRECTED TO MAKE THE HEREIN DESCRIBED CHANGES. IT IS ALSO AGREED THAT THE TOTAL COST FOR THIS CHANGE ORDER CONSTITUTES FULL AND COMPLETE COMPENSATION FOR OBLIGATIONS REQUIRED BY THE CONTRACT/P.O. ALL OTHER PROVISIONS AND REQUIREMENTS OF THE CONTRACT/P.O. REMAIN IN FULL FORCE AND EFFECT.

CONTRACTOR/VENDOR:**STAFF APPROVALS:**

SIGNATURE: _____ PROJ. MGR : _____ DATE: _____

NAME : _____ DIV. MGR : _____ DATE: _____

TITLE: _____ DATE : _____ CHIEF: _____ DATE: _____

COMPANY & ADDRESS: Olympus & Associates, Inc. _____ ASST. GM : _____ DATE: _____

405 Lovitt Lane

DISTRICT APPROVAL:

Reno, NV 89506

GEN. MANAGER: _____ DATE: _____

COPIES: FILE (Orig.), CONTRACTOR/VENDOR, CHIEF-ENGINEERING, CHIEF-FINANCE, ENGR. MGR.
 ACCTS PAYABLE, INSPECTION, PROJ. MGR., ENGR. SECRETARY, PURCHASING, PROJECT BINDER

Description of Work

<u>Description</u>	<u>Increase</u>	<u>Decrease</u>	<u>Time</u>
<u>Item No. 1:</u> Reimbursement for liquidated damages from September 11, 2015 until Substantial Completion on December 3, 2015 (83 Calendar days at \$1,000/calendar day)		\$83,000.00	0
<u>Item No. 2:</u> Reimbursement for asphalt concrete removal, base repair and replacement of damaged asphalt concrete paving at the 458-2 Reservoir. (\$0.75/SF Base Remove/Replace and \$12.00/SF Asphalt 0"-6") (Credit 180 SF at \$12.75/SF)		\$2,295.00	0
<u>Item No. 3:</u> Add 3 calendar days due to weather impacts per Contract Specifications 00700-8.5	\$0.00	\$0.00	3
<u>Item No. 4:</u> Reimbursement for District labor and equipment costs to replace the existing 14-inch butterfly valve at the 458-2 Reservoir.		\$1,508.18	0
<u>Item No. 5:</u> Reimbursement for additional inspection costs outside normal work hours per Section 00800-1.2 at the 944-1 Reservoir.		\$375.00	0
<u>Item No. 6:</u> Reimbursement for 1.5" Grind and Pave of damaged asphalt concrete paving at the 944-2 Reservoir. (\$11.67 1.5" Grind & Pave) (Credit 7 SF at \$11.67/SF)		\$81.69	
Sub Total Amount	\$0.00	\$87,259.87	3
Total Net Change Order Amount	(\$87,259.87)		

Reason:

- Item No. 1:
Pursuant to contractual provisions, failure of the Contractor to complete the work within the time allowed will result in damages being sustained by the District for each calendar day the Contractor fails to substantially complete all work. The adjusted Contract complete date was September 11, 2015 and substantial completion was achieved on December 3, 2015 resulting in 83 days of liquidated damages. This change order is required to reimburse the District for costs associated with the Contractor not completing the project within the allotted time.
- Item No. 2:
The Contractor damaged existing asphalt concrete paving including base materials at the 458-2 Reservoir. In lieu of replacing the damaged asphalt concrete paving the contractor elected to utilize the District's 2016 As-Needed Paving Services Contract pricing to reimburse the District for the associated repair cost. This change order is required to reimburse the District for costs associated with damaged asphalt concrete replacement at the 458-2 Reservoir.
- Item No. 3:
Contract Documents Section 00700-8.5 provides for no cost time extensions due to weather impacts on the project progress. Weather impacted the project three (3) days between September and October 2015. The project was impacted on September 15, October 5 and October 16, 2015 due to weather.
- Item No. 4:
During sandblasting operations at the 458-2 Reservoir the Contractor damaged the existing to remain 14-inch butterfly valve on the reservoir fill line. The Contractor purchased and tested a replacement valve, however they were not licensed to complete the valve replacement and elected to utilize District staff to complete the work. This change order is required to reimburse the District for labor and equipment costs associated with the valve replacement.

Item No. 5:

Contract Documents Section 00800-1.2 provides for reimbursement of additional expenses of Owner's personnel and inspection services resulting from work outside normal working hours. The Contractor requested and was granted authorization to work on November 14 and November 28, 2015 with the provision for reimbursement of additional inspection costs. The delta between overtime and regular time inspection costs is \$25/hr. A total of 15 hours of overtime inspection was provided requiring premium time reimbursement. This change order is required to reimburse the District for additional costs associated with providing inspection outside normal working hours as requested by the Contractor.

Item No. 6:

The Contractor damaged existing asphalt concrete paving at the 944-2 Reservoir. In lieu of replacing the damaged asphalt concrete paving the contractor elected to utilize the District's 2016 As-Needed Paving Services Contract pricing to reimburse the District for the associated repair cost. This change order is required to reimburse the District for costs associated with damaged asphalt concrete replacement at the 944-2 Reservoir.

[Print](#) | [Close Window](#)

Subject: Rain Day 9/15

From: lyndsey1282@gmail.com

Date: Wed, Sep 16, 2015 8:30 am

To: Douglas Cook <dcook@alysonconsulting.com>, kcameron@otaywater.gov

Good morning,

We would like to request a rain day credit for yesterday.

Thank you for your time and consideration.

Sincerely,

Lyndsey

Sent from my iPhone

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[Print](#) | [Close Window](#)

Subject: 10/05/2015_Rain Day

From: Gtsiopoulos <gtsiopoulos@aol.com>

Date: Tue, Oct 06, 2015 1:52 pm

To: dcook@alysonconsulting.com, kcameron@otaywater.gov

Hello,

We would like to request a rain day for yesterday as both of our sites were shut down due to the rain.

Thank you,

Lyndsey Tsiopoulos

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Subject: 458-2 Weather Day and Permission to Work Saturday
From: Gtsiopoulos <gtsiopoulos@aol.com>
Date: Fri, Oct 16, 2015 10:54 am
To: dcook@alysonconsulting.com, kcameron@otaywater.gov

Good Morning,

We were unable to work today due to the weather. We would like to request a weather day as we had to send everyone home.

Secondly, we would like permission to work tomorrow to mop the tank roof. This was the plan for today but we are now unable to do so. There will be no surface preparation or inspection necessary. All we will be doing is mopping and cleaning the roof for the coating application as scheduled for Monday.

Please let me know if this is possible.

Thank you,

Lyndsey



...Dedicated to Community Service

2554 SWEETWATER SPRINGS BOULEVARD, SPRING VALLEY, CALIFORNIA 91978-2096
TELEPHONE: 670-2222, AREA CODE 619

December 4, 2015

**INVOICE #CWK-00014
WO 988**

Olympus & Associates, Inc.
Attn: Lazarus Tsiapos
405 Lovitt Lane
Reno, NV 89506

RE: Date of Loss: 10/28/15
Occurrence: This work order is labor and equipment charges, for the replacement of inlet valve to 458 tank. It was originally changed out at Otay's expense. However, the contractor damaged the new valve so contractor is being billed for the change out this time.

Below is the final billing for the above work order. (To ensure proper credit, please return one copy of invoice with your payment in the enclosed envelope)

If you have any question regarding this invoice, please call Kevin Cameron at 619.670.2248.

LABOR: (Amounts include base pay, overtime and fringe and overhead % calculations)

	No. of Hours		
Dept 3225--Water Systems Operations Dept	13.00	1,389.58	1,389.58
EQUIPMENT:			
VE174 Class 7 Service/Utility Body	3.00	44.10	
VE202 Class 4 Contractors Body	3.00	34.50	
VE177 Compact Car	1.00	10.00	
VE168 Class 2 Pick Up	3.00	30.00	118.60
INVOICE TOTAL			<u>1,508.18</u>

ATTACHMENT B

FY 2016 As-Needed Paving Services Bid Score Sheet

Months 1-6

Item	Wght	Type of Service	Kirk Paving		ABC Construction		Miller Paving		Carolino And Son Engineering		Frank & Son Paving	
			Unit Bid	Total	Unit Bid	Total	Unit Bid	Total	Unit Bid	Total	Unit Bid	Total
			Price	Score	Price	Score	Price	Score	Price	Score	Price	Score
1	10	Asphalt 0"-6"	\$ 12.00	120	\$ 15.70	157.00			17.03	170.30	\$ 16.00	160.00
2	5	Asphalt 7"-12"	\$ 12.25	61.25	\$ 15.90	79.50			14.07	70.35	\$ 14.00	70.00
3	5	Cap/Sheet 0"-1"	\$ 0.20	1	\$ 0.21	1.05			0.5	2.50	\$ 0.50	2.50
4	1	Satin Seal	\$ 0.02	0.02	\$ 0.18	0.18			0.05	0.05	\$ 0.04	0.04
5	1	Traffic Stripping	\$ 0.25	0.25	\$ 0.26	0.26			0.6	0.60	\$ 0.90	0.90
6	3	Grinding	\$ 0.75	2.25	\$ 0.50	1.50			1	3.00	\$ 0.50	1.50
7	1	Traffic Loops	\$ 1.00	1	\$ 1.00	1.00			1	1.00	\$ 10.00	10.00
8	3	Sand/Seal	\$ 6.50	19.5	\$ 3.00	9.00			0.2	0.60	\$ 0.40	1.20
9	1	Base Rem/Rep	\$ 0.75	0.75	\$ 2.00	2.00			7	7.00	\$ 1.90	1.90
10	10	Saw Cut 0"-6"	\$ 0.75	7.5	\$ 0.35	3.50			0.7	7.00	\$ 0.40	4.00
11	5	Saw Cut 6"-12"	\$ 0.15	0.75	\$ 0.35	1.75			0.75	3.75	\$ 0.25	1.25
12	1	Saw Cut 12"+	\$ 0.15	0.15	\$ 0.35	0.35			0.75	0.75	\$ 0.50	0.50
13	1	Chip Seal*	\$ 1.50	1.5	\$ 1.00	1.00			0.75	0.75	\$ 1.50	1.50
14	3	1.5" Grind & Pav	\$ 11.67	35.01	\$ 2.60	7.80			1.11	3.33	\$ 2.45	7.35
Score Month 1-6			250.93		265.89		0		270.98		262.64	

