



Midpeninsula Regional
Open Space District

R-21-47
Meeting 21-10
March 24, 2021

AGENDA ITEM 9

AGENDA ITEM

Award of Contract to George Bianchi Construction, Inc., for the Mount Umunhum Radar Tower Repair Project

GENERAL MANAGER'S RECOMMENDATIONS

1. Authorize the General Manager to enter into a contract with George Bianchi Construction, Inc., of San Jose, CA, for the base amount of \$1,986,540.
2. Authorize a 12% contingency of \$238,385 to be reserved for unanticipated issues.

SUMMARY

The purpose of the Mount Umunhum Radar Tower Repair Project is to carry out the Midpeninsula Regional Open Space District (District) Board of Directors (Board) policy to “Retain and Seal” the structure over the longer term consistent with the Board-approved project goals and criteria. On November 20, 2019, the Board selected the Long-Term Repair option and the associated repair scope of work to complete the Mount Umunhum Radar Tower Repair Project (Repair Project). District staff issued a Request for Bids on January 8, 2021 and received three (3) bid proposals on February 25, 2021, with George Bianchi Construction, Inc., (Bianchi) announced as the apparent low bidder. The General Manager recommends awarding the contract to Bianchi for \$1,986,540 and authorizing a 12% contingency amount of \$238,385 to cover unanticipated issues such as unforeseen structural upgrades, additional waterproofing and drainage repairs, and additional concrete, rebar, and exterior wall repairs. Additional repairs to the exterior concrete walls may be needed following the winter season during which rain events and the freeze-thaw cycle may cause additional repair needs beyond what was documented within the project scope documents when they were formulated in 2020. The Fiscal Year 2020-21 (FY21) budget includes sufficient funds to initiate the contract work. Additional for FY22 would be requested to complete the work as part of the annual Budget and Action Plan process.

BACKGROUND

In 1986, the District acquired the former Almaden Air Force Station (Almaden AFS) and all of its remaining facilities on Mount Umunhum and Mount Thayer with the intent to restore the area and provide public access (R-86-20). In December 2009, the United States Congress appropriated \$3.2 million for the identification, evaluation, and remediation of hazardous materials and site cleanup at the former Almaden AFS site, which included abatement of the Mount Umunhum radar tower. In 2011, the United States Army Corp of Engineers completed the removal of at-risk and peeling lead-containing paint from the exterior of the radar tower, as

well as removal of unstable lead-containing paint and other hazardous materials from the interior. In 2014, following the federally-funded remediation project, the District completed site demolition and landform restoration at the former Almaden AFS site (R-12-90). Through this work, the District restored much of the natural mountaintop, leaving only the radar tower.

On January 28, 2015, the Board authorized short-term interim structural repairs to the radar tower prior to making a final decision on the future disposition of the structure (R-15-09). On May 10, 2016, the Santa Clara County Board of Supervisors listed the radar tower on the County Heritage Resource Inventory. Given this action and implications on the future disposition of the radar tower, the Board approved the Retain and Seal option for the structure on June 8, 2016 (R-16-75). The Retain and Seal approach effectively calls for the sealing and stabilization of the structure, with no visitor access to the interior. See Attachment 2 for additional project history.

On September 12, 2018 (R-18-105), the Board approved the following goals and criteria to guide the development of additional repairs for the Mount Umunhum Radar Tower Repair Project:

- Ensure public and worker safety around the radar tower
- Avoid future contamination concerns
- Reduce (or eliminate) future need to enter building
- Protect workers if/when ingress is needed
- Avoid wildlife trappings and other resource impacts
- Reopen a pathway to the east summit
- Supports the retain and seal option previously approved by the Board of Directors

On January 23, 2019, the Board authorized the General Manager to enter into contract with WJE to complete a comprehensive radar tower assessment (structural, safety, and hazardous materials) and develop short-term and long-term repair options that meet the Board-approved goals and criteria (R-19-09).

On November 20, 2019, the Board selected the Long-Term Repairs option to stabilize and extend the life span of the radar tower, and directed the General Manager to return to the Board with a recommended contract to complete the construction documents and assist with construction administration to complete the selected Long-Term Repair option (R-19-155).

