OTAY WATER DISTRICT
FINANCE, ADMINISTRATION AND COMMUNICATIONS
COMMITTEE MEETING
and
SPECIAL MEETING OF THE BOARD OF DIRECTORS

2554 SWEETWATER SPRINGS BOULEVARD
SPRING VALLEY, CALIFORNIA
BOARDROOM

WEDNESDAY
June 29, 2011
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. AWARD A CONSTRUCTION CONTRACT TO NEWEST CONSTRUCTION, INC. FOR THE RALPH W. CHAPMAN WATER RECLAMATION FACILITY UPGRADE PROJECT IN AN AMOUNT NOT-TO-EXCEED $3,499,000 AND APPROVE AN INCREASE TO THE FISCAL YEAR 2012 BUDGET FOR CIP R2096 FROM $4,700,000 TO $4,950,000 (COBURN-BOYD) [5 minutes]

4. ADJOURNMENT

BOARD MEMBERS ATTENDING:
Gary Croucher, Chair
David Gonzalez

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 which 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 June 28, 2011 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 June 28, 2011.

Susan Cruz, District Secretary

AGENDA ITEM 3

STAFF REPORT

TYPE MEETING:	Regular Board	MEETING DATE:	July 6, 2011
SUBMITTED BY:	Lisa Coburn-Boyd LCB Environmental Compliance Specialist Ron Ripperger Engineering Manager	PROJECT/ SUBPROJECT:	R2096 - 001103 DIV. NO. 4
APPROVED BY: (Chief)	Rod Posada Chief, Engineering		
APPROVED BY: (Asst. GM):	Manny Magaña Assistant General Manager, Engineering and Operations		
SUBJECT:	Award a Construction Contract to NEWest Construction, Inc. for the Ralph W. Chapman Water Reclamation Facility Upgrade Project and Increase the Fiscal Year 2012 Budget by $250,000 for CIP R2096		

GENERAL MANAGER'S RECOMMENDATION:

That the Otay Water District (District) Board of Directors (Board) awards a construction contract to NEWest Construction Inc. (NEWest) for the Ralph W. Chapman Water Reclamation Facility (RWCWRF) Upgrade Project in an amount not-to-exceed $3,499,000 and approves an increase to the Fiscal Year (FY) 2012 Budget for CIP R2096 from $4,700,000 to $4,950,000 (see Exhibit A for Project location).

COMMITTEE ACTION: _____

Please see Attachment A.

PURPOSE:

To obtain Board authorization for the General Manager to enter into a construction contract with NEWest in an amount not-to-exceed $3,499,000 for the RWCWRF Upgrade Project and approves an increase to the FY 2012 Budget for CIP R2096 from $4,700,000 to $4,950,00.

ANALYSIS:

The RWCWRF Upgrade Project consists of several components. The first is the modification of the treatment process at the facility to improve the reduction of Total Nitrogen in the treatment plant effluent. This modification of the activated sludge process is necessary because the Facility has not been meeting its monthly average effluent discharge limit for Total Nitrogen, as required by the plant's Regional Water Quality Control Board permit. To achieve compliance with the permit, the aeration basins will be upgraded with a new aeration diffuser system, baffles, floating mixers, and internal recirculation pumps.

The second component is the upgrade of the facility's blowers and aeration piping. Three (3) of the existing blowers will be replaced with energy efficient high-speed turbo blowers and the associated corroded aeration piping will also be replaced. Also, new blowers will be installed for the filter air scour system which, in its present form, is being fed by the aeration system blowers and is not operating efficiently. These changes will result in energy savings at the facility.

The third component is the enhancement of the level of automation at the facility. The design engineers, MWH, utilized the Automation Enhancements Assessment of the facility that was completed by Westin Engineering in 2008 and worked closely with Operations staff to identify areas in the plant that could be automated to provide improved control of the treatment process.

The fourth and final component of the project is the replacement of the damaged filter backwash storage reservoir floating cover at the facility.

The Project was advertised for bid on April 29, 2011 on the District's website and several other publications including the Union Tribune and San Diego Daily Transcript.

A non-mandatory Pre-Bid Meeting was held on May 12, 2011. A presentation was given by District staff to explain the Project and discuss any questions or concerns from the contractors. There were twenty (20) contractors and suppliers that attended the meeting and meeting minutes were published.

Subsequently, four (4) addenda were sent out to all bidders and planhouses to address questions and clarifications to the contract documents during the bidding period. Bids were publicly opened on May 26, 2011 with the following results:

CONTRACTOR	TOTAL BID AMOUNT	CORRECTED BID AMOUNT
1. NEWest Construction Co., Inc.	$3,499,000	
2. Stanek Constructors, Inc.	$3,710,000	
3. Archer Western Contractors, Ltd.	$3,949,000	
4. Metro Builders & Engineers Group, Ltd.	$4,498,890	$4,497,680
5. Spiess Construction Co., Inc.	$4,624,500	

The evaluation process included reviewing all bids submitted for conformance to the contract documents. The lowest bidder, NEWest, submitted a responsible bid and holds a Class A Contractor's license which expires on November 30, 2012. Staff checked the references provided with the bid and found that NEWest is a highly rated company, as is their assigned project manager. In addition, staff has worked with NEWest on two past projects, the Calavo Lift Station Project (S2015) and the Disinfection Facility at the 450-1 Reservoir (R2092) and had a good experience working with NEWest and the proposed staff on both of these projects.

District staff received a bid protest from the second low bidder, Stanek Constructors (Exhibit B) claiming that NEWest's bid was unresponsive. Their bid protest claimed that NEWest did not meet the specific qualification requirements for the installation of the pre-fabricated metal buildings, that they did not list a subcontractor for this work and that they do not meet the specified qualification requirements for this installation. The protest also claims that NEWest has not completed five projects of similar size, that they did not provide a proper certification of intent for the electrical instrumentation supplier and that they did not provide clear and up to date project and project manager references as required by the contract documents. NEWest submitted a letter responding to the Stanek's claims, the letter is provided as Exhibit C. District staff and general counsel analyzed the protest along with Stanek's bid package and NEWest's response letter and determined that the protest is not valid. The District's response to the bid protest is provided as Exhibit D.

Staff has verified that the bid bond provided by Arch Insurance Company is valid. Once NEWest signs the contract, they will furnish the performance bond. Staff will verify the performance bond before the District executes the contract.

The budget for this project is $4,700,000 for Fiscal Year 2012. This budget was refined and tightened during the budget process in an

effort to be as efficient as possible in the overall CIP budget. At the time it was felt that the construction bids for the project would come in around $3.2 to $3.3 million, based on recent project bid openings and the continued competitive bidding climate. However, the actual bid numbers ranged from $3.5 to $4.6 million. An additional impact on the budget has been the work done by the Operations staff on small projects at the facility related to the upgrade. The costs of most of these projects were included in the overall project budget estimate. However, during the constructability review by Valley CM in late March, an additional project was identified that had not been anticipated and it was initiated by Operations in May 2011. This project is the construction of a bypass line for the aeration basin effluent which can be utilized during process start-up to avoid any effluent discharge violations. This project is estimated to cost $40,000 to $50,000.

The project is scheduled to begin in August 2011 and be completed in Fiscal Year 2013. Based on the budget forecast (Attachment B) the current budget will need to be increased by $250,000 to cover all projected costs for the project.

FISCAL IMPACT: RKB

The total budget for CIP R2096, as approved in the FY 2012 budget, is $4,700,000. Total expenditures, plus outstanding commitments and forecast, including this contract, is $4,950,000. See Attachment B for budget detail.

Based on a review of the financial budgets, the Project Manager has determined that with a budget increase of $250,000, the budget will be sufficient to support the Project.

Finance has determined that 100% of the funding is available from the Replacement Fund for CIP R2096.

STRATEGIC GOAL:

This Project supports the District's Mission statement, "To provide the best quality of water and wastewater service to the customers of the Otay Water District in a professional, effective, and efficient manner," as well as the General Manager's vision, "…prepared for the future…" by guaranteeing the District will always be able to meet future water supply obligations and plan, design, and construct new facilities.

LEGAL IMPACT:

None.

Mark Watton

General Manager

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LCB/RR/RP:jf

Attachments: Attachment A - Committee Action
Attachment B - Budget Detail
Exhibit A - Location Map
Exhibit B - Bid Protest from Stanek Constructors
Exhibit C - NEWest Response to Bid Protest
Exhibit D - District Response to Bid Protest

ATTACHMENT A

SUBJECT/PROJECT:	Award a Construction Contract to NEWest Construction, Inc. for the Ralph W. Chapman Water Reclamation Facility Upgrade Project and Increase the Fiscal Year 2012 Budget by $250,000 for CIP R2096
R2096-001103	

COMMITTEE ACTION:

The Engineering, Operations, and Water Resources Committee reviewed this item at a meeting held on June 13, 2011 and the following comments were made:

- Staff requested that the Board award a construction contract to NEWest Construction Inc. (NEWest) for the Ralph W. Chapman Water Reclamation Facility (RWCWRF) Upgrade Project in an amount not-to-exceed $3,499,000 and approves an increase to the Fiscal Year (FY) 2012 Budget for CIP R2096 from $4,700,000 to $4,950,000.

- Staff stated that the primary reason for the RWCWRF Upgrade Project is that the facility is not meeting the Regional Water Quality Control Board permit limits for Total Nitrogen and indicated that this is a requirement of the new (2007) state discharge permit for the treatment facility.

- Staff stated that the RWCWRF Upgrade consists of several components:

    - Modification of the facility's treatment process
    - Upgrading the blowers and aeration piping
    - Enhancing the level of automation at the facility
    - Replacing the damaged filter backwash storage reservoir floating cover

- Staff discussed the solicitation and selection process for the Upgrade Project, which the results are listed on page 3 of the staff report. Staff indicated that NEWest was the lowest responsive bidder and that the company was highly rated by the references provided to the District.

- Staff indicated that the District received a bid protest from the second lowest bidder, Stanek Constructors, Inc. claiming that NEWest's bid was unresponsive. District staff and Legal Counsel reviewed the protest and concluded that the protest was inconsequential.

- Staff discussed the request to increase the FY 2012 budget by $250,000 for CIP R2096 that would result in a total budget of $4,950,000 for CIP R2096, if approved by the Board. Staff indicated that there was an increase in the Upgrade Project's bid numbers and unforeseen projects related to the upgrade that were not calculated into the FY 2012 budget. In addition, another unanticipated project was recently identified by staff and that involves the repair of a crack in the facility's primary sanitation basin. Staff stated that the $250,000 budget increase for CIP R2096 would cover all projected costs (See Attachment B) for the Upgrade Project.

- The Committee indicated that staff had previously considered closing the RWCWRF plant and inquired about the benefits of staff's decision to keep it active and move forward with the investment of $4,950,000 into the facility. Staff stated that in coordination with the District's Wastewater Management Plan (WWMP), the District plans to continue its use of the RWCWRF plant as an important resource for providing wastewater services and recycled water supply opportunities and that the facility should remain active and be upgraded for the following benefits:

    - Facility's total basin flow is 900,000-1.2M GPD
    - In conjunction with METRO, the facility can meet the sewer processing requirements to serve its customers
    - Allows the District to handle its own sludge in the future, if financially feasible

- Staff believes that the $4,950,000 investment into the RWCWRF Upgrade Project is justifiable because the facility is currently competitive against METRO and once it is upgraded, the cost to operate the facility will decrease and save the District a significant amount of money. In addition, since it was mandatory that the facility be upgraded to comply with the new State law, staff made sure that its enhancement would not affect the District's goal to expand the capacity of the facility in the future.

Following the discussion, the Committee supported staffs' recommendation and presentation to the full board as an action item.

NOTE:

Subsequent to the Engineering, Operations and Water Resources Committee meeting held on June 13, 2011, Stanek Constructors, Inc. submitted a second protest letter dated June 15, 2011 (See Attachment A-1). District staff and District counsel reviewed and responded on June 27, 2011 concluding that the protest was inconsequential (See Attachment A-2).

ATTACHMENT A-1

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LOUIS J. BLUM
DAVID S. DEMIAN
STEPHEN J. SCHULTZ +
MARK T. BENNETT +
DAVID W. SMILEY
BERNARD F. KING III
NOWELL A. LANTZ
JUSTIN M. STOGER
ALLISON N. COOPER

+ OF COUNSEL via MERRILL, SCHULTZ & BENNETT, LTD.

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ROSS M. MATTESON

* OF COUNSEL

June 15, 2011

OUR FILE NUMBER
1250.001

VIA ELECTRONIC MAIL ONLY

Richard E. Romero, Esq.
Stutz, Artiano, Shinoff & Holtz, APC
2488 Historic Decatur Road, Suite 200
San Diego, California 92106

Re: *Agency:* *Otay Water District*
Project: *Ralph W. Chapman Water Reclamation Facility Upgrade*
Bid Date: *May 26, 2011*
Protestor: *Stanek Constructors, Inc.*

Dear Mr. Romero:

This responds to your letter concerning Stanek's protest against award of a contract for the referenced project to NEWest. We appreciate your prompt response. Although we do not agree with the District's analysis of the issues, in this letter we only address NEWest's failure to provide a certification of intent from an Instrumentation Supplier. We believe the District's contention NEWest was not required to provide this document because it is going to self-perform the process control and instrumentation systems is mistaken. As set forth below, NEWest must contract this work to others and, as a result, was required to provide the certification of intent with its bid. The failure to provide this required document renders its bid non-responsive and it must be rejected.