Months 7-12

Item	Score	Type of Service	Kirk Paving		ABC Construction		Miller Paving		Carolino And Son Engineering		Frank & Son Paving	
			Unit Bid	Total	Unit Bid	Total	Unit Bid	Total	Unit Bid	Total	Unit Bid	Total
			Price	Score	Price	Score	Price	Score	Price	Score	Price	Score
1	10	Asphalt 0"-6"	\$ 12.00	120	\$ 15.70	157.00			17.03	170.30	\$ 15.00	150.00
2	5	Asphalt 7"-12"	\$ 12.25	61.25	\$ 15.90	79.50			14.07	70.35	\$ 16.00	80.00
3	5	Cap/Sheet 0"-1"	\$ 0.20	1	\$ 0.21	1.05			0.5	2.50	\$ 0.45	2.25
4	1	Satin Seal	\$ 0.02	0.02	\$ 0.18	0.18			0.05	0.05	\$ 0.05	0.05
5	1	Traffic Stripping	\$ 0.25	0.25	\$ 0.26	0.26			0.6	0.60	\$ 0.95	0.95
6	3	Grinding	\$ 0.75	2.25	\$ 0.50	1.50			1	3.00	\$ 0.50	1.50
7	1	Traffic Loops	\$ 1.00	1	\$ 1.00	1.00			1	1.00	\$ 10.00	10.00
8	3	Sand/Seal	\$ 6.50	19.5	\$ 3.00	9.00			0.2	0.60	\$ 0.40	1.20
9	1	Base Rem/Rep	\$ 0.75	0.75	\$ 2.00	2.00			7	7.00	\$ 1.90	1.90
10	10	Saw Cut 0"-6"	\$ 0.75	7.5	\$ 0.35	3.50			0.7	7.00	\$ 0.50	5.00
11	5	Saw Cut 6"-12"	\$ 0.15	0.75	\$ 0.35	1.75			0.75	3.75	\$ 0.50	2.50
12	1	Saw Cut 12"+	\$ 0.15	0.15	\$ 0.35	0.35			0.75	0.75	\$ 0.50	0.50
13	1	Chip Seal*	\$ 1.50	1.5	\$ 1.00	1.00			0.75	0.75	\$ 1.50	1.50
14	3	1.5" Grind & Pav	\$ 11.67	35.01	\$ 2.60	7.80			1.11	3.33	\$ 2.45	7.35
Score Month 7-12			250.93		265.89		0		270.98		264.7	
Total Score			501.86		531.78		0		541.96		527.34	

AGENDA ITEM 4



STAFF REPORT

TYPE MEETING:	Regular Board	MEETING DATE:	February 3, 2016
SUBMITTED BY:	Stephen Beppler Senior Civil Engineer	PROJECT:	S2033-003103
	Bob Kennedy Engineering Manager	DIV. NO.:	5
APPROVED BY:	<input checked="" type="checkbox"/> Rod Posada, Chief, Engineering <input checked="" type="checkbox"/> German Alvarez, Assistant General Manager <input checked="" type="checkbox"/> Mark Watton, General Manager		
SUBJECT:	Reject Lowest Bid by GRFCO, Inc. and Award of a Construction Contract to Transtar Pipeline, Inc. for the Rancho San Diego Basin Sewer Rehabilitation - Phase 1 Project		

GENERAL MANAGER'S RECOMMENDATION:

That the Otay Water District (District) Board of Directors (Board):

1. Reject the lowest bid by GRFCO, Inc. for being non-responsive for the Rancho San Diego Basin Sewer Rehabilitation - Phase 1 Project; and
2. Award a construction contract to the second lowest bidder Transtar Pipeline, Inc. (Transtar) and to authorize the General Manager to execute an agreement with Transtar for the Rancho San Diego Basin Sewer Rehabilitation - Phase 1 Project in an amount not-to-exceed \$970,970 (see Exhibit A for Project location).

COMMITTEE ACTION:

Please see Attachment A.

PURPOSE:

For the Board to reject the lowest submitted bid by GRFCO, Inc. for being non-responsive and obtain Board authorization for the General Manager to enter into a construction contract with the second lowest

bidder, Transtar, for the Rancho San Diego Basin Sewer Rehabilitation - Phase 1 Project in an amount not-to-exceed \$970,970.

ANALYSIS:

The District provides sanitary sewer collection service in the Jamacha drainage basin located in the northern area of the District. Deficiencies throughout the sewer service area have been observed and documented by closed-circuit television inspection and condition assessment. This phase of sewer improvements consists of sewer system repairs at 14 locations within the Rancho San Diego Basin (see Exhibit A for Project location). This Project is one of several that will address the noted deficiencies to maintain the sewer collection system.

The sewer improvements involve the replacement of approximately 3,252 linear feet of 8-inch gravity sewer, four (4) new sewer manholes, reconnection of sewer lines and laterals, maintaining sewer service, restoration of pavement and landscaping, removal of trees, traffic control, erosion control, protection of existing utilities, and all testing and inspection as required by the Contract Documents.

The Project was advertised on October 14, 2015 on the District's website and several other publications, including the San Diego Union-Tribune. A Pre-Bid Meeting was held on October 29, 2015, which was attended by one (1) general contractor, followed by a site visit to those areas of work that are on private property. Two (2) addenda were sent out to all bidders and plan houses to distribute the County of San Diego Excavation Permit and address questions and clarifications to the contract documents during the bidding period. Bids were publicly opened on November 17, 2015, with the following results:

	CONTRACTOR	TOTAL BID AMOUNT
1	GRFCO, Inc. Brea, CA	\$958,200.00
2	Transtar Pipeline, Inc. San Diego, CA	\$970,970.00
3	Wier Construction Escondido, CA	\$1,021,196.00
4	Paul Hanson Equipment, Inc. El Cajon, CA	\$1,027,432.00
5	Palm Engineering Construction Co., Inc. San Diego, CA	\$1,152,720.00
6	Burtech Pipeline, Inc. Encinitas, CA	\$1,474,564.00

The Engineer's Estimate is \$950,000.

A review of the bids was performed by District staff, during which several irregularities were identified in the GRFCO bid documents. The irregularities documented in Exhibit B include:

1. Insufficient response to Company Background Questionnaire - Form G, Question 4.3 regarding apparent apprenticeship violations of the State of California Labor Code;
2. Failure to disclose current debarment of company officer George Frost by the City of San Diego in Company Background Questionnaire - Form G, Question 5.2;
3. Failure to provide safety data for three (3) most recent years in Company Safety Questionnaire - Form H (only two years provided); and
4. Failure to include a copy of the two addenda issued for the Project with the bid package, as directed in the addenda.

These irregularities were determined to be significant enough to reject the GRFCO bid proposal for being non-responsive. GRFCO provided a response to the letter in an email (Exhibit C). This has not altered the District's decision on the non-responsiveness of their bid. For General Counsel's opinion on the District's ability to reject the GRFCO bid proposal, refer to Exhibit D.

In addition, a bid protest was filed by the third low bidder, Wier Construction (Exhibit E), claiming the first and second low bidders were non-responsive for not acknowledging the addenda in accordance with provided instructions. District staff and General Counsel analyzed the protest and provided a response (Exhibit F) indicating that the claim was valid against GRFCO, but not Transtar.

Staff reviewed the second lowest bid, which was submitted by Transtar, for conformance with the contract requirements and discovered that Transtar had minor irregularities in one document such as the Company Safety Questionnaire - Form H was not signed. It was also noted that, notwithstanding the irregularities, Transtar has a spotless safety record. Transtar was advised of the missing signature and follow-up question data (Exhibit G) and a signed Form H was submitted (Exhibit H) with no changes to the answers and missing information added. The irregularities in Transtar's bid were thus determined not to be significant enough to deem their bid non-responsive as it was limited to one document and did not affect price or provide an advantage.

Accordingly, staff determined that Transtar was the lowest responsive and responsible bidder. Transtar holds a Class A, General Engineering, Contractor's License, which meets the contract

document's requirements, and is valid through June 30, 2016. The reference checks indicated a very good to excellent performance record on similar projects. An internet background search of the company was performed and revealed no outstanding issues with this company.

Staff verified that the bid bond provided by Transtar is valid. Staff will also verify that Transtar's Performance Bond and Labor and Materials Bond are valid prior to execution of the contract.

FISCAL IMPACT: Joe Beachem, Chief Financial Officer

The total budget for CIP S2033, as approved in the FY 2016 budget, is \$6,000,000. Total expenditures, plus outstanding commitments and forecast including this contract, are \$2,691,654.22. See Attachment B for budget detail.

Based on a review of the financial budget, the Project Manager anticipates that the budget for CIP S2033 is sufficient to support the Project.

The Finance Department has determined that, under the current rate model, 100% of the funding is available from the Replacement Fund.

STRATEGIC GOAL:

This Project supports the District's Mission statement, "To provide high value water and wastewater services to the customers of the Otay Water District in a professional, effective, and efficient manner" and the General Manager's Vision, "A District that is at the forefront in innovations to provide water services at affordable rates, with a reputation for outstanding customer service."

LEGAL IMPACT:

None.