On January 8, 2020 the District issued a Task Order to Mesiti-Miller Engineering, Inc., to complete a peer-review of the Long-Term Repair option new roof installation and drainage installation scope of work. The peer-review was delivered on January 24, 2020 and found that the roof installation and drainage improvements proposed by WJE would achieve the Project goals, and concludes that Mesiti-Miller Engineering, Inc., concurs with the design recommendations provided by WJE for the new roof installation and drainage repairs outlined in the Long-Term Repair option.

On February 12, 2020, the Board authorized the General Manager to amend WJE's contract to include construction document development and to assist with construction administration (R-20-19). The contract amendment scope of work includes:

- Preparation of architectural and structural drawings, and construction documents (plan, specifications, hazardous materials abatement plan) for the Board-selected Long-Term Repair Option.

- Assist in securing permits from Santa Clara County.
- Attend and support the construction bid walks and pre-construction meeting.
- Respond to contractor Requests for Information (RFIs).
- Review and respond to contractor submittals.
- Perform project site inspections and prepare reports.
- Prepare as-built drawings

WJE provided construction documents for the purpose of project bidding and permitting on November 6, 2020. The construction documents include plans and specifications for construction of the Board-selected Long-Term Repair Option scope of work elements.

DISCUSSION

The goal of the Repair Project is to complete long-term repairs to the Mount Umunhum Radar Tower in order to achieve Board policy of Retain and Seal for the structure, and to re-open the area immediately surrounding the structure to public access. The long-term repairs will address roof integrity issues, water and wildlife intrusion, site safety, the presence of hazardous materials, and spalling concrete and deteriorating rebar. Construction is scheduled to start in May 2021 and be completed by early 2022. The construction work will be executed in compliance with applicable statutes, ordinances, rules, and regulations of all Federal, State, County, City, and other agencies having jurisdiction over the Project.

Scope of Work

The Project consists of completing the repair and improvement scope of work outlined within the Board approved Long-Term Repair Option. The repairs and improvements include:

- Abatement and disposal of hazardous materials
- Demolition, removal, and disposal of interior debris and non-essential items
- Installation of interior safety improvements, including new floor opening cover plates and stair safety rails
- Exterior wall concrete and rebar repairs and replacement
- Installation of passive ventilation louvers with hoods and wildlife exclusion screens
- Installation of new roof perimeter drainage system
- Installation of new weatherproof roof hatch
- Installation of new roof perimeter safety guardrail
- Installation of new single-ply roof
- Replacement of western entry door with concrete masonry wall and weatherproof door
- Replacement of bollards
- Application of a weatherproofing exterior elastomeric coating
- Application of anti-graffiti coating

The work associated with the Project also includes grading, paving, protection of surrounding public access facilities, and the installation and maintenance of temporary wildlife exclusion measures throughout the duration of construction.

CONTRACTOR SELECTION

A Request for Bids was issued on January 8, 2021 via BidSync and released to seven builders' exchanges. The bid solicitation was viewed 90 times on BidSync, with the bid package being downloaded 13 times. Staff reached out to 50 firms via email and phone call. Legal notices were posted in the San Jose Mercury News and a link to the solicitation was posted on the District website. Optional pre-bid site tours were held on January 20 and 27, and February 3 and 10. A total of 26 firms attended the four pre-bid site tours, with seven contractors attending multiple tours. The District publicly opened the bids on February 25, 2021 and announced George Bianchi Construction, Inc., (Bianchi) as the apparent low bidder. The detailed breakdown of the three (3) bids received is as follows:

Bidder	Location	Total Base Bid	Percent +/- compared to Engineer's Estimate (\$1,868,767)*
1. George Bianchi Construction	San Jose, CA	\$1,986,539.20	6.3%
2. Wickman Development & Construction	San Francisco, CA	\$2,040,000.00	9.1%
3. Yerba Buena Engineering & Construction	San Francisco, CA	\$2,449,000.00	31.0%

**Note: Engineer's Estimate does not include cost for Anti-Graffiti Coating removal and application, expanded roof anchors, General Condition items (i.e. Temporary Wildlife Exclusion Controls; Site Security; Traffic Controls) Hazardous Material Abatement Permitting and Waste Manifest Reporting, and Contractor-supplied Power and Water – these additional costs are included in the three base bid proposals.*

The Engineer's Estimate shown in the above table was developed in July 2019 utilizing the Basis of Design Long-Term Repair Option scope of work – which provided broad repair descriptions for the work with corresponding cost estimates. Since 2019, the development of detailed construction plans has more clearly specified all the work and technical specifications required to complete the Board-approved repair elements. Also, a few additional code requirements were recently added to the construction plans to meet County building permit requirements. These factors, in addition to the ones listed above in the Table *endnote* contribute to the slight discrepancy between the Engineer's Estimate and the bid fees received.