This project requires fabrication and installation of control panels. Pursuant to the National Electrical Code, the panels must be fabricated in accordance with the UL508A standard. We do not believe NEWest is certified to fabricate pursuant to UL508A and must subcontract this portion of work to an electrical supplier who is certified to fabricate the required panels. Clearly, the bid documents contemplate this requirement. Specification section 17100, provides, in pertinent part:

> 1.1.C.1 The CONTRACTOR, through the use of an Instrumentation Supplier and qualified electrical and mechanical installers, shall be responsible to the OWNER for the implementation of the PCIS and the integration of the PCIS with other required instrumentation and control devices. (Emphasis added.)

1.1.C.4. As a minimum, the Instrumentation Supplier shall perform the following work:

1) prepare analog hardware submittals;
2) design, develop and electronically draft loop drawings and control panel designs;
3) prepare the test plan, the training plan, and the spare parts submittals;
4) procure hardware;
5) fabricate panels (including the new PLC-3A panel);
6) perform factory tests on panels;
7) perform bench calibration and verify calibration after installation;
8) oversee and certify installation;
9) oversee, document and certify loop testing;
10) oversee, document and certify system commissioning;
11) conduct the performance test;
12) prepare Technical Manuals;
13) conduct training classes; and
14) prepare record drawings.

As the Instrumentation Supplier must submit on, design, fabricate, and factory test the panels it must be qualified to perform this work per UL. NEWest is not.

NEWest was required to use an Instrumentation Supplier and submit a certification of intent from the Instrumentation Supplier with its bid. NEWest's failure to provide a certification of intent from an Instrumentation Supplier renders its bid non-responsive, as explained in detail in Stanek's bid protest, and the District must reject its bid.

Please contact us if you have any questions.

Very truly yours,

Jason R. Thornton, of
MARKS, GOLIA & FINCH, LLP

JRT:slb/31M8969

cc: Stanek Constructors, Inc.
Attn: Mr. George Foote (via e-mail only)

ATTACHMENT A-2

2488 Historic Decatur Road
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Strutz Artiano Shinoff & Holtz
A Professional Corporation

Richard E. Romero

rromero@strutzartiano.com
Direct Dial: 619.881.1309

June 27, 2011

Via Facsimile and United States Mail

Jason R. Thornton
Marks, Golia & Finch, LLP
8620 Spectrum Center Blvd., Ste 900
San Diego, CA 92123

RE: Ralph W. Chapman Water Reclamation Facility Upgrade
Your Client: Stanek Constructors, Inc., protestor

Dear Mr. Thornton:

Please consider this correspondence to be the Otay Water District's ("District") response to your follow-up letter, dated June 15, 2011, regarding the bid protest related to the above project. While we again appreciate your attention and responsiveness to this matter, the District reaffirms that it considers NEWest Construction Co.'s ("NEWest") bid responsive and will be moving forward with the recommendation to award the contract at the July 6th Board meeting. In fact, as I mentioned in my phone calls with Justin M. Stoger of your office, the bid responses for this project have already been presented to the District's Engineering, Operations & Water Resources Committee at the committee's June 13, 2011 meeting, wherein the committee recommended award of the contract to NEWest, notwithstanding Stanek's bid protest.

Despite the committee's recommendation, the District nonetheless wanted to respond to your concerns to assure you that the District takes these issues very seriously. Based on your June 15, 2011 letter, the crux of your protest appears to be that NEWest must contract the process control and instrumentation work to others because, you contend, it is not qualified to fabricate the control panels, and thus the lack of a certification of intent renders their bid nonresponsive. However, as we previously indicated, the District finds that the issues regarding the certification of intent are inconsequential. As you mentioned in your protest, subsection (D)(1) of Section 17000 requires that the electrical implementation supplier assumes and executes full responsibility for the identified tasks. You will note Section 17000 does not specifically require that the instrumentation supplier must be a subcontractor. Here, NEWest has represented that they are self-performing such work, including fabricating the PCIS control panels per the specifications. Thus, the certification of intent does not appear to be required.

NEWest has represented that they will be fabricating the PCIS control panels as specified in Section 17200. The panels in this section are exempt from UL508A because they will only contain

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control circuit components. There are other control panels for the project, but those panels are specific equipment control panels that are supplied by the manufacturers of the equipment. For example, the new blowers will have control panels supplied by the blower manufacturer. NEWest must comply with the terms of the contract documents per their bid, and the only time the District can be sure whether or not the PCIS control panels comply with the specifications is when the panel submittals are reviewed. If they do not comply, the submittals will be rejected.

Because NEWest has represented that it is qualified to and will self-perform the work required by Section 17000, the District may elect to waive the missing certification of intent. If you have any further questions or comments, please feel free to contact me. Thank you.

Very truly yours,

STUTZ ARTIANO SHINOFF & HOLTZ
A Professional Corporation

Richard E. Romero

RER/vrk

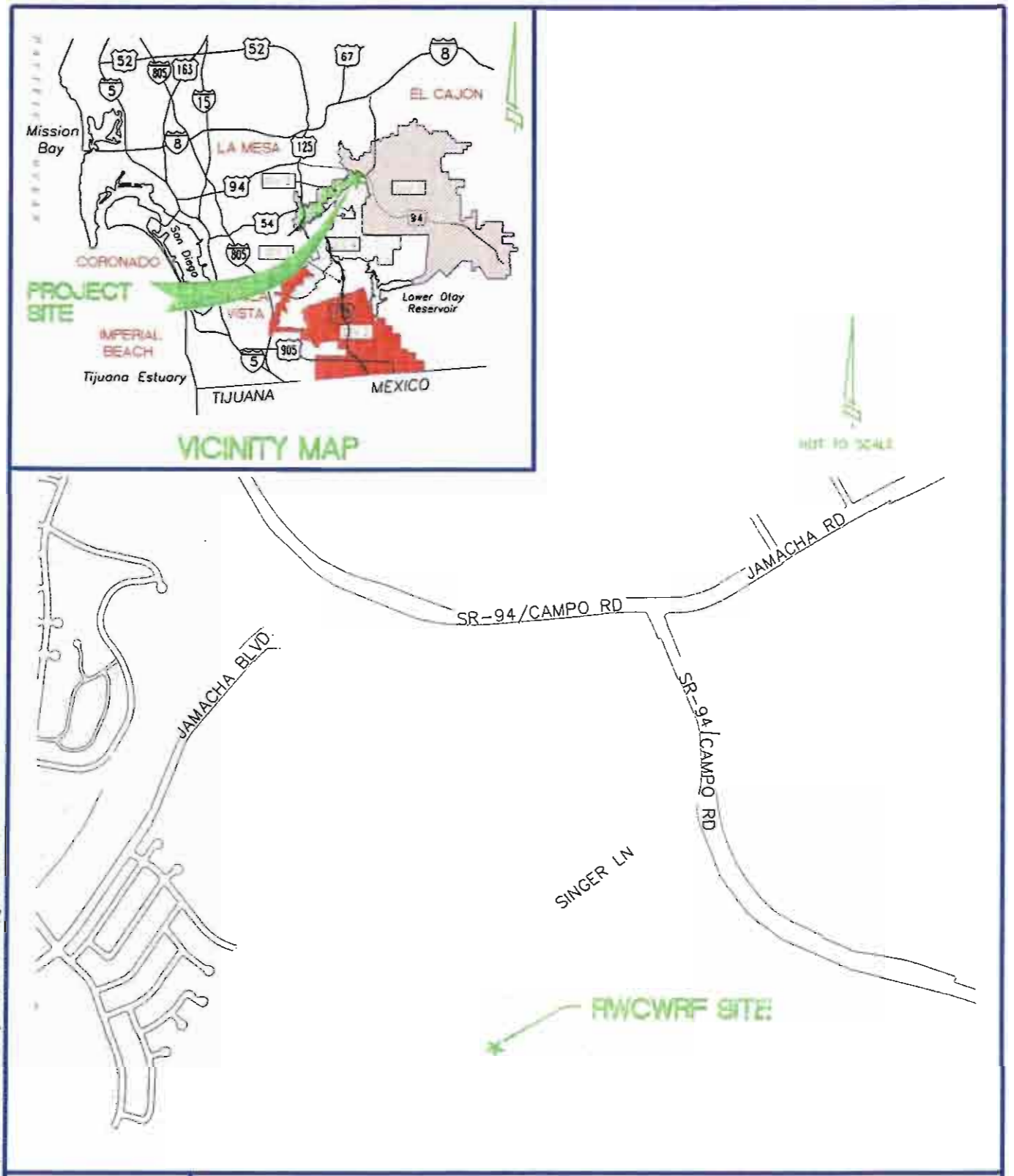
cc: Justin M. Stoger

ATTACHMENT B

Otay Water District
RWCWRF - Upgrades and Modifications

Date Updated: May 31, 2011

Budget 4,700,000	*Committed*	*Expenditures*	*Outstanding Commitment &*	*Projected Final Cost*	*Vendor/Comments*
Planning					
Addl subprojects					
Labor	88,238	88,238		88,238	
	603	603	-	603	GARCIA CALDERON & RUIZ LLP
Consultant Contracts	12,775	12,775	-	12,775	MWH CONSTRUCTORS INC
	325,846	325,846	-	325,846	MWH AMERICAS INC
	678	678	-	678	US BANK CORPORATE PAYMENT
Service Contracts	250	250	-	250	UNION TRIBUNE PUBLISHING CO
	68	68	-	68	SAN DIEGO DAILY TRANSCRIPT
	10,860	10,860	-	10,860	E S BABCOCK & SONS INC
Total Planning	439,318	439,318	-	439,318	
Design					
Labor	103,261	103,261		103,261	
Consultant Contracts	3,500	3,500	-	3,500	MWH CONSTRUCTORS INC
	245,661	186,184	59,477	245,661	MWH AMERICAS INC
	580	580	-	580	VALLEY CONSTR.MANAGEMENT
	8,470	8,470	-	8,470	MTGL INC
	499	499	-	499	SCHIFF ASSOCIATES
	3,978	-	3,978	3,978	WRA & ASSOCIATES INC
Service Contracts	2,400	2,400	-	2,400	PHOTO GEODETIC CORP.
	227	227	-	227	SAN DIEGO DAILY TRANSCRIPT
	3,229	-	3,229	3,229	MAYER REPROGRAPHICS INC
Total Design	371,804	305,121	66,684	371,804	
Construction					
Labor	151,000	70,999	80,001	151,000	
Rents and Leases	5,557	5,557	-	5,557	EQUIPCO SALES & SERVICE
Consultant Contracts	4,060	4,060	-	4,060	VALLEY CONSTR. MANAGEMENT
Service Contracts	13,039	13,039	-	13,039	MWH AMERICAS, PENHALL, SOUTHERN CAL TELECOM
	4,272	-	4,272	4,272	BARRETT ENGINEERED PUMPS
	3,333	-	3,333	3,333	GRAINGER INC
Infrastructure Equip. & Matls.	434	434	-	434	EQUIPCO SALES & SERVICE
	7,907	7,907	-	7,907	REXEL, CABLES PLUS, COMPUTER AIDED SOLUTIONS
	2,129	-	2,129	2,129	FERGUSON WATERWORKS # 1083
	21,480	21,480	-	21,480	D & H WATER SYSTEMS INC
Inventory	2,468	2,468	-	2,468	MISCELLANEOUS ITEMS
Construction Mgt. Contract	380,000		380,000	380,000	
Construction Contract	3,499,000		3,499,000	3,499,000	
1% Contingency	34,990		34,990	34,990	
Total Construction	4,129,669	125,944	4,003,725	4,129,668	
Grand Total	4,940,791	870,382	4,070,408	4,940,791	



OTAY WATER DISTRICT

RWCWRF UPGRADE PROJECT

11901 SINGER LANE, SPRING VALLEY, CA

CIP R2096

EXHIBIT A

P:\WORKING\CIP R2096\Graphics\Exhibits-Figures\RWCWRF Upgrade Exhibit A

Quality Assurance Approval Sheet

Subject: Award a Construction Contract to NEWest Construction, Inc. for the Ralph W. Chapman Water Reclamation Facility Upgrade Project and Increase the Fiscal Year 2012 Budget by $250,000 for CIP R2096

Project No.: R2096-001103

Document Description: Staff Report for the July 6, 2011 Board Meeting

Author: _____ Signature _____ Date

Lisa Coburn-Boyd
Printed Name

QA Reviewer: _____ Signature 6/9/'11 Date

Bob Kennedy
Printed Name

Manager: _____ Signature 6/9/11 Date

Ron Ripperger
Printed Name

The above signatures attest that the attached document has been reviewed and to the best of their ability the signers verify that it meets the District quality standard by clearly and concisely conveying the intended information; being grammatically correct and free of formatting and typographical errors; accurately presenting calculated values and numerical references; and being internally consistent, legible and uniform in its presentation style.