SB/BK:jf

P:\WORKING\CIP S2033 Sewer System Rehabilitation\Staff Reports\BD 02-03-16 RSD Ph 1 Constr\BD 02-03-16 Staff Report RSD Basin Sewer Rehab Phase 1 Award Construction Project.Docx

Attachments: Attachment A - Committee Action
 Attachment B - Budget Detail
 Exhibit A - Location Map
 Exhibit B - District Rejection of GRFCO Non-Responsive
 Bid Proposal
 Exhibit C - GRFCO Email Response to Bid Rejection

Exhibit D - General Council Memo on Bid Responsiveness
Exhibit E - Wier Construction Bid Protest Letter
Exhibit F - District Response to Bid Protest
Exhibit G - District Letter to Transtar on Form H
Exhibit H - Transtar Letter with Signed Form H



ATTACHMENT A

SUBJECT/PROJECT: S2033-003103	Reject Lowest Bid by GRFCO, Inc. and Award of a Construction Contract to Transtar Pipeline, Inc. for the Rancho San Diego Basin Sewer Rehabilitation - Phase 1 Project
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COMMITTEE ACTION:

The Engineering, Operations, and Water Resources Committee (Committee) reviewed this item at a meeting held on January 19, 2016. The Committee supported Staff's recommendation.

NOTE:

The "Committee Action" is written in anticipation of the Committee moving the item forward for Board approval. This report will be sent to the Board as a Committee approved item, or modified to reflect any discussion or changes as directed from the Committee prior to presentation to the full Board.



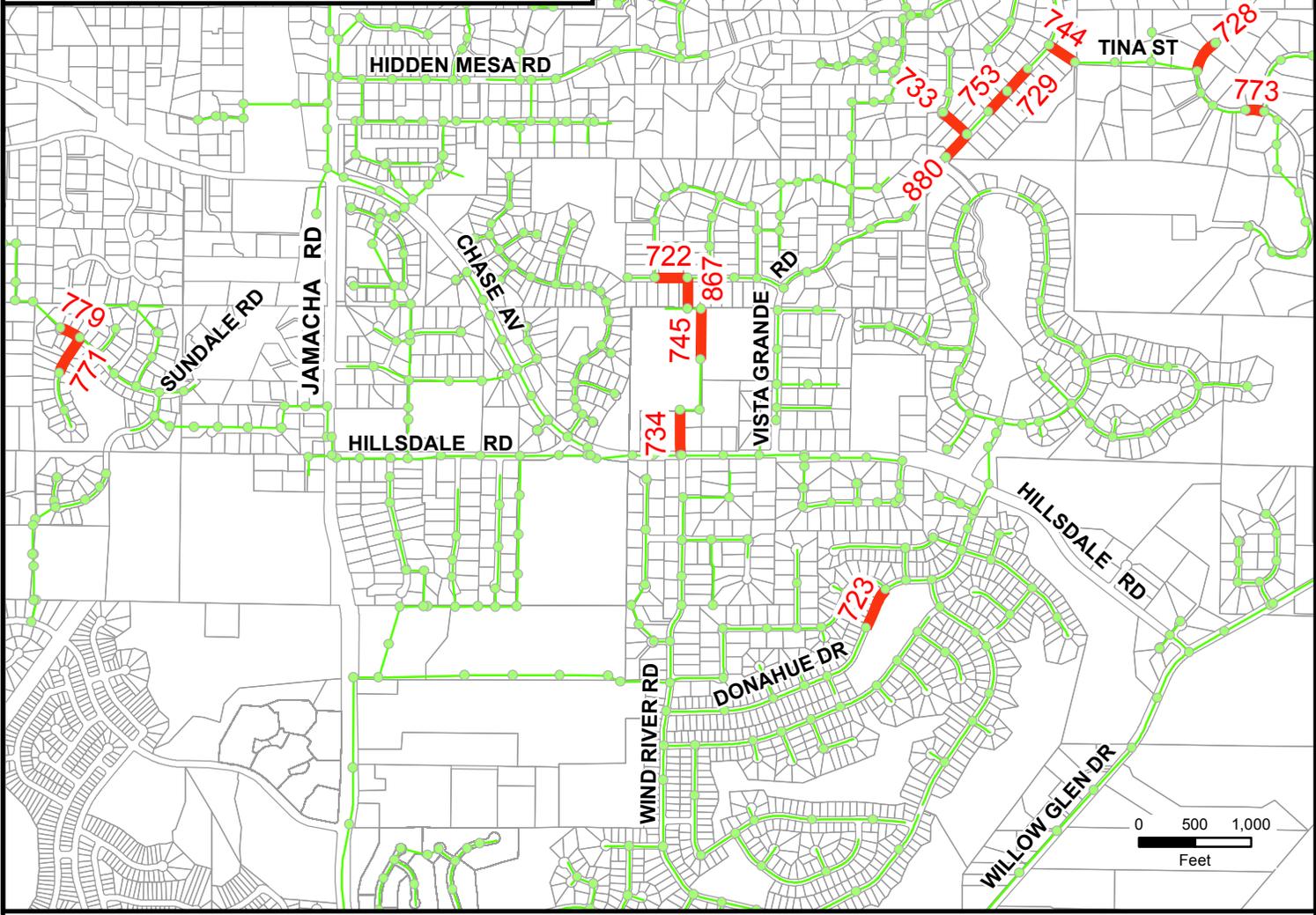
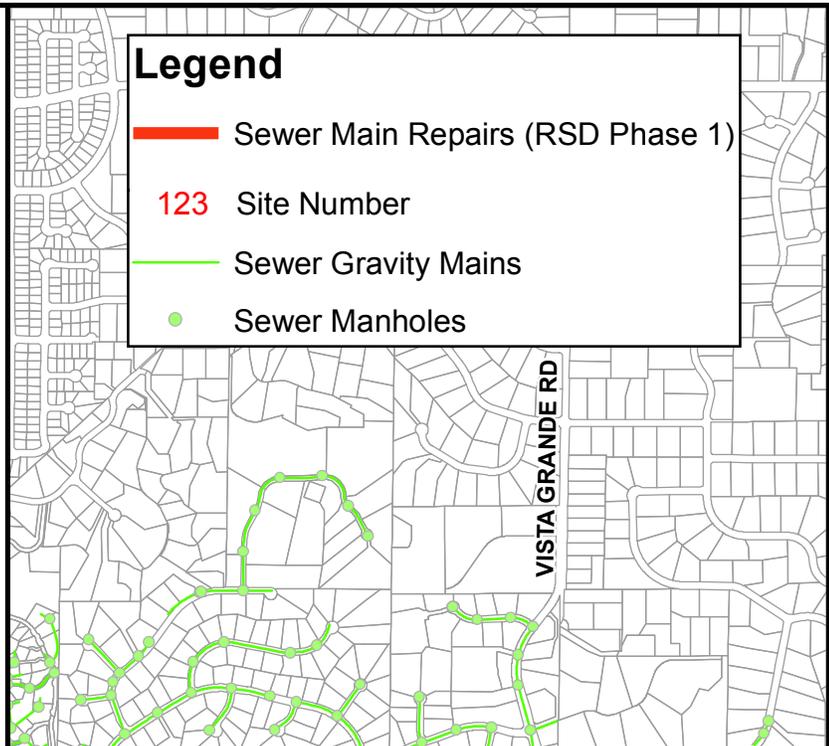
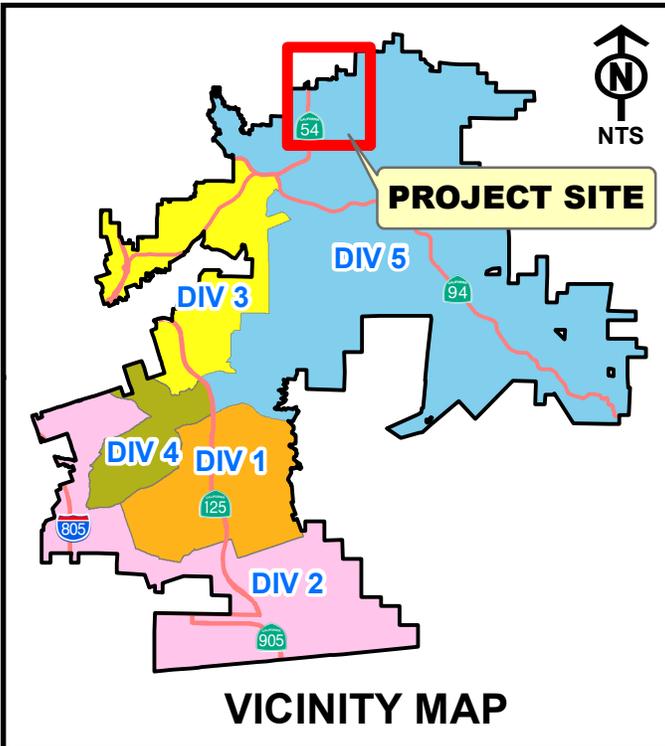
ATTACHMENT B – Budget Detail

SUBJECT/PROJECT:	Reject Lowest Bid by GRFCO, Inc. and Award of a Construction Contract to Transtar Pipeline, Inc. for the Rancho San Diego Basin Sewer Rehabilitation - Phase 1 Project
S2033-003103	