A bid protest was submitted by Wickman Development and Construction (Wickman) on February 26, 2021 (Attachment 2). The District considered Wickman's protest that Bianchi's bid should be rejected as non-responsive and the Project be awarded to Wickman as the second lowest bidder. The District issued a protest notice to Bianchi on February 26, 2021, and Bianchi provided a response letter to the bid protest on March 1, 2021 (Attachment 2). Following careful review according to the bid protest process set forth in the instructions to bidders, the District concluded that the bid protest submitted by Wickman does not have merit.

Upon review of the bid proposals and confirmation of the contractors' qualifications, in accordance with state law and current Board purchasing policy, the General Manager recommends awarding the contract Bianchi as the lowest responsive and responsible bidder.

CONTINGENCY AND ALLOWANCE

A 12% contingency is requested to cover unanticipated issues and additional required repairs identified during construction. The project scope of work contains several repairs that require

the demolition and removal of existing infrastructure before the repairs can be completed. Examples include the demolition and removal of all interior HVAC ductwork and vents, removal of existing interior cover plates, removal of the existing exterior opening cover plates, removal of the existing roof access hatch, and the demolition of the existing western entryway. During the demolition and removal process, there is a possibility of uncovering unforeseen, damaged, hidden, or buried elements of the structure that may require further repairs in order to achieve the project goals. There is also the possibility of uncovering additional hazardous containing materials that were buried or inaccessible for identification and testing during the hazardous materials survey. Additionally, due to the nature of the exterior concrete and rebar repair scope of work, there is the potential of uncovering and exposing further areas of damaged concrete and rebar that were not previously identified. Since the last evaluation of the structure in summer of 2020, additional deterioration of the exterior concrete and rebar may have occurred through the winter months from moisture intrusion and the freeze-thaw cycle.

FISCAL IMPACT

The FY21 adopted budget includes \$893,000 for the Mount Umunhum Radar Tower Repair Project VP23-003. There are sufficient funds in the project budget to initiate the contract this fiscal year. Funding to complete the construction work would be requested as part of the proposed FY22 Budget.

Mt. Umunhum - Radar Tower Repair VP23-003	Prior Year Actuals	FY21 Adopted	FY22 Projected	FY23 Projected	Estimated Future Years	TOTAL
Total Budget:	\$0	\$893,000	\$1,555,000	\$0	\$0	\$2,448,000
Spent-to-Date (as of 03/04/2021):	\$0	(\$57,372)	\$0	\$0	\$0	(\$57,372)
Encumbrances:	\$0	(\$10,331)	\$0	\$0	\$0	(\$10,331)
George Bianchi Construction, Inc Contract:	\$0	(\$775,297)	(\$1,211,243)	\$0	\$0	(\$1,986,540)
12% Contingency:	\$0	(\$50,000)	(\$188,385)	\$0	\$0	(\$238,385)
Budget Remaining (Proposed):	\$0	\$0	\$155,372	\$0	\$0	\$155,372

Staff have investigated grant funding opportunities for the Repair Project. Local grant opportunities to cover portions of the construction costs may be available through the Santa Clara County Historical Heritage Grant Program. However, to be eligible for this grant program, the radar tower must be designated as a historic landmark, which requires owner consent. The radar tower is currently listed on the County's Heritage Resource Inventory, but not designated as a landmark. Landmark status may not be desirable in this instance given that this designation triggers the requirement to have all future *minor repairs and alterations* reviewed and approved by the County Historical Heritage Commission through a small project review process - per Santa Clara County Ordinance Section C17-17. This requirement does not currently apply to the radar tower as structures listed on the inventory are not subject to this requirement. As such, landmark status for the radar tower would limit the District's ability to conduct future minor repairs to the structure and result in a costly review process and potentially additional conditions of approval to carry out such minor repairs.

Other grant opportunities at the State and National level are limited and very competitive with a low likelihood of award due to the large and competitive application pool. A significant investment in limited District staff time and resources would be required to apply for and

administer these grants. The Mount Umunhum Conservancy, a nonprofit organization with interest in preserving the radar tower, has expressed support for the approved long-term repairs. District staff is currently discussing with them a potential donation for the repairs coming from the Conservancy.