EXHIBIT B

ROBERT J. MARKS, APC *
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JASON R. THORNTON
JEFFREY B. BAIRD
CHAD T. WISHCHUK
LOUIS J. BLUM
DAVID S. DEMIAN
STEPHEN J. SCHULTZ +
MARK T. BENNETT +
DAVID W. SMILEY
BERNARD F. KING III
NOWELL A. LANTZ
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ADAM C. WITT
BRETT T. WALKER
M. KATY ROSS
ROSS M. MATTESON

* OF COUNSEL

June 6, 2011

OUR FILE NUMBER
1250.001

VIA ELECTRONIC MAIL AND
NORCO OVERNITE

Ms. Lisa Coburn-Boyd
Project Manager
Otay Water District
2554 Sweetwater Springs Road
Spring Valley, California 91976

Re:	*Agency:*	*Otay Water District*
	Project:	*Ralph W. Chapman Water Reclamation Facility Upgrade*
	Bid Date:	*May 26, 2011*
	Protestor:	*Stanek Constructors, Inc.*

Dear Ms. Coburn-Boyd:

We represent Stanek Constructors, Inc. ("Stanek"), in connection with its protest against award of a contract for the referenced project to NEWest Construction Co., Inc. ("NEWest"). The primary basis of Stanek's protest is NEWest's failure to list a subcontractor for the pre-engineered metal building work. The pre-engineered building work on the project exceeds the one-half of one percent subcontractor listing threshold. Since NEWest did not list a subcontractor, it must self-perform this work. However, as set forth below, NEWest does not have the specified qualifications to self-perform the pre-engineering metal building work. Thus, NEWest cannot perform this work in compliance with the specifications and its bid is non-responsive. In addition, NEWest does not meet the prior similar project experience requirement and its bid is replete with other irregularities. For all these reasons, NEWest's bid is non-responsive and must be rejected.

1. NEWest's Bid Is Non-Responsive And Must Be Rejected Because It Cannot Meet The Specific Qualification Requirements For Installation Of The Pre-Fabricated Metal Buildings

It is a basic rule of competitive bidding that a bid must comply with the requirements of the bid solicitation. (*Valley Crest Landscape, Inc. v. City of Davis* (1996) 41 Cal.App.4th 1432, 1440; *Konica Business Machines U.S.A., Inc. v. The Regents of the University of California* (1988) 206 Cal.App.3d 449, 456-457.) A bid is

responsive if it promises to do what the bidding instructions require. (*MCM Construction, Inc. v. City and County of San Francisco* (1998) 66 Cal.App.4th 359, 368.) Whether a bid is responsive can be determined from the face of the bid. (*Id.*) If a bid does not comply with all the requirements of the bid solicitation, it is not a responsive bid and cannot be accepted. (*Valley Crest Landscape, Inc. v. City of Davis, supra,* 41 Cal.App.4th at p. 1440; *Konica Business Machines U.S.A., Inc. v. The Regents of the University of California, supra,* 206 Cal.App.3d at p. 457.)

A. NEWest Had To List A Subcontractor For The Pre-Fabricated Metal Building Work Because The Value Of The Work Exceeds Its Subcontractor Listing Threshold

Pursuant to the bid documents and Public Contract Code section 4104, NEWest was required to list in its bid any subcontractors performing in excess of one-half of one percent of NEWest's bid. Based on NEWest's $3,499,000.00 bid, its subcontractor listing threshold is $17,495.00. NEWest did not list a subcontractor for the pre-engineered metal building work. Stanek received bids of $21,877.00 and $28,500.00 for this work. Thus, the value of the pre-fabricated metal building work on the project clearly exceeds $17,495.00. Consequently, NEWest would have had to list a subcontractor to perform the metal building work if it was going to subcontract that work. Since NEWest did not list a subcontractor for this work, it cannot subcontract the work and, by default, must self-perform the work.

B. NEWest Cannot Meet The Specified Qualification Requirements For Installation Of The Pre-Fabricated Metal Buildings

The pre-engineered metal building specifications for the project, section 13120, contain specific requirements as to the qualifications of the contractor erecting the pre-fabricated metal buildings. Specification section 13120, Part 3.1.A.1, attached at Tab 1, provides:

> **Erector's Qualifications**: The erector of the prefabricated metal building shall be licensed by the metal building manufacturer and shall have not less than 5 years successful experience in the erection of prefabricated buildings similar to that required for this project.

Since NEWest is required to self-perform the pre-fabricated metal building work, NEWest must meet the two erector's qualification requirements of the bid solicitation in order for its bid to be responsive. First, NEWest is required to be licensed by the metal building manufacturer to install the metal buildings on the project. Stanek confirmed with the two specified manufacturers, Star and Butler, that NEWest is not licensed to install their metal buildings, and its bid is non-responsive for this reason alone. However, NEWest's bid is also non-responsive because it does not have the required five years experience erecting pre-fabricated buildings similar to the ones being installed on this

project. None of the past completed projects NEWest listed in its bid indicate that NEWest installed a single pre-fabricated metal building, let alone ones similar to the buildings to be installed on this project. Because NEWest must self-perform the pre-fabricated metal building work, NEWest's bid is simply not responsive and should be rejected because it cannot satisfy the erector's qualification requirements.

2. NEWest Has Not Completed Five Projects Of Similar Size As Required By The Bid Solicitation

The bid documents required bidders to list a minimum of five references of completed projects in the past five years of similar type, size, duration and value as the referenced project. Of the 19 projects NEWest listed (Tab 2), the largest project NEWest completed was for a $1,446,000.00 pipeline project. The only other project NEWest performed in excess of $1,000,000.00 was a pump station project. The rest of the projects NEWest lists were for significantly under $1,000,000.00. Based on NEWest's $3,449,000.00 bid, this project is almost two-and-a-half times the value of any listed project NEWest has completed. Moreover, NEWest's listed projects are not even water treatment plant projects. Consequently, NEWest appears to not have performed a single project of similar size and nature as this project in the past five years. On the other hand, Stanek routinely performs projects in excess of the value of this project and has a proven track record of successfully completing water treatment plant projects in excess of $12,000,000.00. Given NEWest's completed projects history, it did identify the required five references of similar projects, its bid is non-responsive and should be rejected.

3. NEWest's Bid Contains A Number Of Deviations, One Of Which Is Material And Cannot Be Waived, Rendering Its Bid Non-Responsive

A. NEWest's Failure To Provide A Certification Of Intent From Its Electrical Instrumentation Supplier Renders Its Bid Non-Responsive, And Is Also A Material Deviation Which Cannot Be Waived

NEWest failed to submit a certification of intent from the electrical instrumentation supplier per specification section 17100, paragraph 1.1.D (Tab 3.) This specification section required bidders to submit a certification from their instrumentation supplier that the supplier agreed to assume and execute full responsibility to perform certain tasks for the bidder, and that its quotation to the bidder includes complete compliance with the requirements of the contract documents. Consequently, NEWest's bid does not comply with the bid solicitation and renders its bid non-responsive.

In addition, NEWest's failure to submit this certification gave it an unfair competitive advantage over other bidders, like Stanek, who complied with the bid solicitation and submitted its instrumentation supplier's certification. Since NEWest did not have to take the time to obtain the supplier certification, it could have had additional time to adjust its bid as the bid deadline approached. It is of no consequence if NEWest

did not actually gain additional time by not having to comply with this requirement; it is the mere opportunity of an advantage not afforded to other bidders that makes NEWest's failure to comply with the bid solicitation a material deviation which the District cannot waive. (See *Ghilotti Construction Company v. City of Richmond* (1996) 45 Cal.App.4th 897, 906 [a deviation which gives bidders an unfair competitive advantage in the bidding process is material and cannot be waived]; *MCM Construction, Inc. v. City & County of San Francisco* (1998) 66 Cal.App.4th 359, 375 [mistake in submitting bid which makes the bid materially different allowing contractor to withdraw its bid without forfeiting its bid bond is material deviation that cannot be waived].) Consequently, NEWest's bid is non-responsive and must be rejected.

B. Additional Deviations In NEWest's Bid Render It Non-Responsive

In addition to this material deviation in NEWest's bid, there are two other deviations in NEWest's bid that render the bid non-responsive because it fails to comply with the bid solicitation. First, paragraph 5 of the Instructions to Bidders, states:

> [Bidders] shall provide clear and up to date project references to facilitate Owner's bid evaluation process. In addition, [bidders] shall provide current project references for the Project Manager to be assigned to the subject work. This information shall be included with the [bidder's] Bid proposal in Form F of the Contract Documents.

(Tab 4.) NEWest did not list a project manager on page 450-2 of its Bid Form F and did not provide any project references for the project manager. (Tab 2.) Consequently, its bid is non-responsive. Finally, NEWest was required to stamp page 400-9 of its Bid Form A with a corporate seal, but failed to do so, also rendering its bid non-responsive.

The District is not required to waive these two deviations and should find NEWest's bid non-responsive. (See *MCM Construction, Inc. v. City & County of San Francisco, supra,* 66 Cal.App.4th at p. 373 [a public entity is entitled to require strict conformance to its bid solicitation and is not required to waive a deviation that can be waived]; *Konica Business Machines U.S.A., Inc. v. The Regents of the University of California* (1988) 206 Cal.App.3d 449, 454 [public entity is not required to waive deviations in bids not specifically conforming to the bid solicitation].)

4. Conclusion

Since NEWest cannot self-perform the pre-fabricated metal building work, and contains a material deviation which the District cannot waive, along with other deviations, its bid is non-responsive and must be rejected. Please confirm the District will recommend NEWest's non-responsive bid will be rejected. Since Stanek is the

second low bidder, the District should award the contract for the project to Stanek, given its responsive bid and successful track record in completing this type and size value of project.

Very truly yours,

Jason R. Thornton, of
MARKS, GOLIA & FINCH, LLP

Enclosures

JRT:slb/31L0187

cc: Stanek Constructors, Inc.
Attn: Mr. George Foote (via e-mail only)

TAB "1"

2.2 ROOFING

A. Roofing Panels

1. Roof Panels, Description

a. Ribbed Roof Panels: Manufacturer's standard G-90 galvanized coating with manufacturer's standard white polyester finish.

b. The roof shall be **"MR-24" roof system as furnished by "Butler Mfr. Co.", or equal.**

2. Fasteners

a. Roof Panel Sealant: Approved type, non-shrinking, non-drying butyl-based sealant, specifically formulated for roof application at temperatures from 20 degrees F to 120 degrees F.

3. Fabricated Sheet Metal Work

a. The roof penetrations (exhaust fans, skylights, hatches, etc.) sheet metal work items shall be provided and shall be coordinated with the roofing system. The design and details shall conform to Section 07600 - Flashing and Sheet Metal.

2.3 WIND AND SEISMIC BRACING

A. Cross braces or knee braces shall be used for lateral wind and seismic bracing and shall be located as determined by manufacturer on the final shop drawings.

B. Cross braces or knee Brace: Provide complete with necessary connection hardware. Structural steel angle shall be used as knee braces.

2.4 ACCEPTABLE MANUFACTURERS

A. Subject to compliance with specified requirements, manufacturers offering pre-engineered metal building systems which may be incorporated in the WORK, include, but are not limited to, the following:

1. **Butler Manufacturing Company;**

2. **Star Building Systems.**

PART 3 -- EXECUTION

3.1 ERECTION

A. General

1. **Erector's Qualifications:** The erector of the prefabricated metal building shall be licensed by the metal building manufacturer and shall have not less than 5 years successful experience in the erection of prefabricated buildings similar to that required for this project.

TAB “2”

SECTION 00460
LIST OF REFERENCES
(FORM F)

A minimum of five (5) project references are required for the Contractor and a minimum of three (3) project references are required for the Project Manager to be assigned to the subject work. The referenced projects must have been completed within the past five (5) years and be similar in scope including type, size, duration, value, etc. to the aforementioned project. Bidder's failure to provide current reference contact information could impact District's ability to check references. Lack of valid references could delay award of a contract to Bidder and jeopardize award.

CONTRACTOR

Project Title: Please see attached Year Completed: _____

Type of Project _____ Contract Amount: $_____

Company Name: _____

Address: _____

Contact Person: _____ Tel: _____

***

PROJECT MANAGER

Project Title: Please see attached Year Completed: _____

Type of Project _____ Contract Amount: $_____

Company Name: _____

Address: _____

Contact Person: _____ Tel: _____

***

NEWest CONSTRUCTION - PAST PROJECTS

NAME OF AGENCY	City of Calexico		CONTRACT NO.
AGENCY ADDRESS	608 Heber Ave., Calexico, CA 92231		0505
CONTACT NAME	Luis Estrada	CONTACT PHONE	760-768-2180
CONTRACT AMOUNT	$805,160.00	COMPLETION DATE	1/13/06

PROJECT NAME: WWTP UV Disinfection and Bar Screen

DESCRIPTION OF WORK: Installation of new UV station. Includes modification to existing concrete channel with new SS slide gates and concrete coating. Install of new mechanical bar screen in existing headworks. Electrical system

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NAME OF AGENCY	Rancho California Water District		CONTRACT NO.
AGENCY ADDRESS	42135 Winchester Road, Post Office Box 9017, Temecula, CA 92589-9017		0506
CONTACT NAME	Craig Mapes	CONTACT PHONE	951-296-6900
CONTRACT AMOUNT	$179,765.00	COMPLETION DATE	3/10/06

PROJECT NAME: Mainline Valve Replacements Various Locations

DESCRIPTION OF WORK: Removing, disposing and replacing four (4) 8-inch diameter plug valves; one (1) 12-inch diameter plug valve; two (2) resilent seat gate valves; one (1) 16-inch butterfly valve; one (1) 24-inch diameter butterfly valve; one (1) 20-inch diameter butterfly valve.