Level	Title1	Committed	Expenditures	Outstanding Commitment	Projected Final Cost	Vendor	
Planning	Regulatory Agency Fees	\$100.00	\$100.00	\$0.00	\$100.00	PETTY CASH CUSTODIAN	
	Standard Salaries	\$220,584.09	\$220,584.09	\$0.00	\$220,584.09		
	Total	\$220,684.09	\$220,684.09	\$0.00	\$220,684.09		
Design	Consultant Contracts	\$152,957.78	\$152,957.78	\$0.00	\$152,957.78	AEGIS ENGINEERING	
		\$20,720.00	\$20,720.00	\$0.00	\$20,720.00	DARNELL & ASSOCIATES INC	
		\$21,445.89	\$21,445.89	\$0.00	\$21,445.89	SOUTHERN CALIFORNIA SOIL	
		\$21,538.00	\$21,085.50	\$452.50	\$21,538.00	NINYO & MOORE GEOTECHNICAL	
		\$6,995.00	\$6,995.00	\$0.00	\$6,995.00	AIRX UTILITY SURVEYORS INC	
		\$71,183.15	\$71,183.15	\$0.00	\$71,183.15	ARCADIS US INC	
	Professional Legal Fees	\$1,000.00	\$419.52	\$580.48	\$1,000.00	STUTZ ARTIANO SHINOFF	
	Service Contracts		\$5,004.94	\$4,065.33	\$939.61	\$5,004.94	MAYER REPROGRAPHICS
			\$384.90	\$384.90	\$0.00	\$384.90	SAN DIEGO DAILY TRANSCRIPT
			\$333.20	\$333.20	\$0.00	\$333.20	THE SAN DIEGO UNION-TRIBUNE
			\$1,500.00	\$1,500.00	\$0.00	\$1,500.00	CHICAGO TITLE
	Standard Salaries	\$491,071.77	\$491,071.77	\$0.00	\$491,071.77		
	Total	\$794,134.63	\$792,162.04	\$1,972.59	\$794,134.63		

Construction	Consultant Contracts	\$50,150.00	\$30,150.00	\$20,000.00	\$50,150.00	ALYSON CONSULTING
		\$2,400.00	\$2,400.00	\$0.00	\$2,400.00	RBF CONSULTING
		\$24,747.94	\$24,747.94	\$0.00	\$24,747.94	CALIFORNIA BANK & TRUST
	Construction Contracts	\$470,210.77	\$470,210.77	\$0.00	\$470,210.77	ARRIETA CONSTRUCTION
		\$970,970.00	\$0.00	\$970,970.00	\$970,970.00	TRANSTAR PIPELINE INC
	Regulatory Agency Fees	\$13,018.27	\$13,018.27	\$0.00	\$13,018.27	COUNTY OF SAN DIEGO
	Reimbursement Agreements	\$11,675.00	\$11,675.00	\$0.00	\$11,675.00	COUNTY OF SAN DIEGO
	Standard Salaries	\$133,663.52	\$103,663.52	\$30,000.00	\$133,663.52	
	Total	\$1,676,835.50	\$655,865.50	\$1,020,970.00	\$1,676,835.50	
	Budget	\$6,000,000.00				
Total to Date	\$2,691,654.22	\$1,668,711.63	\$1,022,942.59	\$2,691,654.22		

Expenditures through November 25, 2015.



P:\WORKING\CIP S2033 Sewer System Rehabilitation\Graphics\RSD Phase 1\C2033.RSD Sewer Basin Phase 1_Location Map_Dec.2015.mxd



**OTAY WATER DISTRICT
RANCHO SAN DIEGO BASIN
SEWER REHABILITATION PHASE 1**



EXHIBIT A

EXHIBIT B



...Dedicated to Community Service

2554 SWEETWATER SPRINGS BOULEVARD, SPRING VALLEY, CALIFORNIA 91978-2004
TELEPHONE: 670-2222, AREA CODE 619

www.otaywater.gov

Sent via electronic mail and Certified Return Receipt
USPS 7015166000083624500
Project No.: S2033-003102

November 30, 2015

George Frost
GRFCO, Inc.
P.O. Box 1747
Brea, CA 92822-1747

Subject: Rancho San Diego Basin Sewer Rehabilitation – Phase 1 (CIP S2033);
Rejection of Non-Responsive Bid Proposal

Dear Mr. Frost:

The Otay Water District (District) has reviewed your bid proposal for the Rancho San Diego Basin Sewer Rehabilitation – Phase 1 (CIP S2033) submitted on November 17, 2015, and discovered several irregularities in your bid. As a result, your bid has been determined to be non-responsive. As stated in the Bid Proposal – Form A, the District reserves the right to reject any and all bids. The following irregularities in particular render the bid non-responsive:

- Company Background Questionnaire – Form G, Question 4.3: Insufficient response regarding apparent apprenticeship violations of the State of California Labor Code.
- Company Background Questionnaire – Form G, Question 5.2: Failure to disclose current debarment of the company officer George Frost by the City of San Diego.
- Company Safety Questionnaire – Form H: The form requests safety data for the three most recent years, only two years, 2013 and 2014, were provided.
- Addenda Acknowledgement: Failure to include a copy of the two addenda with the bid package in accordance with the directions provided in the addenda.

Please do not hesitate to contact me at 619-670-2209 if you have any questions in this matter.

George Frost
Rancho San Diego Basin Sewer Rehabilitation – Phase 1 (CIP S2033);
Rejection of Non-Responsive Bid Proposal
November 30, 2015
Page 2 of 2.

Sincerely,
OTAY WATER DISTRICT

A handwritten signature in blue ink, appearing to read "Stephen Beppler", with a long horizontal flourish extending to the right.

Stephen Beppler, PE
Senior Civil Engineer

SB:jf

cc: Rod Posada
Bob Kennedy

EXHIBIT C

Steve Beppler

From: Jim Jackson <grfcoinc@gmail.com>
Sent: Tuesday, December 01, 2015 9:19 AM
To: Steve Beppler
Cc: Rod Posada; Bob Kennedy
Subject: Re: RSD Basin Sewer Rehab Phase 1 - GRFCO Bid Rejection
Attachments: 12012015.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Good Morning Mr. Beppler,

Per your correspondence yesterday, GRFCO has the following comments:

- Form G, Question 4.3 - Per Chapter 2, Article 10 of the California Code 230.1 (attached), GRFCO notified the local apprenticeship programs (within the geographic area) prior to project commencements. The Laborer's Union via the DLSE cited GRFCO for not notifying a second apprenticeship program that was outside the geographic area. All claims have been appealed and are awaiting judgement. Therefore, there is no conviction, conviction date, or no disciplinary action. GRFCO contends that the question was answered correctly.
- Form G, Question 5.2 - The question reads "In the past 10 years...". Southern California Underground was debarred by the city of San Diego in June of 2000 which exceeds 10 years. GRFCO contends that the question was answered correctly.
- Form H - GRFCO had no payroll in 2012 and commenced building projects in 2013. GRFCO was only able to report the "two" most recent years; 2013 and 2014. 2012 was zero and thus left blank. GRFCO contends that the question was answered correctly.
- Addenda Acknowledgement - GRFCO twice recognized both addendums prior to bid:
 1. Per Email on November 17th at 1:06 PM, GRFCO requested confirmation of two Addendums. At 1:08 PM, confirmation was received from the District.
 2. On page 2 of 9 (Form A) of the bid proposal, GRFCO recognized Addendums 1 and 2.

The Districts intent and purpose to have the bidding contractor (GRFCO) confirm recognition of all addendums has been met.

GRFCO employee's have had recent success in building a District project. At your convenience, GRFCO respectfully requests a conference with yourself and/or Mr. Rod Posada to discuss these items in greater detail.

Time is of the essence. Please respond as soon as possible.

Thank you for your time,

Jim Jackson

On Tue, Dec 1, 2015 at 8:09 AM, Steve Beppler <Steve.Beppler@otaywater.gov> wrote:

Per your voicemail request this morning, please find attached a copy of your bid proposal for the Rancho San Diego Basin Sewer Rehabilitation Phase 1 project.

Stephen Beppler, P.E.

Senior Civil Engineer

Phone: [\(619\) 670-2209](tel:(619)670-2209)

Fax: [\(619\) 670-8920](tel:(619)670-8920)

steve.beppler@otaywater.gov

Otay Water District

2554 Sweetwater Springs Boulevard

Spring Valley, CA 91978

From: Steve Beppler

Sent: Monday, November 30, 2015 5:02 PM

To: 'grfcoinc@gmail.com' <grfcoinc@gmail.com>

Subject: RSD Basin Sewer Rehab Phase 1 - GRFCO Bid Rejection

Dear Mr. Frost,

Otay Water District regrets to inform you that your bid for the subject project has been determined to be non-responsive. Please see the attached letter for specifics.

Stephen Beppler, P.E.

Senior Civil Engineer

Phone: [\(619\) 670-2209](tel:(619)670-2209)

Fax: [\(619\) 670-8920](tel:(619)670-8920)

steve.beppler@otaywater.gov

Otay Water District

2554 Sweetwater Springs Boulevard

Spring Valley, CA 91978

Click [here](#) to report this email as spam.

4. CRIMINAL ACTIONS

	Yes	No
1. Has your company or any owner or officer of your company ever been convicted of a federal or state crime of fraud, theft, or any other act of dishonesty?		✓
2. Has your company or any owner or officer of your company ever been found guilty in a criminal action for making any false claim or material misrepresentation to any public agency or entity?		✓
3. Has any state or local agency taken any disciplinary action against your company or any owner or officer of your company?	✓	

If 'Yes' to any of the above provide details for each on the lines below including, but not limited to, the person or persons convicted, the name of the victim, the date of conviction, the court and case number, the crime and year convicted.

3. The Laborer's Union filed 3 claims on Apprenticeship notification to the DWE. All three claims are under appeal

5. CONTRACT AWARD

	Yes	No
1. Has your company ever been denied an award of a public works contract based on a finding by a public agency that your company was not a responsible bidder?	✓	✓
2. In the past ten (10) years, has your company or any owner or officer of your company been listed on the Excluded Parties List System (EPLS), debarred, disqualified, removed or otherwise prevented from bidding on, or completing, any government agency or public works project for any reason?		✓

If 'Yes' to any of the above provide details for each on the lines below including, but not limited to, year of the event, the owner, the project, entity denying the award, the basis for the finding by the public agency, name of the organization debarred.

1. See attached

**SECTION 00470
COMPANY SAFETY QUESTIONNAIRE
(FORM H)**

Company Name: GRFCO, INC.
 Person Completing Form (Print): G. Frost
 Signature: [Signature] Date: Nov. 17, 2015
 Title: Pres Phone Number: (951) 657-8887

IMPORTANT: Falsifying information or failure to provide known information could jeopardize or delay award of a contract.