The recommended action is not funded by Measure AA.

BOARD AND COMMITTEE REVIEW

This Project previously came before the full Board of Directors at the following public meetings:

- **September 12, 2018:** Board approved the project goals and scope of work for the Repair Project and authorized the General Manager to release a Request for Proposals to complete the assessment. ([R-18-105](#), [meeting minutes](#))
- **January 23, 2019:** Board authorized the General Manager to enter into contract with WJE to prepare a Basis of Design. ([R-19-09](#), [meeting minutes](#))
- **November 20, 2019:** Board reviewed Basis of Design and selected the Long-Term Repairs Option. ([R-19-155](#), [meeting minutes](#))
- **February 12, 2020:** Board authorized the General Manager to amend WJE's contract to include the development of construction documents for the Long-Term Repairs Option and to assist with construction administration. ([R-20-19](#), [meeting minutes](#))

PUBLIC NOTICE

Public notice was provided as required by the Brown Act. Notices were also sent to interested parties on the Mount Umunhum mailing list.

CEQA COMPLIANCE

On August 30, 2010 the Board approved in the Initial Study/Mitigated Negative Declaration (IS/MND) for the Almaden AFS Structure Abatement Project, which included an evaluation of potential repairs and work on the exterior of the radar tower (R-10-102). In addition, on October 17, 2012 the Board adopted the Mount Umunhum Environmental Restoration and Public Access Project Environmental Impact Report, which included an analysis of the Retain and Seal option for the radar tower (R-12-104). The assessment and repair of the radar tower is consistent with the project evaluated in the existing environmental review. No new significant environmental effects or substantial increase in the severity of previously identified effects would result from this project beyond what was analyzed in the existing CEQA documents.

NEXT STEPS

Pending Board approval, the General Manager will enter into contract with Bianchi for completion of the Mount Umunhum Radar Tower Repair Project. Construction is anticipated to begin in May 2021 and be completed by early 2022.

Attachments:

1. Bid Opening Results Memo
2. Bid Protest and Response

Responsible Department Head:

Jason Lin, PE, Engineering and Construction Department Manager

Prepared by:

Zachary Alexander, Capital Project Manager III, Engineering and Construction Department



Midpeninsula Regional
Open Space District

Memorandum

To: Interested Parties; File
 From: Zachary Alexander, Capital Project Manager III
 Date: February 25, 2021
 Re: Bid Opening Results for the Mount Umunhum Radar Tower Repair Project, Sierra Azul
 Open Space Preserve
 Cc: Apparent Low Bidder

A public bid opening was held on February 25, 2021 at 2:00 pm for the above project. Bids were received from three (3) contractors. The emailed and sealed bids were opened, read aloud, and the apparent low bidder announced.

Below are the results of the bid opening. George Bianchi Construction Inc. was announced as the apparent low bidder at the bid opening. District staff explained that bid documents would be verified and references checked over the next few days and the lowest responsive and responsible bidder would be forwarded to the District's Board of Directors for consideration of award of contract at their March 24, 2021 meeting.

Bidder	Location	Total Bid
George Bianchi Construction	San Jose, CA	\$1,986,539.20
Wickman Development & Construction	San Francisco, CA	\$2,040,000.00
Yerba Buena Engineering & Construction	San Francisco, CA	\$2,449,000.00

March 9, 2021

Wickman Development and Construction
5616 Mission Street
San Francisco, CA 94112

RE: Mount Umunhum Radar Tower Repair Project

Dear Mr. Wickman:

This letter is regarding the Mount Umunhum Radar Tower Repair Project (Project) bid protest letter you submitted on February 26, 2021. The Midpeninsula Regional Open Space District (“District”) received bids from George Bianchi Construction (“Bianchi”), Yerba Buena Engineering and Construction, and Wickman Development and Construction (“Wickman”). The District publicly opened the bids on February 25, 2021 and announced Bianchi as the apparent low bidder, with a total base bid of \$1,986,539.20. Wickman was the second low bidder with a total base bid of \$2,040,000.