NAME OF AGENCY	University of California, San Diego		CONTRACT NO.
AGENCY ADDRESS	Facilities Design & Construction, 10280 N. Torrey Pines Rd., Suite 470, San Diego, CA 92037-0916		0608
CONTACT NAME	Ms. Anka Fabian, P.E.	CONTACT PHONE	858-534-3813
CONTRACT AMOUNT	$1,446,000.00	COMPLETION DATE	5/1/07

VoiceMAIL

PROJECT NAME: Seawater Return Pipelines Bid Package 1 - Micro-Tunneling

DESCRIPTION OF WORK: Installation of 3,100 LF of 8-inch, 600 LF of 6-inch, 170 lf of 12-inch and 3,000 lf of 3-inch using HDD Trenchless Pipeline Method. Pipe used was Fusible PVC and HDPE. Project also included manholes installed to depths of 25ft, grading, asphalt and concrete paving.

NAME OF AGENCY	Grossmont-Cuyamaca Community College District		CONTRACT NO.
AGENCY ADDRESS	8800 Grossmont College Drive, El Cajon, CA 92020-1799		0611
CONTACT NAME	Ken Emmons	CONTACT PHONE	619-644-7585
CONTRACT AMOUNT	$139,775.00	COMPLETION DATE	8/18/06

PROJECT NAME: Sewer Infrastructure Upgrade

DESCRIPTION OF WORK: Install 300ft of new sewer line to connect new building to existing sewer system

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NEWest CONSTRUCTION - PAST PROJECTS

NAME OF AGENCY	Leucadia Wastewater District		CONTRACT NO.
AGENCY ADDRESS	1960 La Cosata Ave., Carlsbad, CA 92009		0613
CONTACT NAME	Robin Morishita	CONTACT PHONE	760-753-0155 x3007
CONTRACT AMOUNT	$163,848.00	COMPLETION DATE	2/16/07

PROJECT NAME: Meadows No. 1 Pump Station Demolition

DESCRIPTION OF WORK: Furnish and Install 140 feet of 8" HDPE via Horizontal Direction Drilling. Install two manholes to connect new HDPE line to existing sewer system. Demo existing below grade sewer lift station complete.

NAME OF AGENCY	Rancho California Water District		CONTRACT NO.
AGENCY ADDRESS	42135 Winchester Road, Post Office Box 9017, Temecula, CA 92589-9017		0614
CONTACT NAME	Craig Mapes	CONTACT PHONE	951-296-6900
CONTRACT AMOUNT	$261,590.00	COMPLETION DATE	4/25/07

PROJECT NAME: Mainline Valve Replacements Various Locations

DESCRIPTION OF WORK: Replace six existing valves, install nine new valves, and pipeline modifications.

NAME OF AGENCY	City of San Clemente		CONTRACT NO.
AGENCY ADDRESS	100 Avenida Presidio, San Clemente, CA		0615
CONTACT NAME	Gregory Diest	CONTACT PHONE	949-361-6154
CONTRACT AMOUNT	$394,275.00	COMPLETION DATE	10/31/07

PROJECT NAME: Columbo Pump Station Rehabilitation & San Gabriel Pump

DESCRIPTION OF WORK: Work involves upgrades at two existing pump stations and central control room. Provide new motor starters, remote terminal unit, automatic transfer switch and power monitoring. New station instrumentation and cabling. Provide, configure and test all software and systems including the local and central HMIs.

NAME OF AGENCY	Valley Center Water District		CONTRACT NO.
AGENCY ADDRESS	29300 Valley Center Rd., Valley Center, CA 92082		0616
CONTACT NAME	Dennis Williams	CONTACT PHONE	760-749-1600
CONTRACT AMOUNT	$177,626.00	COMPLETION DATE	6/15/07

PROJECT NAME: Couser Way Pipeline

DESCRIPTION OF WORK: Installation of 430 of 8-inch ductile iron pipe, installation of both CML&c and CMI&Epoxy coated 8-inch pipe with water services, firehydrants, air/vac and paving.

NEWest CONSTRUCTION - PAST PROJECTS

NAME OF AGENCY	City of Oceanside		CONTRACT NO.
AGENCY ADDRESS	300 North Coast Hwy., Oceanside, CA 92054-2885		0702
CONTACT NAME	Ron Perdue	CONTACT PHONE	760-435-5119
CONTRACT AMOUNT	$368,380.00	COMPLETION DATE	11-26-07

PROJECT NAME: Libby Lake Pump House and Drainage Project

DESCRIPTION OF WORK: Construction of new storm drain pump station complete with new cmu building, pumps, motor control centers, underground piping and electrical work. Installation of approx 120 LF of PVC Pipe.

NAME OF AGENCY	Eastern Municipal Water District		CONTRACT NO.
AGENCY ADDRESS	2270 Trumble Road Perris, CA 92572		0708
CONTACT NAME	Bruce Ross	CONTACT PHONE	951-928-3777
CONTRACT AMOUNT	$887,900.00	COMPLETION DATE	5/15/08

PROJECT NAME: Warm Springs Lift Station Expansion

DESCRIPTION OF WORK: Installation of new pump, bypass piping, replacement of 18" and 24" Valves, replace 18" Check valves, New toshiba vfd's and mcc modification. new metal plateform. painting

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NAME OF AGENCY	Rancho California Water District		CONTRACT NO.
AGENCY ADDRESS	42135 Winchester Road, Post Office Box 9017, Temecula, CA 92589-9017		0714
CONTACT NAME	Ken Cope	CONTACT PHONE	951-296-6900
CONTRACT AMOUNT	$524,960.00	COMPLETION DATE	8/1/08

PROJECT NAME: Chlorine Containment Systems

DESCRIPTION OF WORK: Construction of chlorine containment and feed equipment, equipment pads, shade structures, electrical work, site paving repair, pipeline installation and startup of system.

NAME OF AGENCY	City of Coronado		CONTRACT NO.
AGENCY ADDRESS	1825 Starnd Way, Coronado, CA 92118-3005		0717
			538-2522-9313
CONTACT NAME	Eric P. Minicilli, P.E.	CONTACT PHONE	619-522-2424
CONTRACT AMOUNT	$397,874.00	COMPLETION DATE	7/2/07

PROJECT NAME: Coronado Cays Pump Station Rehab

DESCRIPTION OF WORK: Demolition and removal of the existing submersible pumps, piping, fittings, and guiderail system in the wet well. Install new submersible pumps, piping, fittings, replace valves, install new wet well hatch, install new motor control center with pump control panel and miscellaneous site improvements.

NEWest CONSTRUCTION - PAST PROJECTS

NAME OF AGENCY	Otay Water District		CONTRACT NO.
AGENCY ADDRESS	2554 Sweetwater Springs Blvd., Spring Valley, CA		0804
CONTACT NAME	Daniel Kay	CONTACT PHONE	(619) 670-2273
CONTRACT AMOUNT	$267,900.00	COMPLETION DATE	1/30/09

PROJECT NAME: Calavo Sewer Lift Sta. Replacement

DESCRIPTION OF WORK: Install new emgerency sewer lift station complete with new wet well, pumps, pipe, valves and electrical controls. Demolished existing station. Install new access road, fence and landscape.

NAME OF AGENCY	California Construction Authority		CONTRACT NO.
AGENCY ADDRESS	1776 Tribute Rd., Suite 220 Sacramento, CA 95815		0823
CONTACT NAME	Tom Onishi	CONTACT PHONE	916-263-6100
CONTRACT AMOUNT	$364,990.00	COMPLETION DATE	3/31/09

PROJECT NAME: Sewer Force Main Replacement

DESCRIPTION OF WORK: Install 16" HDPE carrier pipe with 8" HDPE casing pipe via Horizontal Direction Drill Method, install manholes, modify existing pump station and provide new telemetry system at the Del Mar Fairgrounds.

NAME OF AGENCY	Western Municipal Water District (Hillside Pump Station)		CONTRACT NO.
AGENCY ADDRESS	450 E. Alessandro Blvd. Riverside, CA 92517		0915
CONTACT NAME	Kerry Douglass	CONTACT PHONE	951-789-5067
CONTRACT AMOUNT	$207,383.00	COMPLETION DATE	

PROJECT NAME: Western Hillside PS Pump Replacement

DESCRIPTION OF WORK: Installation of a 350hp vertical turbine pump to replace existing pump

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NAME OF AGENCY	City of Poway (Highland Ranch Pump Sta.)		CONTRACT NO.
AGENCY ADDRESS	13325 Civic Center Drive, Poway, CA 92064		0916
CONTACT NAME	Shadi Sayadi	CONTACT PHONE	858-668-4621
CONTRACT AMOUNT	$303,766.00	COMPLETION DATE	3/30/10

PROJECT NAME: Highlands Ranch Lift Station Replacement

DESCRIPTION OF WORK: Replace existing pump station with new 6-foot manhole for dual submersible pumps (250 GPM), also includes new gravity sewer with manhole, pump control panel, instrumentation and site paving.

NEWest CONSTRUCTION - PAST PROJECTS

NAME OF AGENCY	City of Poway		CONTRACT NO.
AGENCY ADDRESS	13325 Civic Center Drive, Poway, CA 92064		1006
CONTACT NAME	Leslie Parada	CONTACT PHONE	(858) 668-4641
CONTRACT AMOUNT	$1,342,546.00	COMPLETION DATE	5/12/11

PROJECT NAME: High Valley Pumpstation

DESCRIPTION OF WORK: Install Three (3) 250-HP booster pumps, provide new CMU pump station building, install CML&C pipeline, electrical equipment, pressure system, generator, fence, asphalt paving, and landscape.

NAME OF AGENCY	City of Imperial Beach		CONTRACT NO.
AGENCY ADDRESS	825 Imperial Beach Blvd. Imperial Beach, CA		1014
CONTACT NAME	Hank Levin	CONTACT PHONE	619-850-7938
CONTRACT AMOUNT	$656,515	COMPLETION DATE	3/28/11

PROJECT NAME: City of Imperial Beach

DESCRIPTION OF WORK: Replace manhole frame and covers, replace manhole shafts and install new manholes, install new manhole coatings, install new wet well lining, bypass of active sewer flows.

NAME OF AGENCY	University of California, San Diego		CONTRACT NO.
AGENCY ADDRESS	Facilities Design & Construction, 10280 N. Torrey Pines Rd., Suite 470, San Diego, CA 92037-0916		1017
CONTACT NAME	Laura Moore	CONTACT PHONE	858-822-2453
CONTRACT AMOUNT	$298,685	COMPLETION DATE	4/30/11

PROJECT NAME: UCSD Birch Gulf Tank

DESCRIPTION OF WORK:

TAB “3”

SECTION 17100 - PROCESS CONTROL AND INSTRUMENTATION SYSTEMS

PART 1 -- GENERAL

1.1 THE REQUIREMENT

A. The CONTRACTOR shall provide Process Control and Instrumentation Systems (PCIS) complete and operable, in accordance with the Contract Documents.

B. The requirements of this Section apply to every component of the PCIS unless indicated otherwise.

C. Responsibilities

1. The CONTRACTOR, through the use of an Instrumentation Supplier and qualified electrical and mechanical installers, shall be responsible to the OWNER for the implementation of the PCIS and the integration of the PCIS with other required instrumentation and control devices.

2. Due to the complexities associated with the interfacing of numerous control system devices, it is the intent of these specifications that the Instrumentation Supplier be responsible to the CONTRACTOR for the integration of the PCIS with existing devices and devices provided under other sections with the objective of providing a completely integrated control system free of signal incompatibilities.

3. In general, there is no PLC programming that will be provided by the Instrumentation Supplier. The owner will program the new PLC provided under this project and program/reprogram their existing PLCs and HMI to accommodate the new work. The OWNER will also participate in loop checking and commissioning of the system. Exceptions to the programming and configuration requirements may be called out specifically in the Division 17 Specifications or on the Contract Drawings. Where specifically called out, the instrumentation supplier shall provide programming or configuration activities accordingly.

4. As a minimum, the Instrumentation Supplier shall perform the following WORK:

   a. Implementation of the PCIS

      1) prepare analog hardware submittals

      2) design, develop, and electronically draft loop drawings and control panel designs

      3) prepare the test plan, the training plan, and the spare parts submittals

      4) procure hardware

      5) fabricate panels (including the new PLC-3A panel)

      6) perform factory tests on panels

      7) perform bench calibration and verify calibration after installation

      8) oversee and certify installation

9) oversee, document, and certify loop testing

10) oversee, document, and certify system commissioning

11) conduct the performance test

12) prepare Technical Manuals

13) conduct training classes

14) prepare record drawings

b. Integration of the PCIS with instrumentation and control devices provided under other sections;

1) Develop requisite loop drawings and record loop drawings associated with equipment provided under other Divisions of these Specifications and OWNER-furnished and existing equipment where identified in the contract documents.

2) Resolve signal, power, or functional incompatibilities between the PCIS and interfacing devices.