SAFETY PERFORMANCE

1. List your company's Interstate Experience Rating Modifier (ERM) for the three most recent years.

20	<u>14</u>	<u>155</u>
20	<u>13</u>	<u>86</u>
20	_____	_____

2. List your company's number of injuries/illnesses from your OSHA 300 logs for the three most recent years.

	20	<u>14</u>	20	<u>13</u>	20	_____
a. Fatalities		<u>0</u>		<u>0</u>		_____
b. OSHA recordable incidents		<u>4</u>		<u>1</u>		_____
c. Lost work day incidents		<u>3</u>		<u>0</u>		_____
d. Total lost work days		<u>59</u>		<u>0</u>		_____
e. Total hours worked		_____		_____		_____

3. Please provide copies of the following upon award:

Check if Available

- a. OSHA 300 logs for the most recent three years and current year-to-date
- b. Verification of ERM from your insurance carrier
- c. Injury/Illness Report
- d. Complete written Safety Program
- e. Training Plans
- f. Training Certificates for Employees
- g. Emergency Response Training

Primary contractors must submit all information requested on No. 3 (a-g) to the District. Subcontractors must submit information (a-c) to the District and d-g to the primary contractor and should be made available to the District upon request.

4. Company Safety Contact

a. Name: Jim Jackson
 b. Phone: (951) 657-8887

This information is provided free of charge by the Department of Industrial Relations from its web site at www.dir.ca.gov. These regulations are for the convenience of the user and no representation or warranty is made that the information is current or accurate. See full disclaimer at http://www.dir.ca.gov/od_pub/disclaimer.html.

Chapter 2. California Apprenticeship Council
Subchapter 1. Apprenticeship
Article 10. Required Apprentices On Public Works Contract

New query

§230.1. Employment of Apprentices on Public Works.

(a) Contractors, as defined in Section 228 to include general, prime, specialty or subcontractor, shall employ registered apprentice(s), as defined by Labor Code Section 3077, during the performance of a public work project in accordance with the required one hour of work performed by an apprentice for every five hours of labor performed by a journeyman, unless covered by one of the exemptions enumerated in Labor Code Section 1777.5 or this subchapter. Unless an exemption has been granted, the contractor shall employ apprentices for the number of hours computed above before the end of the contract. Contractors who are not already employing sufficient registered apprentices (as defined by Labor Code Section 3077) to comply with the one-to-five ratio must request the dispatch of required apprentices from the apprenticeship committees providing training in the applicable craft or trade and whose geographic area of operation includes the site of the public work by giving the committee written notice of at least 72 hours (excluding Saturdays, Sundays and holidays) before the date on which one or more apprentices are required. If the apprenticeship committee from which apprentice dispatch(es) are requested does not dispatch apprentices as requested, the contractor must request apprentice dispatch(es) from another committee providing training in the applicable craft or trade in the geographic area of the site of the public work, and must request apprentice dispatch(es) from each such committee, either consecutively or simultaneously, until the contractor has requested apprentice dispatches from each such committee in the geographic area. All requests for dispatch of apprentices shall be in writing, sent by first class mail, facsimile or email. Except for projects with less than 40 hours of journeyman work, each request for apprentice dispatch shall be for not less than an 8 hour day per each apprentice, or 20% of the estimated apprentice hours to be worked for an employer in a particular craft or trade on a project, whichever is greater, unless an employer can provide written evidence, upon request of the committee dispatching the apprentice or the Division of Apprenticeship Standards, that circumstances beyond the employer's control prevent this from occurring. If a non-signatory contractor declines to abide by and comply with the terms of a local committee's standards, the apprenticeship committee shall not be required to dispatch apprentices to such contractor. Conversely, if in response to a written request no apprenticeship committee dispatches, or agrees to dispatch during the period of the public works project any apprentice to a contractor who has agreed to employ and train apprentices in accordance with either the apprenticeship committee's standards or these regulations within 72 hours of such request (excluding Saturdays, Sundays and holidays) the

contractor shall not be considered in violation of this section as a result of failure to employ apprentices for the remainder of the project, provided that the contractor made the request in enough time to meet the above-stated ratio. If an apprenticeship committee dispatches fewer apprentices than the contractor requested, the contractor shall be considered in compliance if the contractor employs those apprentices who are dispatched, provided that, where there is more than one apprenticeship committee able and willing to unconditionally dispatch apprentices, the contractor has requested dispatch from all committees providing training in the applicable craft or trade whose geographic area of operation include the site of the public work. Nothing in this section shall affect the right of a Contractor who participates in and employs registered apprentices from programs approved under Labor Code Section 3075 outside the geographic area of the public work from employing said apprentice(s) on the site of the public work in order to meet the ratio requirement of Labor Code Section 1777.5.

(b) Apprentices employed on public works shall be paid the applicable apprentice prevailing per diem wage rate, available from DAS, and derived from the Director's survey of wages paid on public works in the geographic area of the craft or trade. DAS shall refer complaints alleging any contractor's failure to pay the proper apprentice prevailing wage rate on a public works project to the Division of Labor Standards Enforcement for investigation and appropriate action.

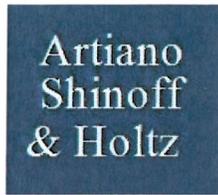
(c) Apprentices employed on public works can only be assigned to perform work of the craft or trade to which the apprentice is registered. Work of the craft or trade consists of job duties normally assigned to journeymen in the apprenticeable occupation. Where an employer employs apprentices under the rules and regulations of the California Apprenticeship Council, as set forth in Labor Code Section 1777.5(c)(2), apprentices employed on public works must at all times work with or under the direct supervision of journeyman/men. The on-the-job training shall be in accordance with the apprenticeship standards and apprenticeship agreement under which the apprentice is training, provided that a contractor shall not be subject to any financial or administrative obligations to a trust fund or employee benefit plan unless the contractor has so agreed.

(d) The provisions of this regulation shall not apply to contractors on public works projects that were bid prior to July 1, 2009. Such contractors shall comply with the version of this regulation that was in effect prior to July 1, 2009.

Note: Authority cited: Section 1777.7, Labor Code. Reference: Section 1777.5, Labor Code.

HISTORY

1. New section filed 4-9-90 as an emergency; operative 4-9-90 (Register 90, No. 17). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 8-7-90.
2. Repealed by operation of Government Code section 11346.1(g) 120 days from effective date (Register 91, No. 47).
3. New section filed 4-10-92; operative 5-11-92 (Register 92, No. 21).
4. Amendment filed 1-17-2002; operative 2-16-2002 (Register 2002, No. 3).



A Professional Corporation

MEMORANDUM

TO: Mark Watton, General Manager
FROM: Richard E. Romero, Assistant General Counsel
DATE: December 30, 2015
RE: Discretion Regarding Bid Responsiveness

Because bid protests and challenges to the responsiveness of public works bids are common in the current highly-competitive bidding climate, you have asked for an analysis of the discretion of public entities such as the Otay Water District (“District”) in regard to determining the responsiveness of a bid and, in particular, the discretion to waive or not to waive irregularities in a bid. In short, the District may but is not required to waive irregularities, so long as the irregularity is inconsequential.

As a general matter, the governing board of a water district may, in their discretion, reject any and all bids. (Public Contract Code § 20642.) Public entities in general also have discretion in determining whether a bid is responsive. There is not a bright-line rule as to whether or not a bid is “responsive,” and making such a determination requires an exercise of discretion. Nonetheless, there are some guidelines that assist with the determination of whether or not a bid is responsive. In general, a bid is responsive if it conforms to the specifications and promises to do what the bid requests. (See, e.g., *Ghilotti Constr. Co. v City of Richmond* (1996) 45 Cal.App.4th 897, 904; see also *Williams v Clovis Unified Sch. Dist.* (2007) 146 Cal.App. 4th 757, 764 and *Valley Crest Landscape Inc. v City Council* (1996) 41 Cal.App. 4th 1432, 1438.) Where there are discrepancies in a bid, the bid may nonetheless be considered responsive if the discrepancy is inconsequential.

Discrepancies are inconsequential where they do not (1) affect the amount of the bid; (2) give a bidder an advantage over others (e.g., give a bidder an opportunity to avoid its obligation to perform by withdrawing its bid); (3) be a potential vehicle for favoritism; (4) influence potential bidders to refrain from bidding; or (5) affect the ability to make bid comparisons. (See *Ghilotti Constr. Co. v City of Richmond, supra*, 45 Cal.App.4th at 906-907.) The District may, at its discretion, waive minor irregularities that do not affect the bid price or provide an advantage:

In this case we hold that a public entity may waive inconsequential deviations from contract specifications in a public contract bid. To be considered inconsequential, a deviation must neither give the bidder an unfair competitive advantage nor otherwise defeat the goals of insuring economy and preventing corruption in the public contracting process.

(*Id.* at 900 (emphasis added).) The District is not required to waive irregularities, but the law

December 30, 2015

Page 2 of 2

RE: Discretion Regarding Bid Responsiveness

allows it to make that election. Such discretion is well-established. The *Ghilotti* case cites existing authority that “A basic rule of competitive bidding is that bids must conform to specifications, and that if a bid does not so conform, it may not be accepted.” (*Id.* at 904 (emphasis added).)

In reviewing such an exercise of discretion, the standard is whether the entity’s actions were “arbitrary, capricious, entirely lacking in evidentiary support, or inconsistent with proper procedure” and there is a presumption that an entity’s actions were supported by substantial evidence, with the challenging party bearing the burden of proving otherwise. (*Id.* at 903.) Courts “may not reweigh the evidence and must view it in the light most favorable to the [entity’s] actions, indulging all reasonable inferences in support of those actions.” (*Id.*) There are no due process rights with respect to a responsiveness determination; instead, “the contracting entity must provide the bidder with notice and allow it to submit materials concerning the issue of responsiveness. However, the entity need not conduct a hearing, make formal findings, or otherwise comply with the due process requirements for determining whether a bidder is responsible...” (*Id.* at 904.)