The District received Wickman’s bid protest letter within the allowable timeframe of five days following issuance of the Bid Openings Results Memo. The District evaluated Wickman’s protest which states that Bianchi’s bid should be rejected as non-responsive and the Project be awarded to Wickman, who was the second lowest bidder. The protest stated the following regarding Bianchi’s bid:

1. Insufficient previous experience as a prime contractor
2. Not qualified to self-perform the metal stud framing and sheet metal scope of work
3. Subcontractor PARC Environmental holds a C-33 license for paint encapsulation but is not qualified to provide painting and coating services
4. Bianchi may attempt to circumvent the California Public Contracting Code

The District issued a protest notice to Bianchi along with Wickman’s protest letter on February 26, 2021, and Bianchi provided a response letter to the bid protest on March 1, 2021. Following review of Bianchi’s response letter and the bid documents, the District determined the following:

1. Bianchi provided sufficient experience and complied with the Project bidding requirements.
2. Bianchi’s response letter states that they will be self-performing all work that is not listed under the subcontractors on their Bid Form Attachment 2 – List of Subcontractors. The scope of work to be self-performed by Bianchi includes metal stud framing at the roof, installation of louvers, hoods, and sills.
3. PARC Environmental holds the following licenses: HAZ, B, C-21, A, C-22, C39, and ASB, which are sufficient to provide painting and coating services as set forth in Bianchi’s bid.
4. Per California Public Contracting Code, Bianchi shall not be allowed to sublet portions constituting the majority of the work covered by the prime contract.

For the reasons explained in this letter, District staff has determined Bianchi as the lowest responsive and responsible bidder, and is recommending that the Board award the contract for the Project to George Bianchi Construction at the Board meeting on March 24, 2021. Please contact me with any questions.

Sincerely,

Susanna Chan

Susanna Chan (Mar 9, 2021 13:07 PST)

Susanna Chan

Assistant General Manager

cc: Ana Ruiz, District General Manager

cc: Jay Lin, District Engineering and Construction Manager



5616 Mission St., San Francisco CA 94112 | CA License No. 970768

Wickman Development and Construction
5616 Mission Street
San Francisco, CA 94112

February 26, 2021

Zachary Alexander, QSP
Capital Project Manager III
zalexander@openspace.org
Midpeninsula Regional Open Space District (MROSD)
330 Distel Circle, Los Altos, CA 94022
P: (650) 691-1200 - D: (650) 625-6582

Re: BID PROTEST FOR: Mt. Umunhum Radar Tower
Repair Project, Sierra Azul Open Space Preserve

Mr. Alexander:

We write to protest the award in connection with the Project titled “Mt. Umunhum Radar Tower Repair Project, Sierra Azul Open Space Preserve.” The apparent low bidder is George Bianchi Construction (“GBC”). GBC’s bid is improper and invalid because, among other things, GBC’s work experience listed in their bid form is as a subcontractor as well as many scopes of work do not have a listed sub-contractor. This allows for bid shopping after the fact which provides a potential unfair advantage. We request MROSD declare GBC’s bid to be invalid, so nonresponsive, and award the contract to the next lowest bidder, WDC.

GBC’s bid form, item 4 Experience, list two projects in which they list general contractors, West Valley Construction and Coulter Construction, as the “Owners.” By virtue of working as a subcontractor on the projects that they listed as previous experience GBC has not provided projects that are relevant (emphasis added) in experience. Working as a general contractor comes with far more complexities regarding coordination of multiple disciplines, financial burdens and responsibilities than working as a subcontractor. By listing sub-contractor work experience GBC has not meet the experience requirement and should be deemed non-responsive.

GBC failed to list a subcontractor for the metal stud framing at the roof, installation of metal louvers with sheet metal hoods and sills, they also listed PARC environmental, an abatement subcontractor, for painting and coatings. In accordance with Public Contract Code GBC would have to

self-perform the metal stud framing and sheet metal scopes of work. I can see from their experience as a sub-contractor they may be familiar with louver install which is very simple BUT installing the complicated cold formed metal framing at the roof and sheet metal hoods and sills is not simple and GBC appears to not be qualified to do so. Furthermore Parc Environmental is not a painting sub-contractor. They hold a C-33 for paint encapsulation related to abatement but are not a qualified sub-contractor to perform the interior, exterior painting, elastomeric coating or the anti-graffiti coating. We also received PARC's bid on bid day (attached) and they did not bid the painting and coating scope, all they bid was anti-graffiti coating removal. Listing of PARC appears to be an attempt to use their B license to bring a painter on after bid day under PARC as an attempt to avoid the fair subcontractor practice of listing a sub on bid day and allows for bid shopping. Per California Public Contracting Code 2.1 chapter 4 Section 4105:

“Circumvention by a general contractor who bids as a prime contractor of the requirement under Section 4104 for him or her to list his or her subcontractors, by the device of listing another contractor who will in turn sublet portions constituting the majority of the work covered by the prime contract, shall be considered a violation of this chapter and shall subject that prime contractor to the penalties set forth in Sections 4110 and 4111.”