5. Any Instrumentation Supplier responsibilities in addition to the list above are at the discretion of the CONTRACTOR and the Instrumentation Supplier. Additional requirements in this Section and throughout Division 17 that are stated to be the CONTRACTOR's responsibility may be performed by the Instrumentation Supplier if the CONTRACTOR and Instrumentation Supplier so agree.

D. Certification of Intent

1. Each Bidder shall include with the Bid the following Certification from the selected Instrumentation Supplier:

a. The Certification shall be typed on the Instrumentation Supplier firm letterhead.

b. It shall be signed by an authorized representative of the Instrumentation Supplier's firm.

c. It shall include the following statements:

1) (Corporate name of Instrumentation Supplier) "hereby certifies intent to assume and execute full responsibility to the CONTRACTOR to perform all tasks defined under Section 17100 - Paragraph 1.1C3 in full compliance with the requirements of the Contract Documents."

2) It is certified that the quotation to the CONTRACTOR includes full and complete compliance with the requirements of the Contract Documents without exception."

TAB “4”

SECTION 00100
INSTRUCTIONS TO BIDDERS

1. FORMAT

1.1 The contract documents are divided into parts, divisions, sections, articles, paragraphs and drawings in keeping with accepted industry practice in order to separate categories of subject matter for convenient reference thereto. There has been no attempt to divide the Specifications, the Specification sections or the drawings into work performed by the various building trades, work by separate Contractors, or work required for separate facilities in the project. The contract documents are complementary and what is called for by one shall be as binding as if called for by all.

1.2 Specifications are bound into these documents in the same order as they appear in the Table of Contents pages. Specifications section names and the section page numbers are shown at the bottom of each page.

2. LANGUAGE

Command type sentences (shall, will, must, etc.) are used in the contract documents. These refer to and are directed to the Contractor.

3. GENERAL DESCRIPTION OF THE PROJECT

A general description of the work to be done is contained in the Invitation to Bid. The scope is indicated on the accompanying drawings and specified in applicable parts of these contract documents.

4. LICENSING REQUIREMENTS FOR CONTRACTORS

In accordance with the provisions of California law, the District has determined that, at the time the contract is awarded, the Contractor shall be properly licensed in accordance with the laws of this State. Accordingly, the Contractor shall possess a valid **Class "A"** license at the time that the contract is awarded. Failure of the Bidder to obtain proper and adequate licensing for an award of a contract shall constitute a failure to execute the contract and shall result in the forfeiture of the security of the Bidder.

5. REFERENCES

The Contractor shall provide clear and up to date project references to facilitate Owner's bid evaluation process. In addition, Contractor shall provide current project references for the Project Manager to be assigned to the subject work. This information shall be included with the Contractor's Bid proposal in Form F of the Contract Documents.

6. DOCUMENT INTERPRETATION AND ADDENDA

The contract documents governing the work proposed herein consist of the drawings, all material bound herewith, and all material specifically incorporated herein. These contract documents are intended to be mutually cooperative and to provide all details reasonably required for the execution of the proposed work. Any

NORCO DELIVERY SERVICES

95045-008196-V10

Next Day Overnite -- P

Zone:8105

Bill To:95045 Date: 6/6/2011
From:Sally Butterworth
Marks, Golla & Finch, LLP
8620 Spectrum Center Boulevard
Ste:900
San Diego , CA 92123
6192937000

Billing Reference:1250.001

INTERNAL NOTES: Bid Protest Letter

SPECIAL INSTRUCTIONS: Signature Required

To:Ms. Lisa Coburn-Boyd
Otay Water District
2554 Sweetwater Springs Boulevard
Ste:
Rancho San Diego , CA 91978
6192937000

Number of Pieces: 1

OVERNITE

Signature Required

Please fold this page in half and place it in the pouch on your shipment. Only one copy is required by Norco Overnite.
WARNING: Use only the printed label for shipping. Using a photocopy of this label for shipping purposes is fraudulent and could result in additional billing charges, along with cancellation of your Norco Overnite account or OverniteShip Online Profile. Shipments with invalid account or credit card numbers will not be delivered.

EXHIBIT C

NCC NEWest
CONSTRUCTION COMPANY, INC
Lic.#847555

7847 Dunbrook Road
Suite C
San Diego, CA 92126
Ph. 858-537-0774
Fax 858-537-9653

June 7, 2011

Ms. Lisa Coburn-Boyd
Otay Water District
2554 Sweetwater Springs Blvd
Spring Valley, CA 91978
Fax # 619-670-8920

Re.: Bid for Ralph W. Chapman Water Reclamation Facility Upgrade

Dear Ms. Coburn-Boyd,

As requested in your email dated June 7, 2011 below is our response to the bid protest from Stanek Constructors, Inc.

1. Pre-Fabricated Metal Building – Attached is our quote from Blair Rasmussen Construction in the amount of $17,100 for the construction of the pre-engineered metal building. This amount is less than one-half of one percent of our bid.

2. Five Projects of Similar – This project has a large electrical scope of work, which we will be self-performing. If you review the attach listing of 19 past projects it includes several large dollar value electrical projects that had no mechanical work associated with them (i.e. UCSD Lyman Lane, Port of San Diego B St & Broadway.). If these types of projects are combined with the multiple treatment plant/pump station work we have completed dollar valves easily exceed $3 million. Also the solicitation did not list the size and valve that would be used to be considered similar.

3. Certification of Intent – As the prime contractor who also self-performs electrical by submission of the bid as NEWest Construction we take full responsibility for the entire contract thus we are certifying intent to assume full responsibility under Section 17100.

4. Project Manager – As previously submitted Mark Jennette will be the project manager on this project. In the attached list we have included which projects Mark has been the project manager for NEWest Construction. We have also included Mark's resume, which shows that he has over twenty years managing large public works projects.

We believed we have clarified the bid protest and have shown that NEWest Construction's bid is responsive. If the District requires any additional information please feel free to contact me.

We would appreciate the District informing us when you intend to award us the project.

If you have any questions please feel free to contact me at 858-537-0774.

Sincerely,

Mark Jennette
President

Blair Rasmussen Construction Inc.

General Contractors

May 18, 2011

NEWest Construction Company
7847 Dunbrook Rd. Ste C
San Diego, CA 92126

Attention: Mr. Mark Jennette

Re: Filtration Building for the Otay Water District, Bid date May 26, 2011

Dear Sir:

We are pleased to provide the following bid for your review:

Provide all labor, materials, equipment, engineering and stamped drawings to construct a new canopy structure approx. 41'x 19'x 11' tall as per plans and specifications dated February 25, 2011. Roof slope to be 1:12. Concrete by others. Bid is valid for 30 days.

Bid is for building only as per above description. Permits, Inspector fees, MEP, embeds, paint and non shrink grout by others.

BID TOTAL $17,100.00
(Seventeen thousand, one hundred dollars)

We hope the above proves to be acceptable. Thank you for the opportunity to bid.

Blair Rasmussen

Blair Rasmussen
Blair Rasmussen, Construction, Inc.

11305 Rancho Bernardo Rd., Ste. 101, San Diego, CA 92127 Lic. # 670528
Email: Contact@BRCsandiego.com Phone: 858-613-9244 Fax: 858-613-9139

NEWest CONSTRUCTION - PAST PROJECTS

NAME OF AGENCY	San Diego Unified Port District (Imperial Beach Fishing Pier)		CONTRACT NO.
AGENCY ADDRESS	3165 Pacific Highway, San Diego, CA 92101		0504
CONTACT NAME	Victor Banuelos	CONTACT PHONE	(619) 686-6524
CONTRACT AMOUNT	$1,828,878.65	COMPLETION DATE	6/16/06
PROJECT NAME	Imperial Beach Fishing Pier Rehabilitation		
PROJECT MANAGER	Brian Jennette		
DESCRIPTION OF WORK	Utility Repairs - repair electrical system, relocate firewater backflow and associate piping, replace light pole and fixtures. Preservation Measures - scaffold and contain entire underside of pier for prepare and re-coat structural steel members. Replace timber decking and warning signs. Timber Pile driving. Structural steel member		

NAME OF AGENCY	City of Calexico		CONTRACT NO.
AGENCY ADDRESS	608 Heber Ave., Calexico, CA 92231		0505
CONTACT NAME	Luis Estrada	CONTACT PHONE	760-768-2180
CONTRACT AMOUNT	$811,739	COMPLETION DATE	1/13/06
PROJECT NAME	WWTP UV Disinfection and Bar Screen		
PROJECT MANAGER	Brian Jennette		
DESCRIPTION OF WORK	Installation of new UV station. Includes modification to existing concrete channel with new SS slide gates and concrete coating. Install of new mechanical bar screen in existing headworks. Electrical system		

NAME OF AGENCY	University of California, San Diego		CONTRACT NO.
AGENCY ADDRESS	Facilities Design & Construction, 10280 N. Torrey Pines Rd., Suite 470, San Diego, CA 92037-0916		0608
CONTACT NAME	Ms. Anka Fabian, P.E.	CONTACT PHONE	858-534-3813
CONTRACT AMOUNT	$2,402,037	COMPLETION DATE	5/1/07
PROJECT NAME	Seawater Return Pipelines Bid Package 1 - Micro-Tunneling		
PROJECT MANAGER	Brian Jennette		
DESCRIPTION OF WORK	Installation of 3,100 LF of 8-inch, 600 LF of 6-inch, 170 lf of 12-inch and 3,000 lf of 3-inch using HDD Trenchless Pipeline Method. Pipe used was Fusible PVC and HDPE. Project also included manholes installed to depths of 25ft, grading, asphalt and concrete paving.		

NAME OF AGENCY	City of Imperial		CONTRACT NO.
AGENCY ADDRESS	420 South Imperial Ave., Imperial, CA 92251		0704
CONTACT NAME	Jackie Loper	CONTACT PHONE	760-355-1152
CONTRACT AMOUNT	$1,797,510	COMPLETION DATE	10-24-07
PROJECT NAME	Water Treatment Plant High Service Booster Station		
PROJECT MANAGER	Mark Jennette		
DESCRIPTION OF WORK	Install new high booster pump station with four (4) 150 HP pumps, 24-inch, 16-inch, & 12-inch pipe, motor control center, VFD, site piping, new metal building, 600 KW emergency power generator and site work. New Chlorine System		

NEWest CONSTRUCTION - PAST PROJECTS

NAME OF AGENCY	Eastern Municipal Water District		CONTRACT NO.
AGENCY ADDRESS	2270 Trumble Road Perris, CA 92572		0708
CONTACT NAME	Bruce Ross	CONTACT PHONE	951-928-3777
CONTRACT AMOUNT	$983,529	COMPLETION DATE	5/15/08

PROJECT NAME: Warm Springs Lift Station Expansion

PROJECT MANAGER: Mark Jennette

DESCRIPTION OF WORK: Installation of new pump, bypass piping, replacement of 18" and 24" Valves, replace 18" Check valves, New toshiba vfd's and mcc modification. new metal plateform. painting

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NAME OF AGENCY	University of California, San Diego		CONTRACT NO.
AGENCY ADDRESS	Facilities Design & Construction, 10280 N. Torrey Pines Rd., Suite 470, San Diego, CA 92037-0916		0711
CONTACT NAME	Subhash Nangia	CONTACT PHONE	858-534-1169
CONTRACT AMOUNT	$750,222	COMPLETION DATE	5/1/08

PROJECT NAME: 12KV Distribution System Lyman Lane

PROJECT MANAGER: Mark Jennette

DESCRIPTION OF WORK: Installation of ductbank system with manholes. Installation of 15kV cable with terminations and splices. Modifications to existing switchgear. Install 580 LF of PVC water line with new fire hydrant.

NAME OF AGENCY	City of San Clemente		CONTRACT NO.
AGENCY ADDRESS	100 Avenida Presidio, San Clemente, CA		0713
CONTACT NAME	Gregory Diest	CONTACT PHONE	949-361-6154
CONTRACT AMOUNT	$502,120	COMPLETION DATE	

PROJECT NAME: WRP Emergency Generator Modifications

PROJECT MANAGER: Mark Jennette

DESCRIPTION OF WORK: INSTALLATION OF NEW ATS SWITCH W/ 4000AMP BUSDUCT. NEW 1600AMP AND 4000AMP CIRCUIT BREAKERS, MODIFICATION TO EXISTING BUSDUCT. Modification to existing switchgear busbar.

NAME OF AGENCY	Rancho California Water District		CONTRACT NO.
AGENCY ADDRESS	42135 Winchester Road, Post Office Box 9017, Temecula, CA 92589-9017		0714
CONTACT NAME	Ken Cope	CONTACT PHONE	951-296-6900
CONTRACT AMOUNT	$659,765	COMPLETION DATE	8/1/08

PROJECT NAME: Chlorine Containment Systems

PROJECT MANAGER: Mark Jennette

DESCRIPTION OF WORK: Construction of chlorine containment and feed equipment, equipment pads, shade structures, electrical work, site paving repair, pipeline installation and startup of system.

NEWest CONSTRUCTION - PAST PROJECTS

NAME OF AGENCY	City of Escondido		CONTRACT NO.
AGENCY ADDRESS	201 N. Broadway, Escondido, CA 92025		0805
CONTACT NAME	Neil Greenwood	CONTACT PHONE	760-839-4078
CONTRACT AMOUNT	$1,001,580	COMPLETION DATE	1/26/09

PROJECT NAME: Aeration Panel Replacement

PROJECT MANAGER: Brian Jennette

DESCRIPTION OF WORK: Remove and Replace 360 Parkson HiOx Mat Aeration Panels in five active aeration basins. Work also includes the replacement of the HDPE air lines and the Versiflo hi-temp flex hose.