Very truly yours,

ARTIANO SHINOFF & HOLTZ
A Professional Corporation



Richard E. Romero

General Building & Engineering Contractors
License #481419 A & B

November, 23, 2015
Mr. Steve Beppler, P.E.
2554 Sweetwater Springs Boulevard
Spring Valley, CA 91978-2004

Project: Rancho San Diego Basin Sewer Rehabilitation
Subject: Letter of Protest of Bid dated November 17, 2015

Please consider this our formal protest of the bid presented on November 17, 2015, in which GRFCO, Transtar and Wier Construction were the apparent three low bidders in respective order.

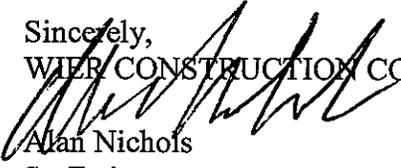
Upon review of the bid results we have discovered an irregularity in the apparent first and second place bidder's bid documents

The first place and second place bidders failed to properly address the acknowledgment of Addendums one and two by not including the addendums with their respective bid documents as required per the contract bid documents. (see attached)

The nature of the irregularity affords an unfair advantage to the other two bidders. Due to this it is our opinion that this irregularity cannot be waived.

Wier Construction Corporation has listed all addendums and included those addendums as required by the contract documents.

We therefore request that the bid(s) presented by GRFCO and Transtar be rejected as non-responsive, and that Wier Construction Corporation be awarded the contract as the lowest responsible bidder.

Sincerely,

WIER CONSTRUCTION CORPORATION
Alan Nichols
Sr. Estimator

Telephone: 760.743.1226
Fax: 760.743.9926

10.2. LUMP SUM ITEMS

When the work is to be submitted on a lump sum basis, a lump sum price shall be submitted in the appropriate place. The total amount to be paid to the Contractor for the bid Item shall be the amount of the lump sum item as adjusted for additions or deletions resulting from changes in the scope by the District. Lump sum items are shown as "LS" under the unit column in the Bid List. For example, a lump sum item such as potholing may involve a number of potholes, however, no matter how many are required, all the work is included in the submitted lump sum amount.

11. SPECIAL BIDDING REQUIREMENTS

In the event there is a need for special bidding procedures and requirements for parts of the work under this contract, such requirements will be set forth in the Supplementary General Conditions, Section 00800.

12. PREPARATION OF PROPOSALS

All blank spaces in the proposal form must be completed in ink, in both words and figures where required. No modifications shall be made to the forms. Any modification to the bid forms not specifically called for in the documents may result in the District rejecting the Bid as non-responsive.

Any proposal may be deemed non-responsive which contains omissions, erasures, alterations, additions of any kind, prices uncalled for, obviously unbalanced prices, or which in any manner shall fail to conform to the conditions of the published Invitation to Bid.

The Bidder shall sign the proposal in the blank space(s) provided therefore. If the Bidder is a sole proprietor, the true name of the fictitious business shall be set forth above, if operating under a fictitious name, together with the signature of the sole proprietor. If the Bidder is a partnership, the true name of the partnership shall be set forth above, together with the signature of the general partner authorized to sign contracts on behalf of the partnership. If the Bidder is a corporation, the legal name of the corporation shall be set forth above, together with the signature of the president and secretary of the corporation in all places where two (2) blank signature lines are provided. If the Bidder is a corporation and only one (1) blank signature line is provided, the president of the corporation shall sign in the blank space provided therefore. If the Bidder is another entity, the true name of the entity shall be set forth above, together with the signature of two senior officials authorized to sign contracts on behalf of the entity in all places where two (2) blank signature lines are provided. If the Bidder is another entity and only one (1) blank signature line is provided, a senior official authorized to sign contracts on behalf of the entity shall sign in the blank space provided therefore.

The Bidder shall submit with their Bid a notarized Noncollusion Affidavit executed by the Bidder by the person or persons set forth above, otherwise the Bid will be regarded as not properly filed.

ADDENDUM NO. 1
TO THE
CONTRACT DOCUMENTS FOR THE
RANCHO SAN DIEGO BASIN SEWER REHABILITATION – PHASE 1
S2033

October 26, 2015

TO: ALL PLANHOLDERS
FROM: OTAY WATER DISTRICT, ENGINEERING DEPARTMENT

The following modifications, additions and/or deletions are made a part of the CONTRACT DOCUMENTS for the construction of the RANCHO SAN DIEGO BASIN SEWER REHABILITATION – PHASE 1 issued fully and completely as if same were set forth therein:

1. ~~Add Appendix A: Excavation Permits attached hereto. Note that information on the Traffic Control Permit is also included in this documentation.~~

Each Contractor shall acknowledge receipt and acceptance of this addendum by submitting the addendum with their proposal and signing in the space provided in Part 2, Contract Form A, Bid Proposal (FORM A), Page 00400-2, Addenda.

Sincerely,

OTAY WATER DISTRICT

By: Stephen Beppler
Stephen Beppler, PE
Senior Civil Engineer

Date: 10/26/2015

Attachment a/s

ADDENDUM NO. 2
TO THE
CONTRACT DOCUMENTS FOR THE
RANCHO SAN DIEGO BASIN SEWER REHABILITATION – PHASE 1
S2033

November 2, 2015

TO: ALL PLANHOLDERS
FROM: OTAY WATER DISTRICT, ENGINEERING DEPARTMENT

The following modifications, additions and/or deletions are made a part of the CONTRACT DOCUMENTS for the construction of the RANCHO SAN DIEGO BASIN SEWER REHABILITATION – PHASE 1 issued fully and completely as if same were set forth therein:

Pre-Bid Meeting Minutes, Questions, and Presentation: The minutes, sign-in sheet, and presentation of the Pre-Bid Meeting and Site Visit of October 29, 2015 are attached hereto.

BIDDER'S QUESTIONS AND DISTRICT'S RESPONSES

1. Question: Can contractors visit locations that are on private property?

Answer: The District requests that contractors do not access private property without permission from the property owner. Contractors shall be respectful of private property.

2. Question: For those unable to attend the pre-bid meeting, can another District led site visit be scheduled to access private property?

Answer: A second site visit (non-mandatory) to private properties has been scheduled to occur on Friday, November 6, 2015 beginning at 10:30 am if there are any interested parties to do so. Contractors shall assemble at the District Board Room in the Administration offices, 2554 Sweetwater Springs Blvd., Spring Valley, CA, prior to driving to the locations. A map to the sites will be provided and is already included in the Pre-Bid Meeting Presentation attached to this addendum.

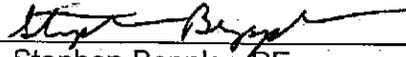
3. Question: Construction of Site 734 (Hillsdale Road Property adjacent to Singing Hills Mobile Estates) in a private driveway appears to limit access to the private property owner. Should there be a construction sequence at this site?

Answer: In order to provide ingress/egress access at all times for the private property owner at Site 734 during construction, demolition of the existing concrete block wall/fence and temporary surface repairs to enable vehicle traffic shall be performed prior to sewer replacement work that would block access from Hillsdale Road. The contractor shall provide a temporary gate throughout construction across this wall/fence opening during non-working hours until the permanent gate is installed.

Each Contractor shall acknowledge receipt and acceptance of this addendum by submitting the addendum with their proposal and signing in the space provided in Part 2, Contract Form A, Bid Proposal (FORM A), Page 00400-2, Addenda.

Sincerely,

OTAY WATER DISTRICT

By: 
Stephen Beppler, PE
Senior Civil Engineer

Date: November 2, 2015

Attachment a/s

EXHIBIT F



...Dedicated to Community Service

2554 SWEETWATER SPRINGS BOULEVARD, SPRING VALLEY, CALIFORNIA 91978-2004
TELEPHONE: 670-2222, AREA CODE 619

www.otaywater.gov

December 2, 2015

Sent via electronic mail and USPS
Project No.: S2033-003102

Alan Nichols
Wier Construction Corporation
2255 Barham Drive
Escondido, CA 92029

Subject: Rancho San Diego Basin Sewer Rehabilitation – Phase 1 (CIP S2033);
Letter of Protest of Bid dated November 17, 2015

Dear Mr. Nichols:

Thank you for your interest in the subject project and for bringing your concerns regarding the responsiveness of certain bids to our attention. The Otay Water District ("District") takes any inquiries seriously and has received and reviewed your November 23, 2015 Letter of Protest of Bid dated November 17, 2015 (the "Protest Letter") related to the Rancho San Diego Basin Sewer Rehabilitation – Phase 1 project (CIP S2033), which opened bids on November 17, 2015. In your Protest Letter, you contend that there are irregularities with the bids of GRFCO, Inc. ("GRFCO") and Transtar Pipeline, Inc. ("Transtar"), the apparent lowest and second lowest bidders, due to your claim that they did not properly address the acknowledgement of the two (2) project addenda issued. Accordingly, you requested that these two (2) bids be deemed non-responsive and rejected and that the contract be awarded to Wier Construction Corporation as the lowest responsive and responsible bidder.

As you are aware, the District, at its discretion, may waive minor irregularities that do not affect the bid price or provide an advantage. Even if the District is not required to do so, the law allows it to make that election. Minor irregularities may include such things as math errors in the bid tabulation, as was the case in your own bid submittal. Ultimately, however, in assessing the responsiveness of a bid, each irregularity is weighed on its own merit and also with other irregularities that may be discovered in the bid. The District alone determines if a bid is responsive or not, including whether or not to waive any irregularities.

Regarding your particular items of protest, all of the bidders acknowledged receipt of the two (2) addenda issued for the project on Page 2 of the Bid Proposal – Form A. You are correct, however, that GRFCO did not include a copy of the two (2) Addenda in their bid package, which has been noted in the District's evaluation of the bids submitted. Your claim against Transtar, on the other hand, is not accurate. Transtar *did* include the requested pages indicated in the language of the addenda. Please note that Addendum

Alan Nichols
Rancho San Diego Basin Sewer Rehabilitation – Phase 1 (CIP S2033);
Letter of Protest of Bid dated November 17, 2015
December 2, 2015
Page 2 of 2.