For the reasons above, Wickman Development and Construction requests MROSD determine that GBC's bid is improper so invalid and rejected as non-responsive.

Please do not hesitate to call or e-mail with any questions, comments or concerns.

With Best Regards,

Jonathan D. Wickman

Jonathan D. Wickman, PE, CCM, LEED AP
Wickman Development and Construction
Chief Business Officer

Attachments: Parc Environmental Bid Day Bid.

Cc: Bidders (via email)



ENVIRONMENTAL

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Soil Remediation • Site Assessments • Microbial Decontamination • Indoor Air Quality • Lab Packing • Hydroblasting

PROPOSAL NO:71004

TO: Wickman Development & Construction

DATE: 2-25-2021

ATTN: Johnny W Wickman

PHONE: 415-239-4500

johnnvw@wickmandev.com

JOB NAME: MT Umunhum Radar Tower Repair

PARC Environmental, hereinafter designated as PARC, proposes to perform the following Scope of work:

Remove and dispose of all items as shown on drawings D101-D104, remove asbestos, PCB's and stabilize LBP as identified in SCA Hazardous Materials Survey for Mount Umunhum radar Tower.

PARC acknowledges: 5 Addendum's.

Pricing is Based on the following:

1. Work will be complete in one mobilization.
2. Work will take approximately 20 working days to complete once mobilized.
3. **Removal of floor plates/coverings are not included in pricing**
4. PARC will supply its on water to job site.
5. PARC will remove Anti-Graffiti coating will UHP water blasting equipped with Vacuum recovery.
6. Fees to BAAQMD are included in pricing. (\$4,031)
7. State Prevailing wages will be paid.
8. Benches to be removed by other if coating is to be removed behind them.

Cost: \$186,570.00

Breakout cost per proposal form: note is for accounting purpose only

Item 1 \$4,800.00 (Mobilization)

Item 2 \$42,000.00

Item 3 \$119,070.00

Item 5 \$16,700.00

Support labor for anchoring steel cost: \$850.00 per 8 hr. shift (roof pedestal concrete has asbestos)

- **DIR #1000002856**
- **This proposal shall be incorporated into any contract and attached to it as an Exhibit.**
- **Retention shall be paid within 90 days of substantial completion of work by PARC.**
- **Unless otherwise noted, this is a lump sum proposal; quantities listed are informational only and not to be used for deductive pricing. Unless otherwise noted, price is based on non-prevailing wages.**

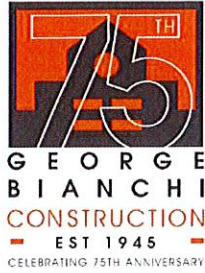
PROPOSAL TERMS: All work shall be performed in accordance with state and federal regulations pertaining to abatement of hazardous materials including transportation and disposal of waste. PARC carries liability, worker's compensation, and auto insurance. Unless otherwise

2864 E. Dorothy, Fresno CA, 93706

P.O. Box 10077, Fresno, CA 93745-0077

(559) 233-7156 800-882-5362 FAX: (559) 233-4284

www.parcenvironmental.com



March 1, 2021

Zachary Alexander, QSP

zalexander@openspace.org

Midpeninsula Regional Open Space District (MROSD)

330 Distel Circle, Los Altos CA 94022

Phone: 650-691-1200 / Direct: 650-625-6582

RE: BID PROTEST RESPONSE LETTER

Mt. Umunhum Radar Tower Repair Project, Sierra Azul Open Space Preserve

Mr. Alexander,

This letter is in response to the bid protest submitted by Wickman Development and Construction on February 26, 2021. There are two main issues addressed with our bid. The first being that we do not have enough experience as a general contractor based on references provided. The second issue is that we don't have sub-contractors listed covering all aspects of the project.

As far as experience goes, George Bianchi Construction is a 75 year old company based in the Santa Clara County for that entire time as a Prime or General Contractor. Most of the work this company has ever performed has been as a prime contractor. Occasionally we will work as a subcontractor with local companies that require a specific scope that we are able to cover. This bid specifically asked for "three recently (within last 5 years) completed jobs of comparable scope and over \$250,000 in value". We provided one job, the largest, as a prime contractor and the other two we were a subcontractor for since those 2 were very similar to

George Bianchi Construction, Inc
775-A Mabury Road
San Jose CA 95133

this project. This company has also completed several jobs for Open Space as a prime contractor.