NAME OF AGENCY	Central Union High School District Office		CONTRACT NO.
AGENCY ADDRESS	351 East Ross Road, El Centro, CA 92243		0806
CONTACT NAME	HMC Arch Kenton Hems	CONTACT PHONE	760-768-5200
CONTRACT AMOUNT	$1,120,066	COMPLETION DATE	8/4/08

PROJECT NAME: CUHS Extreme Hardship Electrical Infrastructure Upgrade

PROJECT MANAGER: Mark Jennette

DESCRIPTION OF WORK: Installation of ductbank system with conduit, manholes and wire. Installation of electrical switchboards and transformers. Work performed on high school campus

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NAME OF AGENCY	Pala Utility Department		CONTRACT NO.
AGENCY ADDRESS	36000 Pala Temecula Rd., Pala, CA 92059		0810
CONTACT NAME	Gary Decker	CONTACT PHONE	619-961-6135
CONTRACT AMOUNT	$707,361	COMPLETION DATE	5/15/09

PROJECT NAME: Iron Manganese Filtration System

PROJECT MANAGER: Brian Jennette

DESCRIPTION OF WORK: Install two (2) Iron and Manganese Filtration Systems complete with piping, electrical, metal building, CMU Building, asphalt, fencing, electrical and controls.

NAME OF AGENCY	Helix Water District		CONTRACT NO.
AGENCY ADDRESS	7811 University Ave La Mesa, CA 91941		0509
CONTACT NAME	Carlos Lugo	CONTACT PHONE	619-466-3234
CONTRACT AMOUNT	$1,120,000	COMPLETION DATE	

PROJECT NAME: Helix Water District

PROJECT MANAGER: Mark Jennette

DESCRIPTION OF WORK: INSTALLATION OF 684' of 12" , 7672' of 8" PVC PIPE . NEW WATER SERVICES, NEW FIRE HYDRANTS. HIGH-LINE INSTALLATION, REMOVE AND REPLACE ASPHALT

NEWest CONSTRUCTION - PAST PROJECTS

NAME OF AGENCY	Heber Public Utility District		CONTRACT NO.
AGENCY ADDRESS	1078 Dogwood Suite 103 , Heber, CA 92249		0510
CONTACT NAME	John Jordan	CONTACT PHONE	760-482-2440
CONTRACT AMOUNT	$1,411,780	COMPLETION DATE	
PROJECT NAME	Regional Wastewater Pump Station		
PROJECT MANAGER	Brian Jennette		
DESCRIPTION OF WORK	iNSTALLATION OF 40' DEEP WETWELL, EXCAVATION, DEWATERING, CONCRETE, REBAR, PIPING, ELECTRICAL WORK COMPLETE AND OPERATIONAL SEWER PUMP STATION		

NAME OF AGENCY	City of Brawley		CONTRACT NO.
AGENCY ADDRESS	400 Main Street Brawley, CA 92227		0602
CONTACT NAME	Yazmin Arellano	CONTACT PHONE	760-344-5800
CONTRACT AMOUNT	$2,746,005	COMPLETION DATE	
PROJECT NAME	Pipeline Replacement		
PROJECT MANAGER	Mark Jennette		
DESCRIPTION OF WORK	WORK ON INISTALLATION OF 2966 OF 12" PVC PIPE, WATER METERS, FIRE HYDRANTS AND VARIUOS VALVES, ALSO INSTALLATION OF 12", 15" AND 18" PVC SEWER LINE WITH NEW PRECAST MANHOLES, REINSTALL EXISTING SEWER LATERIALS		

NAME OF AGENCY	City of Oceanside (Oceanside Pier)		CONTRACT NO.
AGENCY ADDRESS	1540Harbor Drive North		0911
CONTACT NAME	Frank Quan	CONTACT PHONE	760-435-5119
CONTRACT AMOUNT	$1,016,974	COMPLETION DATE	12/5/09
PROJECT NAME	Oceanside Pier Improvement		
PROJECT MANAGER	Brian Jennette		
DESCRIPTION OF WORK	Remove corroded steel pipe braces under the pier deck and replace with new bracing material with epoxy coating. The entire underside of the pier was scaffold to allow for construction.		

NAME OF AGENCY	San Diego Unified Port District (Imperial Beach Fishing Pier)		CONTRACT NO.
AGENCY ADDRESS	3165 Pacific Highway San Diego, CA 92101		0917
CONTACT NAME	Victor Banuelos	CONTACT PHONE	619-686-6200
CONTRACT AMOUNT	$671,000	COMPLETION DATE	4/26/10
PROJECT NAME	Imperial Beach Fishing Pier		
PROJECT MANAGER	Brian Jennette		
DESCRIPTION OF WORK	Installation of three new timber piles w/use of helicopter, install new planks on top of pier, install new stainless steel sewer line entire length of pier, coating of steel under the pier and other misc. repairs.		

NEWest CONSTRUCTION - PAST PROJECTS

NAME OF AGENCY	City of Poway		CONTRACT NO.
AGENCY ADDRESS	13325 Civic Center Drive, Poway, CA 92064		1006
CONTACT NAME	Leslie Parada	CONTACT PHONE	(858) 668-4641
CONTRACT AMOUNT	$1,342,546	COMPLETION DATE	5/12/11

PROJECT NAME: High Valley Pumpstation

PROJECT MANAGER: Brian Jennette

DESCRIPTION OF WORK: Install Three (3) 250-HP booster pumps, provide new CMU pump station building, install CML&C pipeline, electrical equipment, pressure system, generator, fence, asphalt paving, and landscape.

NAME OF AGENCY	San Diego Unified Port District		CONTRACT NO.
AGENCY ADDRESS	3165 Pacific Coast Highway San Diego, CA 92101		1009
CONTACT NAME	Victor Banuelos	CONTACT PHONE	(619) 686-6524
CONTRACT AMOUNT	$1,848,075	COMPLETION DATE	11/16/10

PROJECT NAME: B St & Broadway Pier Cold Ironing

PROJECT MANAGER: Mark Jennette

DESCRIPTION OF WORK: Install the following electrical equipment; **SHIP TO SHORE POWER ONLY THE 3rd ONE INSTALLED IN THE USA** 12kV Primary Switchgear including SDG&E metering, 16/20 mVA 12-11x6.6 kV oil filled transformer, grounding switches, sawtooth assemblies, cable jib cranes. Install electrical ductbank system complete

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NAME OF AGENCY	City of Imperial Beach		CONTRACT NO.
AGENCY ADDRESS	825 Imperial Beach Blvd. Imperial Beach, CA		1014
CONTACT NAME	Hank Levin	CONTACT PHONE	619-850-7938
CONTRACT AMOUNT	$656,515	COMPLETION DATE	3/28/11

PROJECT NAME: City of Imperial Beach

PROJECT MANAGER: Brian Jennette

DESCRIPTION OF WORK: Replace manhole frame and covers, replace manhole shafts and install new manholes, install new manhole coatings, install new wet well lining, bypass of active sewer flows.

MARK S. JENNETTE
SAN DIEGO, CALIFORNIA

NEWest Construction Co Inc. San Diego

2005 to Present

President and Chief Operating Officer

Started NEWest as a utility construction contractor serving various governmental entities; cities, towns, water districts etc. Primarily we operate as a prime contractor and perform electrical, mechanical, excavation, concrete and certain other functions in-house. Operations generally cover Southern California.

The Ryan Company Inc.

1998 to 2004

Operations Manager –Western States, San Diego California

Opened Company's full service office in San Diego. We performed all operating functions except accounting. We identified potential projects, estimated, bid, purchased and managed all West Coast projects. I was fully in charge of these projects and reported to the president of the company in Massachusetts. I was fully responsible for all operating decisions and had full profit/loss responsibility. As part of my responsibilities I recruited, trained and promoted the entire staff.

All work was performed as a prime contractor. We performed most of our own mechanical, electrical, and concrete work in-house. We built sewage and water treatment plants, sewage and water pipelines, pumping stations, and electrical substations with voltages to 230KV, Co- gen plants, SCADA systems, and telecommunication fiber optic projects.

In charge of over $40M dollars worth of work. Supervised about ten project managers and superintendents with a total workforce of over 120. I have full knowledge of scheduling with Primavera including cost and resource loading. My office used Expedition as a project management aid. Our customers included: Corp of Engineers, Bureau of Reclamation, Naval Facilities, Western Area Power Association, Public Works Departments of various cities and towns, state agencies including UC facilities, and a few private sector clients.

1993 to 1998

West Coast Area Supervisor –

Full control of all field operations with responsibilities including, project scheduling, procurement of vendors and subcontractors, claims and change orders, preparation and review of submittals, handling insurance requirements for subcontractors, processing invoices, estimating, and ordering material. I was responsible for most personnel decisions, hiring, promotions and discharge.

Major portions of work included, substation construction/modification, ductbank excavation, pole line work, high voltage ranging from 5kV to 69kV, foundation systems, asphalt paving, structural steel, installation of reclaimed water treatment facility, pump stations, 50,000 gal. water tank, SCADA system, flow measuring equipment, seismic protection equipment, PCB removal, concrete vaults, fiber optic communication, pre-engineered buildings, storm drain, water lines, communication, fire alarms, water well rehabilitation, landscaping, cathodic protection, road construction, waterlines, storm sewage lines, sanitary sewage lines, installation of 8 miles of 10" ductile iron pipe, building of four percolation ponds 1.2 million cubic yards of soil moved, chlorine solution stations, 50,000 gal. chlorine contact tank, secondary effluent injection wells, maintaining and coordinating construction activities in endangered species habitat.

1984-1993

Project Superintendent

Controlled of all the day-to-day operation of projects with responsibilities including, project scheduling, and ordering material, implementation and control of safety program, hiring and supervision of company employees and supervision of subcontractors.

Major portions of work included, electrical upgrade, PCB removal and replacement of transformer, construction of generator buildings, installation of pump controllers and motor control centers, High voltage work ranging form 5KV to 115KV, UPS system installation, installation of ductkbank and manholes, underground fuel storage vaults, fire alarm system, installation of transformers, switches, switchgear, and sectionalizing cabinets.

Education

Quincy Vocational Technical High School - 1979

Licenses/Certificates

California Contractor License Class B and C10
Certified Cable Splicer
Certified Fiber Optic Cable Splicer
Site and Civil Certificate from Wentworth Institute of Technology
CPR/First Aid
Construction Quality Management for Contractors – (US Army Corps of Engineers)
Certified Excavation and Trenching.

Computer Skills

Macintosh, Windows 2000, Microsoft XP, Primavera P3, Filemaker Pro 7.0, Auto-Cad version 2000, Expedition.

Representative Projects Managed

	Project	Location	Amount
1990- Present			
	Alter Electrical Distribution	Griffiss AFB, NY	$7.2M
	Replace PCB Transformers	Norwood, MA	$300K
	Replace PCB Transformers	Hanscom AFB, MA	$375K
	Emergency Elec. Power Plant	New Boston AFB, NH	$6.0M
	Repair Electrical System	Weymouth NAS, MA	$3.0M
	UPS System Upgrade	IRS Andover, MA	$975K
	Upgrade Electrical System	Loring AFB, ME	$3.0M
	Wastewater Plant	San Luis Obisbo	$19.5M
	Humboldt State Tele Comm	Humboldt, CA	$5.6M
	Delano Wastewater Plant	Delano, CA	$10M
	UCSD Electrical Distribution	La Jolla	$6.1M
	San Diego PS1 & PS2 Instr.	San Diego, CA	$2.1M
	Heber Water Treatment Plant	Heber, CA	$4.8M
	Cal Ref Co-Gen Plant (labor only)	Long Beach, CA	$300K
	Navajo Pump Sta. & Water line	Farmington, NM	$9.0M
	Blythe 230KV Substation	Blythe, CA	$3.9M
	Heber Pipeline	Heber, CA	$1.1M
	Brawley Water & Sewage Line	Brawley, CA	$1.2M
	Brawley Sewage Plant	Brawley, CA	$3.8M
	Westmorland Sewage Plant	Westmorland, CA	$3.4M
	Heber Sewage Plant	Heber, CA	$2.9M
	Sewage Treatment and Disposal	MCB Camp Pendleton, CA	$6.8M
	Correct Potable Water Transmission	MCAGCC, 29 Palms, CA	$2.0M
	Upgrade Electrical Distribution	DDJC, Sharpe Site, CA	$3.3M
	Upgrade Electrical Distribution	NASA, Ames Center, CA	$2.4M
	Upgrade Electrical Distribution	MCAS Camp Pendleton, CA	$1.2M
	Relocate Polelines ASP	MCB Camp Pendleton, CA	$750K
	69KV Service	NRAD Point Loma, CA	$3.0M
	Concrete Repairs	Naval Station San Diego, CA	$5.3M
	Repairs Electrical Distr. Sys Ph II	NWS Point Mugu, CA	$1.3M
	Remove PCB Transformers	NAB Coronado, CA	$3.0M
	Repair Electrical Distribution System	NAS North Island, CA	$3.0M
	Utility Upgrades - 70KV	Lemoore NAS, CA	$3.0M
	Portable Substations	Naval Station San Diego, CA	$2.0M
	Salt Water Pump Replacement	Long Beach NS, CA	$2.0M
	Circuit Breaker Replacement	Tracy Switchyard, CA	$2.0M
	Electrical Distribution System	Travis AFB, CA	$6.0M
	12KV System Upgrade	Vandenburg AFB, CA	$8.0M
	Upgrade Electrical System	VAFB, CA	$7.3M
	AETC Site Utilities	VAFB, CA	$1.4M

EXHIBIT D

2488 Historic Decatur Road
Suite 200
San Diego, CA 92106-6113
619.232.3122
Fax 619.232.3264
www.stutzartiano.com

Stutz Artiano Shinoff & Holtz
A Professional Corporation

Richard E. Romero

rromero@stutzartiano.com
Direct Dial: 619.881.1309

June 9, 2011

Via Facsimile and United States Mail

Jason R. Thornton
Marks, Golia & Finch, LLP
8620 Spectrum Center Blvd, Ste 900
San Diego, CA 92123

RE: Ralph W. Chapman Water Reclamation Facility Upgrade
Your Client: Stanek Constructors, Inc., protestor

Dear Mr. Thornton:

Please consider this correspondence to be the Otay Water District's ("District") response to your bid protest related to the above project. While we appreciate your attention and responsiveness to this matter, the District considers NEWest Construction Co.'s ("NEWest") bid responsive and will be moving forward with the recommendation to award the contract at the July 6th Board meeting.