No. 1 has Page 1 of 1 at the bottom of the sheet. The addendum does not ask for all attachments to be included in the acknowledgement submittal. The same is true for Addendum No. 2, which is two pages long, indicated by Page 1 of 2 and Page 2 of 2 at the bottom of the sheets. Accordingly, there are no irregularities with the Transtar acknowledgement of the Addenda.

Again, we appreciate your attention and responsiveness to this matter. The District has assessed the submitted bids and reviewed all noted irregularities in determining the responsiveness of each bid proposal. We are in the process of finding the GRFCO bid proposal non-responsive and rejecting it for multiple irregularities in their bid proposal, including the Addenda acknowledgements, and moving forward with awarding the project to Transtar, now deemed the lowest responsive and responsible bidder. We thank you again for your bid proposal and interest in ensuring that all bids are properly reviewed.

Please do not hesitate to contact me at 619-670-2209 if you have any questions in this matter.

Sincerely,
OTAY WATER DISTRICT



Stephen Beppler, PE
Senior Civil Engineer

SB:jf

cc: Rod Posada
Bob Kennedy

EXHIBIT G



...Dedicated to Community Service

2554 SWEETWATER SPRINGS BOULEVARD, SPRING VALLEY, CALIFORNIA 91978-2004

TELEPHONE: 670-2222, AREA CODE 619

www.otaywater.gov

December 2, 2015

Sent via electronic mail and USPS

Project No.: S2033-003102

John Brito
Transtar Pipeline, Inc.
10467 Roselle Street
San Diego, CA 92121

Subject: Rancho San Diego Basin Sewer Rehabilitation – Phase 1 (CIP S2033);
Bid Proposal – Company Safety Questionnaire – Form H Certification

Dear Mr. Brito:

The Otay Water District (District) has reviewed your bid proposal for the Rancho San Diego Basin Sewer Rehabilitation – Phase 1 (CIP S2033) project submitted on November 17, 2015. The District has discovered that in Section 00470, Company Safety Questionnaire - Form H, the Signature line is blank. There are also several questions (1.a., 2.j., 3.c., 3.d. and 5.a.) that were answered, but the additional information requested was not provided. A copy of the submitted Form H is attached for your reference. Please submit a new signed and dated copy of Form H that includes the missing clarifications to the questions indicated above. Note that the District will not accept any changes to answers already provided at this time.

Please do not hesitate to contact me at 619-670-2209 if you have any questions. Your timely response to this letter is greatly appreciated.

Sincerely,
OTAY WATER DISTRICT

Stephen Beppler, PE
Senior Civil Engineer

SB:jf

Attachment: Copy of Submitted Form H

cc: Rod Posada
Bob Kennedy

**SECTION 00470
COMPANY SAFETY QUESTIONNAIRE
(FORM H)**

Company Name: TRANSTAR Pipeline, Inc.
 Person Completing Form (Print): John V. Brito
 Signature: _____ Date: 11/17/15
 Title: Vice-President Phone Number: 858 453-0744

IMPORTANT: Falsifying information or failure to provide known information could jeopardize or delay award of a contract.

SAFETY PERFORMANCE

1. List your company's Interstate Experience Rating Modifier (ERM) for the three most recent years.

<u>20 14</u>	<u>1.0</u>	
<u>20 13</u>	<u>1.0</u>	
<u>20 12</u>	<u>1.0</u>	

2. List your company's number of injuries/illnesses from your OSHA 300 logs for the three most recent years.

	<u>20 14</u>	<u>20 13</u>	<u>20 12</u>
a. Fatalities	_____	_____	_____
b. OSHA recordable incidents	_____	_____	_____
c. Lost work day incidents	_____	_____	_____
d. Total lost work days	<u>0</u>	<u>0</u>	<u>0</u>
e. Total hours worked	_____	_____	_____

3. Please provide copies of the following upon award:

Check if Available

- | | |
|---|-------------------------------------|
| a. OSHA 300 logs for the most recent three years and current year-to-date | <input checked="" type="checkbox"/> |
| b. Verification of ERM from your insurance carrier | <input checked="" type="checkbox"/> |
| c. Injury/Illness Report | <input checked="" type="checkbox"/> |
| d. Complete written Safety Program | <input checked="" type="checkbox"/> |
| e. Training Plans | <input checked="" type="checkbox"/> |
| f. Training Certificates for Employees | <input checked="" type="checkbox"/> |
| g. Emergency Response Training | <input checked="" type="checkbox"/> |

Primary contractors must submit all information requested on No. 3 (a-g) to the District. Subcontractors must submit information (a-c) to the District and d-g to the primary contractor and should be made available to the District upon request.

4. Company Safety Contact

a. Name: John Brito
 b. Phone: 858 453-0744

SAFETY PROGRAM

1. SAFETY PROGRAM DOCUMENTATION

Circle One

- a. Do you have a written safety program manual? Yes No
Last revision date _____
- b. Do you have a written safety field manual? Yes No
- c. Are all workers given a booklet that contains work rules, responsibilities and other appropriate information? Yes No

2. POLICY AND MANAGEMENT SUPPORT

- a. Do you have a safety policy statement from an officer of the company? Yes No
- b. Do you have a disciplinary process for enforcement of your safety program? Yes No
- c. Does management set corporate safety goals? Yes No
- d. Does executive management review:
- Accident reports?
 - Inspection reports?
 - Safety statistics?
- e. Do you safety pre-qualify subcontractors? Yes No
- f. Do you have a written policy on accident reporting and investigation? Yes No
- g. Do you have a light-duty, return-to-work policy? Yes No
- h. Is safety part of your supervisor's performance evaluation? Yes No
- i. Do you have a personal protective equipment (PPE) policy? Yes No
- j. Do you have a written substance abuse program? Yes No
If yes, check which apply:
- | | |
|---|---|
| <input type="checkbox"/> Pre-employment testing | <input type="checkbox"/> Return to duty testing |
| <input type="checkbox"/> Random testing | <input type="checkbox"/> Disciplinary process |
| <input type="checkbox"/> Reasonable cause testing | <input type="checkbox"/> Alcohol Testing |
| <input type="checkbox"/> Post accident testing | <input type="checkbox"/> National Institute on Drug Abuse |
| <input type="checkbox"/> Panel Screen | |
- k. Does each level of management have assigned safety duties and responsibilities? Yes No

3. TRAINING AND ORIENTATION

Circle One

- a. Do you conduct safety orientation training for each employee? Yes No
- b. Do you conduct site safety orientation for every person new to the job? Yes No
- c. Does your safety program require safety training meetings for each supervisor (foreman and above)? How often? Yes No
 Weekly Monthly Quarterly Annually
- d. Do you hold tool box/tailgate safety meetings focused on your specific work operations/exposures? Yes No
 Weekly Daily
- e. Do you require equipment operation/certification training? Yes No

4. ADMINISTRATION AND PROCEDURES

- a. Does your written safety program address administrative procedures? Yes No

If yes, check which apply:

- | | |
|--|---|
| <input checked="" type="checkbox"/> Pre-project/task planning | <input checked="" type="checkbox"/> Emergency procedures |
| <input checked="" type="checkbox"/> Record keeping | <input checked="" type="checkbox"/> Audits/inspections |
| <input checked="" type="checkbox"/> Safety committees | <input checked="" type="checkbox"/> Accident investigations/reporting |
| <input checked="" type="checkbox"/> HAZCOM | <input checked="" type="checkbox"/> Training documentation |
| <input checked="" type="checkbox"/> Substance abuse prevention | <input checked="" type="checkbox"/> Hazardous work permits |
| <input checked="" type="checkbox"/> Return-to work | <input checked="" type="checkbox"/> Subcontractor prequalification |

- b. Do you have project safety committees? Yes No
- c. Do you conduct job site safety inspections? How often? Yes No
 Daily Weekly Monthly
- d. Do these inspections include a routine safety inspection of equipment (e.g. scaffold, ladders, fire extinguishers, etc.)? Yes No
- e. Do you investigate accidents? How are they reported? Yes No
 Total company By superintendent
 By project By project manager
 By foreman In accordance with OSHA
- f. Do you discuss safety at all preconstruction and progress meetings? Yes No
- g. Do you perform rigging and lifting checks prior to lifting? Yes No
 For personnel For equipment Heavy lifts (more than 10,000 lbs)

5. WORK RULES

Circle One

a. Do you periodically update work rules?

Yes No

When was the last update? _____

b. What work practices are addressed by your work rules? Check all that apply.

- | | |
|---|--|
| <input checked="" type="checkbox"/> CPR/first aid | <input type="checkbox"/> Access-entrances/stairs |
| <input checked="" type="checkbox"/> Barricades, signs, and signals | <input type="checkbox"/> Respiratory protection |
| <input type="checkbox"/> Blasting | <input type="checkbox"/> Material handling/storage |
| <input type="checkbox"/> Communications | <input type="checkbox"/> Temporary heat |
| <input type="checkbox"/> Compressed air and gases | <input type="checkbox"/> Vehicle Safety |
| <input type="checkbox"/> Concrete work | <input checked="" type="checkbox"/> Traffic control |
| <input type="checkbox"/> Confined-space entry | <input type="checkbox"/> Site visitor escorting |
| <input type="checkbox"/> Cranes/rigging and hoisting | <input type="checkbox"/> Public protection |
| <input type="checkbox"/> Electrical grounding | <input type="checkbox"/> Equipment guards and grounding |
| <input type="checkbox"/> Environmental controls and Occupational health | <input type="checkbox"/> Monitoring Equipment |
| <input checked="" type="checkbox"/> Emergency procedures | <input type="checkbox"/> Flammable material handling/storage |
| <input type="checkbox"/> Fire protection and prevention | <input type="checkbox"/> Site sanitation |
| <input type="checkbox"/> Floor and wall openings | <input checked="" type="checkbox"/> Trenching and excavating |
| <input type="checkbox"/> Fall protection | <input type="checkbox"/> Lockout/Tagout |
| <input type="checkbox"/> Housekeeping | <input type="checkbox"/> Energized/pressurized equipment |
| <input checked="" type="checkbox"/> Ladders and scaffolds | <input type="checkbox"/> Personal protective equipment |
| <input type="checkbox"/> Mechanical equipment | <input type="checkbox"/> Tools, power and hand |
| <input type="checkbox"/> Welding and cutting (hot work) | <input type="checkbox"/> Electrical power lines |
| | <input type="checkbox"/> Other _____ |

6. OSHA INSPECTIONS

a. Have you been inspected by OSHA in the last three years?