The second issue noted was that we only listed a few subs and all of the work was not covered in their scope. As with most of our work we are planning to act as a general contractor and self-perform some of the work. This job is very unique and requires specific sub contractors, however there are many tasks that a general contractor will have to fill in and supply so as not to either hold up the work or leave as an uncovered scope. Our subs that are listed cover all of the work that we needed and the balance will be self-performed. Bid shopping post bid opening is not something we could do even if we wanted to on a public works style project. Our subs are listed and will remain unchanged.

Our bid submission was complete with all required aspects being provided as requested. The issue of whether or not we have experience as a general contractor or whether we have the ability to cover the complexities regarding coordination of multiple disciplines can easily be answered by checking with any of the listed project contacts. Additional contacts of course can be provided, even within Midpeninsula Regional Open Space District. As far as the listed subcontractors and scope of work we must adhere to section 4.4 in the General Conditions the same as any other bidder:

4.4.2 Failure to Specify. If Contractor fails to specify a subcontractor, Contractor must be fully qualified and licensed and shall perform that work. Contractor shall not sublet or subcontract any portion of work that was not designated to a subcontractor in the original bid. If Contractor subcontracts any portion of work after Award of Contract to an undesignated contractor, Contractor shall be subject to penalties according to the California Public Contract Code §4110.

4.4.3 Substitution of Subcontractors. Contractor shall not substitute any subcontractor for another listed in the original Bid Proposal without the written consent of District Representative.

For the reasons above, we feel that we have presented a full and accurate bid and should not be rejected as non-responsive.

Regards,

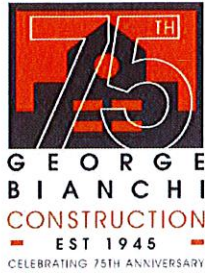


Travis Bianchi

President

George Bianchi Construction, Inc.

George Bianchi Construction, Inc
775-A Mabury Road
San Jose CA 95133



March 10, 2021

Zachary Alexander, QSP

zalexander@openspace.org

Midpeninsula Regional Open Space District (MROSD)

330 Distel Circle, Los Altos CA 94022

Phone: 650-691-1200 / Direct: 650-625-6582

RE: BID PROTEST RESPONSE LETTER - 2

Mt. Umunhum Radar Tower Repair Project, Sierra Azul Open Space Preserve

Mr. Alexander,

This letter is in response to the second letter/email of protest submitted by Wickman Development and Construction on March 10, 2021. The issue of not having sub-contractors listed covering all aspects of the project, in particular a painting sub was again brought up.

The sub contractor listed to cover that work is Parc Environmental. As in your response letter to Wickman, Parc does possess the correct licensing to perform that work. They are self-performing and will not need to hire a second-tier sub

Attached is a letter from Parc reaffirming that they are indeed scheduled to self-perform that work.

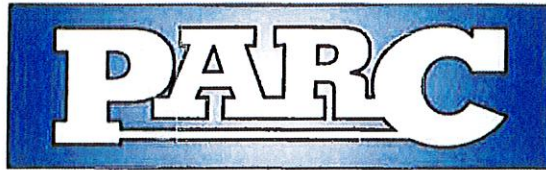
Regards,

Travis Bianchi

President

George Bianchi Construction, Inc.

George Bianchi Construction, Inc
775-A Mabury Road
San Jose CA 95133



E N V I R O N M E N T A L

Solutions Made Easy

CA Lic. #501913 NV Lic. #0034638 DOSH Registration #19 Hauler Registration #2908 EPA #CAR000263707

24 Hour Emergency Spill Response • Asbestos Abatement • Lead Paint Removal • Hazardous Waste Hauling & Disposal
Soil Remediation • Site Assessments • Microbial Decontamination • Indoor Air Quality • Lab Packing • Hydroblasting

Date: March 10, 2021

To: George Bianchi Construction Inc.

Re: Mount Umunhum Radar Tower Repair- Painting

PARC Environmental will not be using any subcontractors to complete Painting scope of work.
Our California Contractor License # 501913 A, B, C21,22,33,39.

Thank You

Louie Martina, CEO