Pre-Fabricated Metal Buildings

Per NEWest's response to your bid protest, attached hereto, this scope is less than the one-half percent threshold for the pre-engineered metal building work. Thus, formal subcontractor designation is not required.

References

Within its discretion, the District has found that NEWest has provided sufficient references to satisfy the requirements of Section 00450 of the bid packet. Any issues with the references would not automatically render a bid non-responsive, but rather the District has broad discretion with regard to its ability to evaluate contractor responsibility and requisite experience.

Certification of Intent and Corporate Seal

The issues regarding the corporate seal and the certification of intent are inconsequential. As you mentioned in your protest, subsection (D)(1) of Section 17000 requires that the electrical implementation supplier assumes and executes full responsibility for the identified tasks. Section 17000, however, appears to presume the use of a subcontractor for such electrical work. Here, NEWest is self-performing such work, thus the certification of intent does not appear to be required.

G:\DATA\4344\2\CO\S0055950.WPD

In re: Ralph W. Chapman Water Reclamation Facility Upgrade

Moreover, even if it were, the omission would appear to be inconsequential – it does not affect the price and does not provide NEWest with any advantage because it is performing the work itself; thus, there are no concerns of bid shopping. As such, the District feels that NEWest is in compliance with Section 17000.

As you are aware, the District, at its discretion, may waive minor irregularities that do not affect the bid price or provide an advantage. (*See, e.g., Ghilott Constr. Co. v. City of Richmond* (1996) 45 Cal.App.4th 897, 908.) Even if the District is not required to do so, the law allows it to make that election. If you have any further questions or comments, please feel free to contact me. Thank you.

Very truly yours,

STUTZ ARTIANO SHINOFF & HOLTZ
A Professional Corporation

Richard E. Romero

RER/vrk
Enclosure

cc: Justin M. Stoger

NCC NEWest
CONSTRUCTION COMPANY, INC
Lic.#847555

7847 Dunbrook Road
Suite C
San Diego, CA 92126
Ph. 858-537-0774
Fax 858-537-9653

June 7, 2011

Ms. Lisa Coburn-Boyd
Otay Water District
2554 Sweetwater Springs Blvd
Spring Valley, CA 91978
Fax # 619-670-8920

Re.: Bid for Ralph W. Chapman Water Reclamation Facility Upgrade

Dear Ms. Coburn-Boyd,

As requested in your email dated June 7, 2011 below is our response to the bid protest from Stanek Constructors, Inc.

1. Pre-Fabricated Metal Building – Attached is our quote from Blair Rasmussen Construction in the amount of $17,100 for the construction of the pre-engineered metal building. This amount is less than one-half of one percent of our bid.

2. Five Projects of Similar – This project has a large electrical scope of work, which we will be self-performing. If you review the attach listing of 19 past projects it includes several large dollar value electrical projects that had no mechanical work associated with them (i.e. UCSD Lyman Lane, Port of San Diego B St & Broadway.). If these types of projects are combined with the multiple treatment plant/pump station work we have completed dollar valves easily exceed $3 million. Also the solicitation did not list the size and valve that would be used to be considered similar.

3. Certification of Intent – As the prime contractor who also self-performs electrical by submission of the bid as NEWest Construction we take full responsibility for the entire contract thus we are certifying intent to assume full responsibility under Section 17100.

4. Project Manager – As previously submitted Mark Jennette will be the project manager on this project. In the attached list we have included which projects Mark has been the project manager for NEWest Construction. We have also included Mark's resume, which shows that he has over twenty years managing large public works projects.

We believed we have clarified the bid protest and have shown that NEWest Construction's bid is responsive. If the District requires any additional information please feel free to contact me.

We would appreciate the District informing us when you intend to award us the project.

If you have any questions please feel free to contact me at 858-537-0774.

Sincerely,

Mark Jennette
President

Blair Rasmussen Construction Inc.

General Contractors

May 18, 2011

NEWest Construction Company
7847 Dunbrook Rd. Ste C
San Diego, CA 92126

Attention: Mr. Mark Jennette

Re: Filtration Building for the Otay Water District, Bid date May 26, 2011

Dear Sir:

We are pleased to provide the following bid for your review:

Provide all labor, materials, equipment, engineering and stamped drawings to construct a new canopy structure approx. 41'x 19'x 11' tall as per plans and specifications dated February 25, 2011. Roof slope to be 1:12. Concrete by others. Bid is valid for 30 days.

Bid is for building only as per above description. Permits, Inspector fees, MEP, embeds, paint and non shrink grout by others.

BID TOTAL $17,100.00
(Seventeen thousand, one hundred dollars)

We hope the above proves to be acceptable. Thank you for the opportunity to bid.

Blair Rasmussen

Blair Rasmussen
Blair Rasmussen, Construction, Inc.

11305 Rancho Bernardo Rd., Ste. 101, San Diego, CA 92127 Lic. # 670528
Email: Contact@BRCsandiego.com Phone: 858-613-9244 Fax: 858-613-9139

NEWest CONSTRUCTION - PAST PROJECTS

NAME OF AGENCY	San Diego Unified Port District (Imperial Beach Fishing Pier)		CONTRACT NO.
AGENCY ADDRESS	3165 Pacific Highway, San Diego, CA 92101		0504
CONTACT NAME	Victor Banuelos	CONTACT PHONE	(619) 686-6524
CONTRACT AMOUNT	$1,828,878.65	COMPLETION DATE	6/16/06
PROJECT NAME	Imperial Beach Fishing Pier Rehabilitation		
PROJECT MANAGER	Brian Jennette		
DESCRIPTION OF WORK	Utility Repairs - repair electrical system, relocate firewater backflow and associate piping, replace light pole and fixtures. Preservation Measures - scaffold and contain entire underside of pier for prepare and re-coat structural steel members. Replace timber decking and warning signs. Timber Pile driving. Structural steel member		

NAME OF AGENCY	City of Calexico		CONTRACT NO.
AGENCY ADDRESS	608 Heber Ave., Calexico, CA 92231		0505
CONTACT NAME	Luis Estrada	CONTACT PHONE	760-768-2180
CONTRACT AMOUNT	$811,739	COMPLETION DATE	1/13/06
PROJECT NAME	WWTP UV Disinfection and Bar Screen		
PROJECT MANAGER	Brian Jennette		
DESCRIPTION OF WORK	Installation of new UV station. Includes modification to existing concrete channel with new SS slide gates and concrete coating. Install of new mechanical bar screen in existing headworks. Electrical system		

NAME OF AGENCY	University of California, San Diego		CONTRACT NO.
AGENCY ADDRESS	Facilities Design & Construction, 10280 N. Torrey Pines Rd., Suite 470, San Diego, CA 92037-0916		0608
CONTACT NAME	Ms. Anka Fablan, P.E.	CONTACT PHONE	858-534-3813
CONTRACT AMOUNT	$2,402,037	COMPLETION DATE	5/1/07
PROJECT NAME	Seawater Return Pipelines Bid Package 1 - Micro-Tunneling		
PROJECT MANAGER	Brian Jennette		
DESCRIPTION OF WORK	Installation of 3,100 LF of 8-inch, 600 LF of 6-inch, 170 lf of 12-inch and 3,000 lf of 3-inch using HDD Trenchless Pipeline Method. Pipe used was Fusible PVC and HDPE. Project also included manholes installed to depths of 25ft, grading, asphalt and concrete paving.		

NAME OF AGENCY	City of Imperial		CONTRACT NO.
AGENCY ADDRESS	420 South Imperial Ave., Imperial, CA 92251		0704
CONTACT NAME	Jackie Loper	CONTACT PHONE	760-355-1152
CONTRACT AMOUNT	$1,797,510	COMPLETION DATE	10-24-07
PROJECT NAME	Water Treatment Plant High Service Booster Station		
PROJECT MANAGER	Mark Jennette		
DESCRIPTION OF WORK	Install new high booster pump station with four (4) 150 HP pumps, 24-inch, 16-inch, & 12-inch pipe, motor control center, VFD, site piping, new metal building, 600 KW emergency power generator and site work. New Chlorine System		

NEWest CONSTRUCTION - PAST PROJECTS

NAME OF AGENCY	Eastern Municipal Water District		CONTRACT NO.
AGENCY ADDRESS	2270 Trumble Road Perris, CA 92572		0708
CONTACT NAME	Bruce Ross	CONTACT PHONE	951-928-3777
CONTRACT AMOUNT	$983,529	COMPLETION DATE	5/15/08
PROJECT NAME	Warm Springs Lift Station Expansion		
PROJECT MANAGER	Mark Jennette		
DESCRIPTION OF WORK	Installation of new pump, bypass piping, replacement of 18" and 24" Valves, replace 18" Check valves, New toshiba vfd's and mcc modification. new metal plateform. painting		

NAME OF AGENCY	University of California, San Diego		CONTRACT NO.
AGENCY ADDRESS	Facilities Design & Construction, 10280 N. Torrey Pines Rd., Suite 470, San Diego, CA 92037-0916		0711
CONTACT NAME	Subhash Nangia	CONTACT PHONE	858-534-1169
CONTRACT AMOUNT	$750,222	COMPLETION DATE	5/1/08
PROJECT NAME	12KV Distribution System Lyman Lane		
PROJECT MANAGER	Mark Jennette		
DESCRIPTION OF WORK	Installation of ductbank system with manholes. Installation of 15kV cable with terminations and splices. Modifications to existing switchgear. Install 580 LF of PVC water line with new fire hydrant.		

NAME OF AGENCY	City of San Clemente		CONTRACT NO.
AGENCY ADDRESS	100 Avenida Presidio, San Clemente, CA		0713
CONTACT NAME	Gregory Diest	CONTACT PHONE	949-361-6154
CONTRACT AMOUNT	$502,120	COMPLETION DATE	
PROJECT NAME	WRP Emergency Generator Modifications		
PROJECT MANAGER	Mark Jennette		
DESCRIPTION OF WORK	INSTALLATION OF NEW ATS SWITCH W/ 4000AMP BUSDUCT. NEW 1600AMP AND 4000AMP CIRCUIT BREAKERS, MODIFICATION TO EXISTING BUSDUCT. Modification to existing switchgear busbar.		

NAME OF AGENCY	Rancho California Water District		CONTRACT NO.
AGENCY ADDRESS	42135 Winchester Road, Post Office Box 9017, Temecula, CA 92589-9017		0714
CONTACT NAME	Ken Cope	CONTACT PHONE	951-296-6900
CONTRACT AMOUNT	$659,765	COMPLETION DATE	8/1/08
PROJECT NAME	Chlorine Containment Systems		
PROJECT MANAGER	Mark Jennette		
DESCRIPTION OF WORK	Construction of chlorine containment and feed equipment, equipment pads, shade structures, electrical work, site paving repair, pipeline installation and startup of system.		

NEWest CONSTRUCTION - PAST PROJECTS

NAME OF AGENCY	City of Escondido		CONTRACT NO.
AGENCY ADDRESS	201 N. Broadway, Escondido, CA 92025		0805
CONTACT NAME	Neil Greenwood	CONTACT PHONE	760-839-4078
CONTRACT AMOUNT	$1,001,580	COMPLETION DATE	1/26/09
PROJECT NAME	Aeration Panel Replacement		
PROJECT MANAGER	Brian Jennette		
DESCRIPTION OF WORK	Remove and Replace 360 Parkson HiOx Mat Aeration Panels in five active aeration basins. Work also includes the replacement of the HDPE air lines and the Versiflo hi-temp flex hose.		

NAME OF AGENCY	Central Union High School District Office		CONTRACT NO.
AGENCY ADDRESS	351 East Ross Road, El Centro, CA 92243		0806
CONTACT NAME	HMC Arch Kenton Hems	CONTACT PHONE	760-768-5200
CONTRACT AMOUNT	$1,120,066	COMPLETION DATE	8/4/08
PROJECT NAME	CUHS Extreme Hardship Electrical Infrastructure Upgrade		
PROJECT MANAGER	Mark Jennette		
DESCRIPTION OF WORK	Installation of ductbank system with conduit, manholes and wire. Installation of electrical switchboards and transformers. Work performed on high school campus		

NAME OF AGENCY	Pala Utility Department		CONTRACT NO.
AGENCY ADDRESS	36000 Pala Temecula Rd., Pala, CA 92059		0810
CONTACT NAME	Gary Decker	CONTACT PHONE	619-961-6135
CONTRACT AMOUNT	$707,361	COMPLETION DATE	5/15/09
PROJECT NAME	Iron Manganese Filtration System		
PROJECT MANAGER	Brian Jennette		
DESCRIPTION OF WORK	Install two (2) Iron and Manganese Filtration Systems complete with piping, electrical, metal building, CMU Building, asphalt, fencing, electrical and controls.		

NAME OF AGENCY	Helix Water District		CONTRACT NO.
AGENCY ADDRESS	7811 University Ave La Mesa, CA 91941		0509
CONTACT NAME	Carlos Lugo	CONTACT PHONE	619-466-3234
CONTRACT AMOUNT	$1,120,000	COMPLETION DATE	
PROJECT NAME	Helix Water District		
PROJECT MANAGER	Mark Jennette		
DESCRIPTION OF WORK	INSTALLATION OF 684' of 12" , 7672' of 8" PVC PIPE . NEW WATER SERVICES, NEW FIRE HYDRANTS. HIGH-LINE INSTALLATION, REMOVE AND REPLACE ASPHALT		

NEWest CONSTRUCTION - PAST PROJECTS

NAME OF AGENCY	Heber Public Utility District		CONTRACT NO.
AGENCY ADDRESS	1078 Dogwood Suite 103 , Heber, CA 92249		0510
CONTACT NAME	John Jordan	CONTACT PHONE	760-482-2440
CONTRACT AMOUNT	$1,411,780	COMPLETION DATE	
PROJECT NAME	Regional Wastewater Pump Station		
PROJECT MANAGER	Brian Jennette		
DESCRIPTION OF WORK	INSTALLATION OF 40' DEEP WETWELL, EXCAVATION, DEWATERING, CONCRETE, REBAR, PIPING, ELECTRICAL WORK COMPLETE AND OPERATIONAL SEWER PUMP STATION		

NAME OF AGENCY	City of Brawley		CONTRACT NO.
AGENCY ADDRESS	400 Main Street Brawley, CA 92227		0602
CONTACT NAME	Yazmin Arellano	CONTACT PHONE	760-344-5800
CONTRACT AMOUNT	$2,746,005	COMPLETION DATE	
PROJECT NAME	Pipeline Replacement		
PROJECT MANAGER	Mark Jennette		
DESCRIPTION OF WORK	WORK ON INISTALLATION OF 2966 OF 12" PVC PIPE, WATER METERS, FIRE HYDRANTS AND VARIUOS VALVES, ALSO INSTALLATION OF 12", 15" AND 18" PVC SEWER LINE WITH NEW PRECAST MANHOLES, REINSTALL EXISTING SEWER LATERIALS		

NAME OF AGENCY	City of Oceanside (Oceanside Pier)		CONTRACT NO.
AGENCY ADDRESS	1540Harbor Drive North		0911
CONTACT NAME	Frank Quan	CONTACT PHONE	760-435-5119
CONTRACT AMOUNT	$1,016,974	COMPLETION DATE	12/5/09
PROJECT NAME	Oceanside Pier Improvement		
PROJECT MANAGER	Brian Jennette		
DESCRIPTION OF WORK	Remove corroded steel pipe braces under the pier deck and replace with new bracing material with epoxy coating. The entire underside of the pier was scaffold to allow for construction.		

NAME OF AGENCY	San Diego Unified Port District (Imperial Beach Fishing Pier)		CONTRACT NO.
AGENCY ADDRESS	3165 Pacific Highway San Diego, CA 92101		0917
CONTACT NAME	Victor Banuelos	CONTACT PHONE	619-686-6200
CONTRACT AMOUNT	$671,000	COMPLETION DATE	4/26/10
PROJECT NAME	Imperial Beach Fishing Pier		
PROJECT MANAGER	Brian Jennette		
DESCRIPTION OF WORK	Installation of three new timber piles w/use of helicopter, install new planks on top of pier, install new stainless steel sewer line entire length of pier, coating of steel under the pier and other misc. repairs.		

NEWest CONSTRUCTION - PAST PROJECTS

NAME OF AGENCY	City of Poway		CONTRACT NO.
AGENCY ADDRESS	13325 Civic Center Drive, Poway, CA 92064		1006
CONTACT NAME	Leslie Parada	CONTACT PHONE	(858) 668-4641
CONTRACT AMOUNT	$1,342,546	COMPLETION DATE	5/12/11
PROJECT NAME	High Valley Pumpstation		
PROJECT MANAGER	Brian Jennette		
DESCRIPTION OF WORK	Install Three (3) 250-HP booster pumps, provide new CMU pump station building, install CML&C pipeline, electrical equipment, pressure system, generator, fence, asphalt paving, and landscape.		

NAME OF AGENCY	San Diego Unified Port District		CONTRACT NO.
AGENCY ADDRESS	3165 Pacific Coast Highway San Diego, CA 92101		1009
CONTACT NAME	Victor Banuelos	CONTACT PHONE	(619) 686-6524
CONTRACT AMOUNT	$1,848,075	COMPLETION DATE	11/16/10
PROJECT NAME	B St & Broadway Pier Cold Ironing		
PROJECT MANAGER	Mark Jennette		
DESCRIPTION OF WORK	Install the following electrical equipment; **SHIP TO SHORE POWER ONLY THE 3rd ONE INSTALLED IN THE USA** 12kV Primary Switchgear including SDG&E metering, 16/20 mVA 12-11x6.6 kV oil filled transformer, grounding switches, sawtooth assemblies, cable jib cranes. Install electrical ductbank system complete		

NAME OF AGENCY	City of Imperial Beach		CONTRACT NO.
AGENCY ADDRESS	825 Imperial Beach Blvd. Imperial Beach, CA		1014
CONTACT NAME	Hank Levin	CONTACT PHONE	619-850-7938
CONTRACT AMOUNT	$656,515	COMPLETION DATE	3/28/11
PROJECT NAME	City of Imperial Beach		
PROJECT MANAGER	Brian Jennette		
DESCRIPTION OF WORK	Replace manhole frame and covers, replace manhole shafts and install new manholes, install new manhole coatings, install new wet well lining, bypass of active sewer flows.		

MARK S. JENNETTE
SAN DIEGO, CALIFORNIA

NEWest Construction Co Inc. San Diego

2005 to Present

President and Chief Operating Officer

Started NEWest as a utility construction contractor serving various governmental entities; cities, towns, water districts etc. Primarily we operate as a prime contractor and perform electrical, mechanical, excavation, concrete and certain other functions in-house. Operations generally cover Southern California.

The Ryan Company Inc.

1998 to 2004

Operations Manager –Western States, San Diego California

Opened Company's full service office in San Diego. We perfonned all operating functions except accounting. We identified potential projects, estimated, bid, purchased and managed all West Coast projects. I was fully in charge of these projects and reported to the president of the company in Massachusetts. I was fully responsible for all operating decisions and had full profit/loss responsibility. As part of my responsibilities I recruited, trained and promoted the entire staff.

All work was performed as a prime contractor. We performed most of our own mechanical, electrical, and concrete work in-house. We built sewage and water treatment plants, sewage and water pipelines, pumping stations, and electrical substations with voltages to 230KV, Co- gen plants, SCADA systems, and telecommunication fiber optic projects.

In charge of over $40M dollars worth of work. Supervised about ten project managers and superintendents with a total workforce of over 120. I have full knowledge of scheduling with Primavera including cost and resource loading. My office used Expedition as a project management aid. Our customers included: Corp of Engineers, Bureau of Reclamation, Naval Facilities, Western Area Power Association, Public Works Departments of various cities and towns, state agencies including UC facilities, and a few private sector clients.

1993 to 1998

West Coast Area Supervisor –

Full control of all field operations with responsibilities including, project scheduling, procurement of vendors and subcontractors, claims and change orders, preparation and review of submittals, handling insurance requirements for subcontractors, processing invoices, estimating, and ordering material. I was responsible for most personnel decisions, hiring, promotions and discharge.

Major portions of work included, substation construction/modification, ductbank excavation, pole line work, high voltage ranging from 5kV to 69kV, foundation systems, asphalt paving, structural steel, installation of reclaimed water treatment facility, pump stations, 50,000 gal. water tank, SCADA system, flow measuring equipment, seismic protection equipment, PCB removal, concrete vaults, fiber optic communication, pre-engineered buildings, storm drain, water lines, communication, fire alarms, water well rehabilitation, landscaping, cathodic protection, road construction, waterlines, storm sewage lines, sanitary sewage lines, installation of 8 miles of 10" ductile iron pipe, building of four percolation ponds 1.2 million cubic yards of soil moved, chlorine solution stations, 50,000 gal. chlorine contact tank, secondary effluent injection wells, maintaining and coordinating construction activities in endangered species habitat.

1984-1993

Project Superintendent

Controlled of all the day-to-day operation of projects with responsibilities including, project scheduling, and ordering material, implementation and control of safety program, hiring and supervision of company employees and supervision of subcontractors.

Major portions of work included, electrical upgrade, PCB removal and replacement of transformer, construction of generator buildings, installation of pump controllers and motor control centers, High voltage work ranging form 5KV to 115KV, UPS system installation, installation of ductkbank and manholes, underground fuel storage vaults, fire alarm system, installation of transformers, switches, switchgear, and sectionalizing cabinets.

Education

Quincy Vocational Technical High School - 1979

Licenses/Certificates

California Contractor License Class B and C10
Certified Cable Splicer
Certified Fiber Optic Cable Splicer
Site and Civil Certificate from Wentworth Institute of Technology
CPR/First Aid
Construction Quality Management for Contractors – (US Army Corps of Engineers)
Certified Excavation and Trenching.

Computer Skills

Macintosh, Windows 2000, Microsoft XP, Primavera P3, Filemaker Pro 7.0, Auto-Cad version 2000, Expedition.

Representative Projects Managed

	Project	Location	Amount
1990- Present			
	Alter Electrical Distribution	Griffiss AFB, NY	$7.2M
	Replace PCB Transformers	Norwood, MA	$300K
	Replace PCB Transformers	Hanscom AFB, MA	$375K
	Emergency Elec. Power Plant	New Boston AFB, NH	$6.0M
	Repair Electrical System	Weymouth NAS, MA	$3.0M
	UPS System Upgrade	IRS Andover, MA	$975K
	Upgrade Electrical System	Loring AFB, ME	$3.0M
	Wastewater Plant	San Luis Obisbo	$19.5M
	Humboldt State Tele Comm	Humboldt, CA	$5.6M
	Delano Wastewater Plant	Delano, CA	$10M
	UCSD Electrical Distribution	La Jolla	$6.1M
	San Diego PS1 & PS2 Instr.	San Diego, CA	$2.1M
	Heber Water Treatment Plant	Heber, CA	$4.8M
	Cal Ref Co-Gen Plant (labor only)	Long Beach, CA	$300K
	Navajo Pump Sta. & Water line	Farmington, NM	$9.0M
	Blythe 230KV Substation	Blythe, CA	$3.9M
	Heber Pipeline	Heber, CA	$1.1M
	Brawley Water & Sewage Line	Brawley, CA	$1.2M
	Brawley Sewage Plant	Brawley, CA	$3.8M
	Westmorland Sewage Plant	Westmorland, CA	$3.4M
	Heber Sewage Plant	Heber, CA	$2.9M
	Sewage Treatment and Disposal	MCB Camp Pendleton, CA	$6.8M
	Correct Potable Water Transmission	MCAGCC, 29 Palms, CA	$2.0M
	Upgrade Electrical Distribution	DDJC, Sharpe Site, CA	$3.3M
	Upgrade Electrical Distribution	NASA, Ames Center, CA	$2.4M
	Upgrade Electrical Distribution	MCAS Camp Pendleton, CA	$1.2M
	Relocate Polelines ASP	MCB Camp Pendleton, CA	$750K
	69KV Service	NRAD Point Loma, CA	$3.0M
	Concrete Repairs	Naval Station San Diego, CA	$5.3M
	Repairs Electrical Distr. Sys Ph II	NWS Point Mugu, CA	$1.3M
	Remove PCB Transformers	NAB Coronado, CA	$3.0M
	Repair Electrical Distribution System	NAS North Island, CA	$3.0M
	Utility Upgrades - 70KV	Lemoore NAS, CA	$3.0M
	Portable Substations	Naval Station San Diego, CA	$2.0M
	Salt Water Pump Replacement	Long Beach NS, CA	$2.0M
	Circuit Breaker Replacement	Tracy Switchyard, CA	$2.0M
	Electrical Distribution System	Travis AFB, CA	$6.0M
	12KV System Upgrade	Vandenburg AFB, CA	$8.0M
	Upgrade Electrical System	VAFB, CA	$7.3M
	AETC Site Utilities	VAFB, CA	$1.4M