Yes No

b. Were these inspections in response to complaints?

Yes No

c. Have you been cited as a result of these inspections?

Yes No

If yes, describe the citations:

EXHIBIT H



December 2, 2015

Stephen Beppler, PE
Otay Water District
2554 Sweetwater Springs Blvd.
Spring Valley, CA 91978-2004

RE: Rancho San Diego Basin Sewer Rehabilitation-Phase 1 (CIP S2033)
Bid Proposal-Company Safety Questionnaire-Form H Certification-Blank Signature-Missing
information.

Dear Mr. Beppler:

Attached is a copy of the original Safety Questionnaire-Form H with missing information. The Otay bid proposal was over 25 pages long with various signatures, some requiring notary along with a lot of information not normally requested for a proposal. I checked the document several times but overlooked the signature required on the Safety Questionnaire. As to the dates of Safety Program update and hours worked, just ran out of time to get information. Hopefully the attached information will meet your requirements to be able to award a contract to my firm.

Call me if you have any questions or need any additional information. Best way to get a hold of me is Cell 858-740-4236. Look forward to working with your agency.

Sincerely,

A handwritten signature in black ink that reads "John V. Brito". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

John V. Brito
Vice-President/Project Manager

**SECTION 00470
COMPANY SAFETY QUESTIONNAIRE
(FORM H)**

Company Name: Transtar Pipeline, Inc.
 Person Completing Form (Print): John V. Brito
 Signature: J. V. Brito Date: 11/17/15
 Title: Vice-President Phone Number: 858 453-0744

IMPORTANT: Falsifying information or failure to provide known information could jeopardize or delay award of a contract.

SAFETY PERFORMANCE

1. List your company's Interstate Experience Rating Modifier (ERM) for the three most recent years.

20 <u>14</u>	<u>1.0</u>
20 <u>13</u>	<u>1.0</u>
20 <u>12</u>	<u>1.0</u>

2. List your company's number of injuries/illnesses from your OSHA 300 logs for the three most recent years.

	20 <u>14</u>	20 <u>13</u>	20 <u>12</u>
a. Fatalities	<u>0</u>	<u>0</u>	<u>0</u>
b. OSHA recordable incidents	<u>0</u>	<u>0</u>	<u>0</u>
c. Lost work day incidents	<u>0</u>	<u>0</u>	<u>0</u>
d. Total lost work days	<u>0</u>	<u>0</u>	<u>0</u>
e. Total hours worked	<u>5491</u>	<u>4308</u>	<u>5473</u>

3. Please provide copies of the following upon award:

Check if Available

- a. OSHA 300 logs for the most recent three years and current year-to-date
- b. Verification of ERM from your insurance carrier
- c. Injury/Illness Report
- d. Complete written Safety Program
- e. Training Plans
- f. Training Certificates for Employees
- g. Emergency Response Training

Primary contractors must submit all information requested on No. 3 (a-g) to the District. Subcontractors must submit information (a-c) to the District and d-g to the primary contractor and should be made available to the District upon request.

4. Company Safety Contact

a. Name: John Brito
 b. Phone: 858 453-0744

SAFETY PROGRAM

1. SAFETY PROGRAM DOCUMENTATION

Circle One

a. Do you have a written safety program manual? Yes No

Last revision date 7/21/15

b. Do you have a written safety field manual? Yes No

c. Are all workers given a booklet that contains work rules, responsibilities and other appropriate information? Yes No

2. POLICY AND MANAGEMENT SUPPORT

a. Do you have a safety policy statement from an officer of the company? Yes No

b. Do you have a disciplinary process for enforcement of your safety program? Yes No

c. Does management set corporate safety goals? Yes No

d. Does executive management review:

- Accident reports?
- Inspection reports?
- Safety statistics?

e. Do you safety pre-qualify subcontractors? Yes No

f. Do you have a written policy on accident reporting and investigation? Yes No

g. Do you have a light-duty, return-to-work policy? Yes No

h. Is safety part of your supervisor's performance evaluation? Yes No

i. Do you have a personal protective equipment (PPE) policy? Yes No

j. Do you have a written substance abuse program? Yes No
If yes, check which apply:

- | | |
|--|---|
| <input type="checkbox"/> Pre-employment testing | <input type="checkbox"/> Return to duty testing |
| <input checked="" type="checkbox"/> Random testing | <input type="checkbox"/> Disciplinary process |
| <input type="checkbox"/> Reasonable cause testing | <input type="checkbox"/> Alcohol Testing |
| <input type="checkbox"/> Post accident testing | <input type="checkbox"/> National Institute on Drug Abuse |
| <input type="checkbox"/> Panel Screen | |

k. Does each level of management have assigned safety duties and responsibilities? Yes No

3. TRAINING AND ORIENTATION

Circle One

- a. Do you conduct safety orientation training for each employee? Yes No
- b. Do you conduct site safety orientation for every person new to the job? Yes No
- c. Does your safety program require safety training meetings for each supervisor (foreman and above)? How often?
 Weekly Monthly Quarterly Annually Yes No
- d. Do you hold tool box/tailgate safety meetings focused on your specific work operations/exposures?
 Weekly Daily Yes No
- e. Do you require equipment operation/certification training? Yes No

4. ADMINISTRATION AND PROCEDURES

- a. Does your written safety program address administrative procedures? Yes No

If yes, check which apply:

- | | |
|--|---|
| <input checked="" type="checkbox"/> Pre-project/task planning | <input checked="" type="checkbox"/> Emergency procedures |
| <input checked="" type="checkbox"/> Record keeping | <input checked="" type="checkbox"/> Audits/inspections |
| <input checked="" type="checkbox"/> Safety committees | <input checked="" type="checkbox"/> Accident investigations/reporting |
| <input checked="" type="checkbox"/> HAZCOM | <input checked="" type="checkbox"/> Training documentation |
| <input checked="" type="checkbox"/> Substance abuse prevention | <input checked="" type="checkbox"/> Hazardous work permits |
| <input checked="" type="checkbox"/> Return-to work | <input checked="" type="checkbox"/> Subcontractor prequalification |

- b. Do you have project safety committees? Yes No
- c. Do you conduct job site safety inspections? How often?
 Daily Weekly Monthly Yes No
- d. Do these inspections include a routine safety inspection of equipment (e.g. scaffold, ladders, fire extinguishers, etc.)? Yes No
- e. Do you investigate accidents? How are they reported?
 Total company By superintendent
 By project By project manager
 By foreman In accordance with OSHA Yes No
- f. Do you discuss safety at all preconstruction and progress meetings? Yes No
- g. Do you perform rigging and lifting checks prior to lifting?
 For personnel For equipment Heavy lifts (more than 10,000 lbs) Yes No

5. WORK RULES

Circle One

a. Do you periodically update work rules?

Yes No

When was the last update? 7/21/15

b. What work practices are addressed by your work rules? Check all that apply.

- | | |
|---|--|
| <input checked="" type="checkbox"/> CPR/first aid | <input type="checkbox"/> Access-entrances/stairs |
| <input checked="" type="checkbox"/> Barricades, signs, and signals | <input type="checkbox"/> Respiratory protection |
| <input type="checkbox"/> Blasting | <input type="checkbox"/> Material handling/storage |
| <input type="checkbox"/> Communications | <input type="checkbox"/> Temporary heat |
| <input type="checkbox"/> Compressed air and gases | <input type="checkbox"/> Vehicle Safety |
| <input checked="" type="checkbox"/> Concrete work | <input checked="" type="checkbox"/> Traffic control |
| <input type="checkbox"/> Confined-space entry | <input type="checkbox"/> Site visitor escorting |
| <input type="checkbox"/> Cranes/rigging and hoisting | <input type="checkbox"/> Public protection |
| <input type="checkbox"/> Electrical grounding | <input type="checkbox"/> Equipment guards and grounding |
| <input type="checkbox"/> Environmental controls and Occupational health | <input type="checkbox"/> Monitoring Equipment |
| <input checked="" type="checkbox"/> Emergency procedures | <input type="checkbox"/> Flammable material handling/storage |
| <input type="checkbox"/> Fire protection and prevention | <input type="checkbox"/> Site sanitation |
| <input type="checkbox"/> Floor and wall openings | <input checked="" type="checkbox"/> Trenching and excavating |
| <input type="checkbox"/> Fall protection | <input type="checkbox"/> Lockout/Tagout |
| <input type="checkbox"/> Housekeeping | <input type="checkbox"/> Energized/pressurized equipment |
| <input checked="" type="checkbox"/> Ladders and scaffolds | <input type="checkbox"/> Personal protective equipment |
| <input type="checkbox"/> Mechanical equipment | <input type="checkbox"/> Tools, power and hand |
| <input type="checkbox"/> Welding and cutting (hot work) | <input type="checkbox"/> Electrical power lines |
| | <input type="checkbox"/> Other _____ |

6. OSHA INSPECTIONS

a. Have you been inspected by OSHA in the last three years?

Yes No

b. Were these inspections in response to complaints?

Yes No

c. Have you been cited as a result of these inspections?

Yes No

If yes, describe the citations:
