

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

2554 SWEETWATER SPRINGS BOULEVARD
SPRING VALLEY, CALIFORNIA
Board Room

MONDAY
June 13, 2011
11:30 A.M.

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

AGENDA

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

DISCUSSION ITEMS

3. APPROVE A CONSTRUCTION CONTRACT TO PARADIGM MECHANICAL CORPORATION IN AN AMOUNT NOT-TO-EXCEED \$53,500 FOR HVAC IMPROVEMENTS AT THE 803-1 AND 850-2 PUMP STATIONS (RIPPERGER) [5 minutes]
4. APPROVE A PROFESSIONAL ENGINEERING SERVICES AGREEMENT WITH MALCOLM PIRNIE/ARCADIS IN AN AMOUNT NOT-TO-EXCEED \$349,979.36 FOR FISCAL YEARS 2012 AND 2013 (ENDING JUNE 30, 2013) FOR THE WASTEWATER MANAGEMENT PLAN PROJECT (PEASLEY) [5 minutes]
5. 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]
6. SAN DIEGO COUNTY WATER AUTHORITY UPDATE (WATTON) [10 minutes]
7. ADJOURNMENT

BOARD MEMBERS ATTENDING:

Jose Lopez, Chair
Gary Croucher

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

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

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

Certification of Posting

I certify that on June 10, 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 10, 2011.



Susan Cruz, District Secretary



STAFF REPORT

TYPE MEETING:	Regular Board	MEETING DATE:	July 6, 2011
SUBMITTED BY:	Gary Silverman <i>GS</i> Senior Civil Engineer	PROJECT/ SUBPROJECT:	P2502-001103 DIV. 5 P2503-001103 NO.
	Ron Ripperger <i>RR</i> Engineering Manager		
APPROVED BY: (Chief):	Rod Posada <i>RP</i> Chief, Engineering		
APPROVED BY: (Asst. GM):	Manny Magaña <i>M Magaña</i> Assistant General Manager, Engineering and Operations		
SUBJECT:	Award of a Construction Contract to Paradigm Mechanical Corporation for HVAC Improvements at the 803-1 and 850-2 Pump Stations		

GENERAL MANAGER' S RECOMMENDATION:

That the Otay Water District (District) Board of Directors (Board) awards a construction contract to Paradigm Mechanical Corporation (Paradigm) in an amount not-to-exceed \$53,500 for HVAC improvements at the 803-1 and 850-2 Pump Stations (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 Paradigm in an amount not-to-exceed \$53,500 for HVAC improvements at the 803-1 and 850-2 Pump Stations.

ANALYSIS:

The 803-1 and 850-2 Pump Stations are located adjacent to each other at the Regulatory Site. Both Pump Stations currently lift water from the 520 Reservoirs to their respective pressure zones. With the new 640-1 and 640-2 Reservoirs in place since 2008, and the completion of

the 36-inch Jamacha Road pipeline in the fall of 2010, the District now has the opportunity for significant energy cost savings by modifying these stations to enable pumping from the 640-1 and 640-2 Reservoirs rather than the 520-2 and 520-3 Reservoirs.

To accomplish this change in pumping operation, it is necessary to replace the motor starters in the existing motor control centers (MCCs) with VFDs. This will allow the existing pumps to operate at a lower speed to match the reduced pumping head. It will also provide the operational flexibility to return to the higher pumping head configuration, if necessary. The purchase of the VFDs was approved at the May 4, 2011 Board Meeting. In addition, at the June 1, 2011 Board Meeting the Board authorized a purchase order to remanufacture motors at these two pump stations in order to be compatible with the VFDs.

The VFDs will radiate a significant heat load in the electrical rooms of each of the pump stations. When coupled with summer ambient temperatures, the temperature in the electrical rooms may frequently be well in excess of 100°F. The VFDs have a high temperature threshold of 104°F for effective operation. Operating at extreme temperatures will reduce efficiency and shorten the life of the equipment. Consequently, it is important that air conditioners be installed in the electrical rooms to prolong the useful life of the electrical equipment. The air conditioners will operate on thermostat control with a design setpoint of 85°F. Providing temperature control will have a secondary benefit of creating a work environment conducive for District Operations personnel. The HVAC improvements were designed by the consultant HVAC Engineering, Inc.

The project was advertised for bid May 18, 2011 on the District's website and several other publications including the Union Tribune and the San Diego Daily Transcript.

A Pre-Bid Meeting and site tour was held on May 24, 2011, which was attended by five (5) contractors. Two (2) bids were received on June 7, 2011. The table below provides the bid results.

Pump Station	Paradigm Mechanical	Southcoast Heating
803-1 PS (P2502)	\$26,750	\$44,785
850-2 PS (P2503)	\$26,750	\$42,350
Total	\$53,500	\$87,135

Paradigm provided the lowest responsive bid and holds a Class C20 Contractor's license which expires on May 31, 2012. District staff

confirmed by calling references that Paradigm is a responsible bidder.

FISCAL IMPACT:

RKB

The FY 2012 budget for CIP P2502 is \$575,000. Total expenditures, plus outstanding commitments and forecast, including this contract, is \$434,192. See Attachment B-1 for budget detail.

The FY 2012 budget for CIP P2503 is \$475,000. Total expenditures, plus outstanding commitments and forecast, including this contract, is \$393,886. See Attachment B-2 for budget detail.

Based on a review of the financial budgets, the Project Manager has determined that each budget is sufficient to support the Project.

Finance has determined that 100% of the funding is available from the Betterment Fund for both CIP P2502 and CIP P2503.

STRATEGIC GOAL:

This Project supports the District's Mission statement, "To provide the best quality of water and wastewater services to the customers of Otay Water District, in a professional, effective, and efficient manner." This Project fulfills the District's Strategic Goals No. 1 - Community and Governance, and No. 5 - Potable Water, by maintaining proactive and productive relationships with the Project stakeholders and by guaranteeing that the District will provide for current and future water needs.

LEGAL IMPACT:

None.

Mark Watton

General Manager

F:\WORKING\CIP P2502 803-1 Pump Station Modifications\Staff Reports\SD-05-04-11, Staff Report. Authorize Purchase of VFDs and ALCs, (GS-RR).doc

GS/RR:jf

- Attachments: Attachment A - Committee Action
Attachment B-1 - Budget Detail for CIP P2502
Attachment B-2 - Budget Detail for CIP P2503
Exhibit A - Location Map



ATTACHMENT A

SUBJECT/PROJECT: P2502-001102 P2503-001102	Award of a Construction Contract to Paradigm Mechanical Corporation for HVAC Improvements at the 803-1 and 850-2 Pump Stations
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COMMITTEE ACTION:

The Engineering, Operations, and Water Resources Committee reviewed this item at a meeting held on June 13, 2011. The Committee supported Staff's recommendation.

NOTE:

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



ATTACHMENT B-1

SUBJECT/PROJECT:	Award of a Construction Contract to Paradigm Mechanical Corporation for HVAC Improvements at the 803-1 and 850-2 Pump Stations
P2502-001102	
P2503-001102	

Otay Water District
P2502 - 803-1 Pump Station Modifications

Date Updated: May 26, 2011

<i>Budget</i>	<i>Committed</i>	<i>Expenditures</i>	<i>Outstanding Commitment & Forecast</i>	<i>Projected Final Cost</i>	<i>Vendor/Comments</i>
575,000					
Planning					
Labor	11,738	11,738	-	11,738	
Consultant Contracts	9,711	8,051	1,660	9,711	HVAC ENGINEERING INC
Total Planning	21,449	19,789	1,660	21,449	
Design					
Labor	39,423	34,423	5,000	39,423	
Consultant Contracts	175	175	-	175	MWH CONSTRUCTORS INC
Service Contracts	3,750	-	3,750	3,750	ENGINEERING PARTNERS INC
	41	41	-	41	SAN DIEGO DAILY TRANSCRIPT
	635	-	635	635	MAYER REPROGRAPHICS
Total Design	44,024	34,639	9,385	44,024	
Construction					
Labor	80,000	2,557	77,443	80,000	
VFD Procurement	141,919	-	141,919	141,919	SLOAN ELECTRIC COMPANY
ALC Procurement	67,126	-	67,126	67,126	ONESOURCE DISTRIBUTORS LLC
Motor Remanufacture	52,924	-	52,924	52,924	PROPULSION CONTROLS ENGINEERING
A/C Installation	26,750	-	26,750	26,750	PARADIGM MECHANICAL CORP
Total Construction	368,719	2,557	366,162	368,719	
Grand Total	434,192	56,985	377,207	434,192	



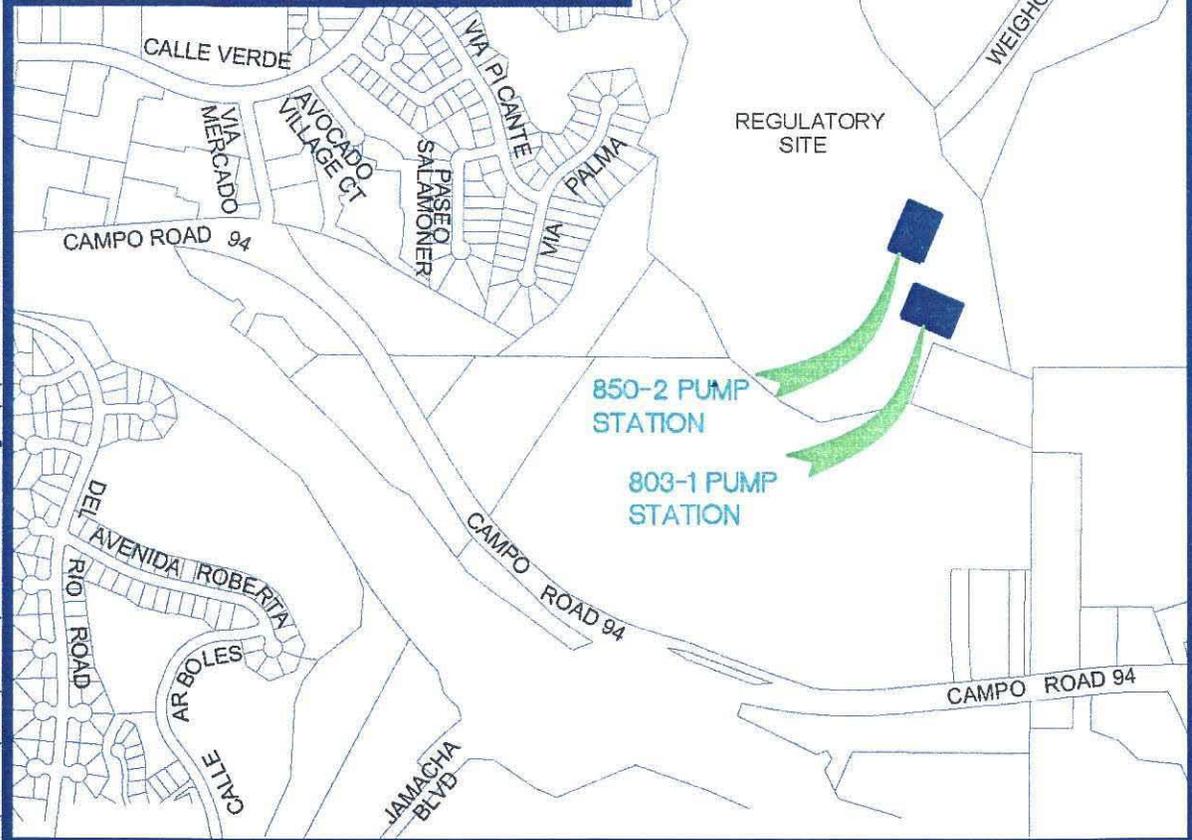
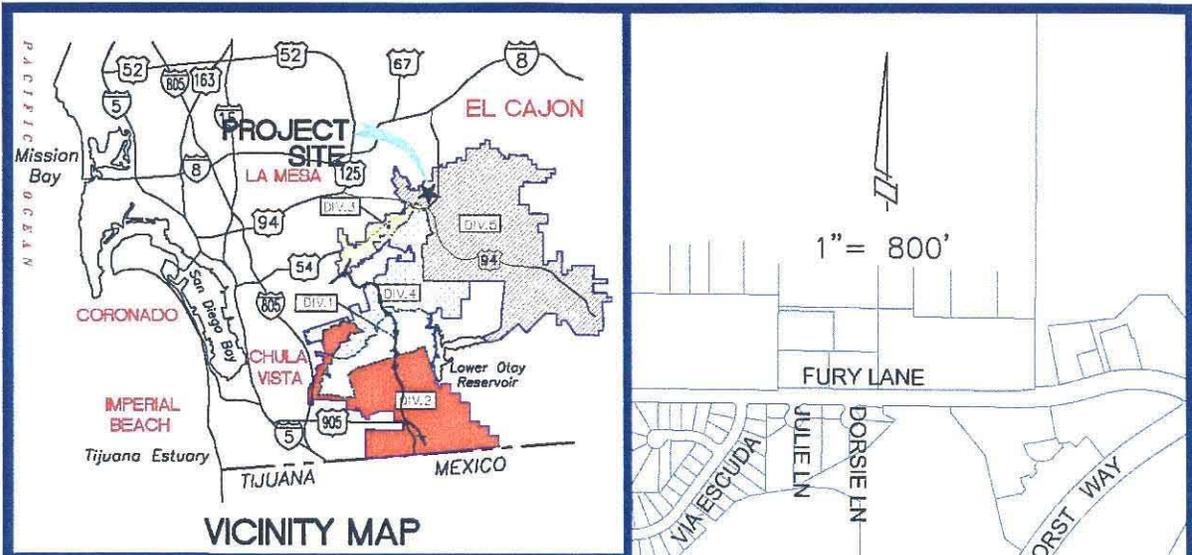
ATTACHMENT B-2

SUBJECT/PROJECT:	Award of a Construction Contract to Paradigm Mechanical Corporation for HVAC Improvements at the 803-1 and 850-2 Pump Stations
P2502-001102	
P2503-001102	

Otay Water District
P2503 - 850-2 Pump Station Modifications

Date Updated: May 26, 2011

<i>Budget</i>	<i>Committed</i>	<i>Expenditures</i>	<i>Outstanding Commitment & Forecast</i>	<i>Projected Final Cost</i>	<i>Vendor/Comments</i>
475,000					
Planning					
Labor	19,029	19,029	-	19,029	
Consultant Contracts	9,711	8,376	1,335	9,711	HVAC ENGINEERING INC
Total Planning	28,740	27,405	1,335	28,740	
Design					
Labor	33,591	28,591	5,000	33,591	
Consultant Contracts	175	175	-	175	MWH CONSTRUCTORS INC
	3,750	-	3,750	3,750	ENGINEERING PARTNERS INC
Service Contracts	41	41	-	41	SAN DIEGO DAILY TRANSCRIPT
	525	-	525	525	MAYER REPROGRAPHICS INC
Equipment Rental	2,790	2,790	-	2,790	ART'S TRENCH PLATE
Total Design	40,872	31,597	9,275	40,872	
Construction					
Labor	75,000	4,514	70,486	75,000	
VFD Procurement	104,966	-	104,966	104,966	SLOAN ELECTRIC COMPANY
ALC Procurement	67,126	-	67,126	67,126	ONESOURCE DISTRIBUTORS LLC
Motor Remanufacture	50,432	-	50,432	50,432	PROPULSION CONTROLS ENGINEERING
A/C Installation	26,750	-	26,750	26,750	PARADIGM MECHANICAL CORP
Total Construction	324,274	4,514	319,760	324,274	
Grand Total	393,886	63,516	330,370	393,886	



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OTAY WATER DISTRICT

803-1 AND 850-2 PUMP STATION MODIFICATIONS

LOCATION MAP

CIP P2502
CIP P2503

EXHIBIT A

Quality Assurance Approval Sheet

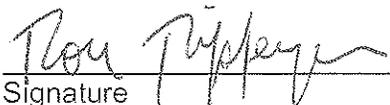
Subject: Award of a Construction Contract to Paradigm
Mechanical Corporation for HVAC
Improvements at the 803-1 and 850-2 Pump
Stations

Project Nos.: P2502-001102
P2503-001102

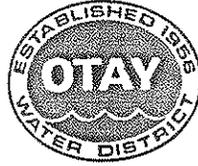
Document Description: Staff Report for July 6, 2011 Board Meeting

Author:  6/9/11
Signature Date
Gary Silverman
Printed Name

QA Reviewer:  6/9/11
Signature Date
Bob Kennedy
Printed Name

Manager:  6/9/11
Signature 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.



STAFF REPORT

TYPE MEETING:	Regular Board	MEETING DATE:	July 6, 2011
SUBMITTED BY:	James Peasley Engineering Manager	PROJECT No.	S1210- DIV. No. All 026000
APPROVED BY:	Rod Posada Chief, Engineering		
APPROVED BY:	Manny Magaña Assistant General Manager, Engineering and Operations		
SUBJECT:	Award of a Professional Engineering Services Contract to Malcolm Pirnie/Arcadis for the Wastewater Management Plan Project		

GENERAL MANAGER'S RECOMMENDATION:

That the Otay Water District (District) Board of Directors (Board) authorizes the General Manager to execute a professional engineering services agreement with Malcolm Pirnie/Arcadis in an amount not-to-exceed \$349,979.36 for Fiscal Years 2012 and 2013 (ending June 30, 2013) for the Wastewater Management Plan (WWMP) Project.

COMMITTEE ACTION:

Please see Attachment A.

PURPOSE:

To obtain Board authorization for the General Manager to enter into a professional engineering services agreement with Malcolm Pirnie/Arcadis for the WWMP Project in an amount not-to-exceed \$349,979.36 for Fiscal Years 2012 and 2013.

ANALYSIS:

The primary purpose of the WWMP Project is to develop costs, risks, benefits, issues, requirements, opportunities, etc., for viable options that the District could choose to pursue in

providing wastewater services and recycled water supply resources.

The objective of the WWMP Project for the District is to develop alternative approaches and strategies to providing wastewater services and recycled water supply acquisition under various future directions that the cities of San Diego and Chula Vista could pursue that will likely have significant financial and other implications upon the District (see Attachment B for background information).

In accordance with Policy 21, the District solicited professional engineering services from consulting firms to accomplish the WWMP Project scope of work by placing an advertisement on the District's website on March 22, 2011 and several other publications including the Union Tribune and the San Diego Daily Transcript.

Nine (9) firms submitted a Letter of Interest along with a Statement of Qualifications. The request for proposal and scope of work for professional engineering services was sent to all nine firms resulting in two (2) written proposals received on or before May 12, 2011 from the following consulting firms:

Consulting Firms	Proposed Fee
Malcolm Pirnie/Arcadis	\$349,979.36
PBS&J/Atkins	\$359,950.78

The seven (7) firms that elected not to propose were: HDR, Kennedy Jenks, Proteus, One Sullivan Group, AAE Inc., RECON, and PB World.

The selection panel was comprised of five staff members who evaluated and scored the two written proposals. Staff invited both firms to make a presentation and to be interviewed. After completion of the presentations and interviews, the panel completed the consultant scoring and rating processes. Staff then opened both firms' sealed cost and man-hour proposals. The selection panel concluded that Malcolm Pirnie/Arcadis was a very well qualified, with the best overall proposal, projected a level of professionalism and cooperation, will provide the best overall value, and submitted the lowest proposed fee. References for Malcolm Pirnie/Arcadis were checked and Staff received very good feedback. A summary of the complete evaluations are shown in Attachment C. Staff recognizes that the selection panel ratings were very close and that both firms are well qualified.

Staff met with Malcolm Pirnie/Arcadis on June 1, 2011 to review and discuss the scope of work, schedule, and negotiate the final proposed fee. Mutual understanding of the District's expectations and desired outcomes were achieved resulting in minor scope of work revisions with no fee impact and will enhance the WWMP Project outcome.

Staff is confident that Malcolm Pirnie/Arcadis will perform at a high level of standard of care. Staff anticipated that the fee level for the WWMP Project scope of work would be on the order of \$350,000 to \$375,000.

FISCAL IMPACT: *RIC B*

As a part of the Fiscal Year (FY) 2012 operating budget development process, the total estimated budget for the WWMP Project was proposed at \$400,000, with a \$200,000 expenditure anticipated to occur in both Fiscal Years 2012 and 2013. The FY 2012 projected expense of \$200,000 is part of the approved FY 2012 sewer operating budget for the WWMP Project. Total expenditures, plus outstanding commitments and forecast, including this contract, is not expected to exceed \$400,000 over a two-year period.

Based on a review of the financial budget, the Project Manager has determined that the approved FY 2012 and planned FY 2013 combined budgets are sufficient to support the Project.

Finance has determined that 100% of the funding is available from the Sewer Operating Fund.

STRATEGIC GOAL:

The Wastewater Management Plan 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" and the Otay strategic goal, to evaluate the long-term requirement for costs and benefits of seeking additional wastewater customers and treatment and disposal capacity.

LEGAL IMPACT: _____

None.

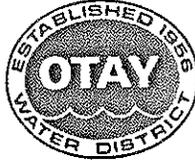
Mark Watkinson

General Manager

F:\WORKING\CIP S1210 (SSMP & WWMP)\Subproject 026000 - WWMP\Staff Reports\BD 07-05-11, Staff Report, Consultant Selection Award
WWMP Arcadis, (JP-RP).docx

JP/RP:jf

Attachments: Attachment A - Committee Action
 Attachment B - Background Information
 Attachment C - Evaluation Summary



ATTACHMENT A

PROJECT No.: S1210-026000	SUBJECT: Award of a Professional Engineering Services Contract to Malcolm Pirnie/Arcadis for the Wastewater Management Plan Project
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COMMITTEE ACTION:

The Engineering, Operations, and Water Resources Committee reviewed this item at a meeting held on June 13, 2011. The Committee supported Staff's recommendation.

NOTE:

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

ATTACHMENT B

BACKGROUND INFORMATION:

The development and/or acquisition of potential wastewater treatment and/or disposal capacity and recycled water supplies by the District have evolved in response to the various on-going issues such as the City of San Diego (City) Metro System concerning secondary treatment possibilities at the Point Loma Wastewater Treatment Plant, indirect potable reuse concepts, recycled water pricing and availability of sufficient supply from the South Bay Water Reclamation Facility, the future outcomes resulting from the City's Recycled Water Study, pursuit of additional wastewater customers, and other challenges that will likely impact the cost and future direction of providing wastewater services and recycled water supply acquisition for District customers.

It is envisioned that the WWMP project will provide sufficient information that will assist the District in determining an appropriate course(s) of action under various scenarios that will and/or may impact the provision of wastewater services and recycled water supply acquisition as we move toward the future.

The WWMP Project is anticipated to be completed over an 18-month timeframe and is intended to accomplish the following categorized and condensed scope of work items:

- Preparation of a traditional sewer system master planning effort for the wastewater collection system.
- Preparation of a Program Environmental Impact Report on the master planned wastewater collection system facilities.
- Identify and assess the various options available for wastewater disposal services and recycled water supply resources including their costs, risks, benefits, issues, requirements, opportunities, etc.
- Preparation of a comprehensive WWMP Project report.

ATTACHMENT C

PROPOSAL RATINGS BY PANEL MEMBER Wastewater Management Plan

		WRITTEN PROPOSAL					PRESENTATION AND INTERVIEW					TOTAL SCORE	AVERAGE TOTAL SCORE	REFERENCES	
		Qualifications and Experience of Consultant Team Staff	Proposal Completeness, Understanding of Scope, Schedule, and Resources	Soundness and Viability of Proposed Project Plan	Relative Magnitude of Proposed Fee	Consultant's Commitment to EBE, DBE, MBE, and SBE	INDIVIDUAL SUBTOTAL	Creativity and Insight to Scope and Issues	Strength, Experience, and Skills of Project Manager	Presentation and Communication Skills of Consultant Team	Quality of Responses to Interview Questions				INDIVIDUAL SUBTOTAL
MAXIMUM POINTS		30	25	30	15	Y/N	100	15	15	10	10	50	150		Poor/Good/Excellent
PBS&J/Atkins	Rod Posada	25	23	25	1	Y	74	13	15	9	9	46	120	116	
	Gary Stalker	28	23	25			77	14	11	8	7	40	117		
	David Charles	26	23	23			73	12	11	7	7	37	110		
	Bob Kennedy	27	23	26			77	13	13	9	8	43	120		
	Ron Ripperger	25	22	25			73	13	13	8	8	42	115		
Malcolm Pirnie/Arcadis	Rod Posada	28	25	28	15	Y	96	14	15	10	10	49	145	132	Good
	Gary Stalker	24	21	26			86	12	14	8	8	42	128		
	David Charles	27	21	25			88	11	12	8	8	39	127		
	Bob Kennedy	27	21	24			87	13	12	8	7	40	127		
	Ron Ripperger	25	22	27			89	13	14	8	8	43	132		

Review Panel Members do not know, see, or consider proposal fee when scoring categories.

FEE SCORING CHART			
Firm	Proposed Fee	Position	Score
PBS&J/Atkins	\$359,951	2	1
Malcolm Pirnie/Arcadis	\$349,979	1	15

Proposal Fee is scored by the PM after presentation and interview.

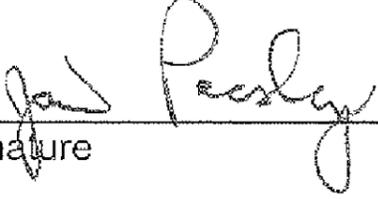
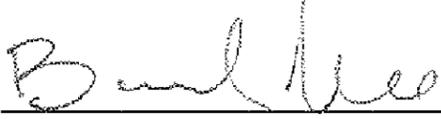
The Otay WD Project Manager is James Peasley.

Quality Assurance Approval Sheet

Subject: Award of a Professional Engineering Services
Contract to Malcolm Pirnie/Arcadis for the
Wastewater Management Plan Project

Project No.: S1210-026000

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

Author:	 _____ Signature	<u>6/9/11</u> _____ Date
	<u>James Peasley</u> _____ Printed Name	
QA Reviewer:	 _____ Signature	<u>6/9/11</u> _____ Date
	<u>Bob Kennedy</u> _____ Printed Name	
Manager:	 _____ Signature	<u>6/9/11</u> _____ Date
	<u>Rod Posada</u> _____ 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.

AGENDA ITEM 5



STAFF REPORT

TYPE MEETING:	Regular Board	MEETING DATE:	July 6, 2011
SUBMITTED BY:	Lisa Coburn-Boyd <i>LCB</i> Environmental Compliance Specialist	PROJECT/ SUBPROJECT:	R2096 - DIV. 4 001103 NO.
APPROVED BY: (Chief)	Ron Ripperger <i>RR</i> Engineering Manager		
APPROVED BY: (Asst. GM):	Rod Posada <i>RP</i> Chief, Engineering		
APPROVED BY: (Asst. GM):	Manny Magaña <i>M Magaña</i> 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 \$4,950,000.

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:

<u>CONTRACTOR</u>	<u>TOTAL BID AMOUNT</u>	<u>CORRECTED BID AMOUNT</u>
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: RUB

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.



ATTACHMENT A

SUBJECT/PROJECT: R2096-001103	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
---	--

COMMITTEE ACTION:

The Engineering, Operations, and Water Resources Committee reviewed this item at a meeting held on June 13, 2011. The Committee supported Staff's recommendation.

NOTE:

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

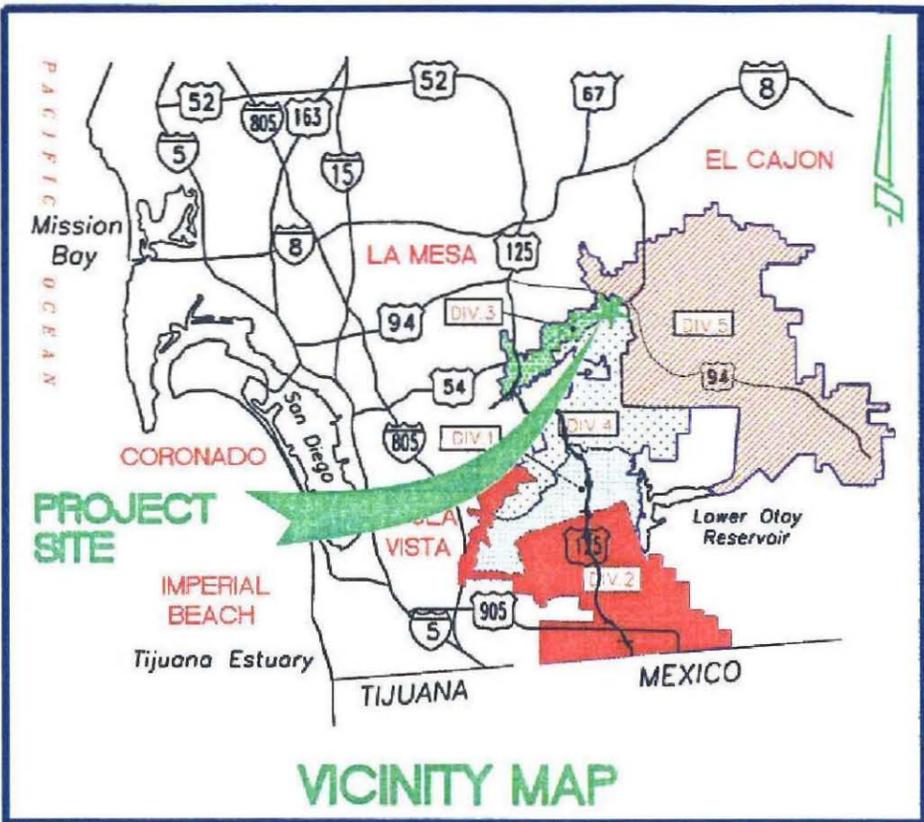


ATTACHMENT B

Otay Water District
RWCWRF - Upgrades and Modifications

Date Updated: May 31, 2011

<i>Budget</i>	<i>Committed</i>	<i>Expenditures</i>	<i>Outstanding Commitment &</i>	<i>Projected Final Cost</i>	<i>Vendor/Comments</i>
4,700,000					
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

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

EXHIBIT A

EXHIBIT B

ROBERT J. MARKS, APC *
DAVIDE GOLIA
P. RANDOLPH FINCH JR
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
JUSTIN M. STOGER
ALLISON N. COOPER

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

MARKS, GOLIA & FINCH, LLP
ATTORNEYS AT LAW
8820 SPECTRUM CENTER BOULEVARD - SUITE 900
SAN DIEGO, CALIFORNIA 92123-1489
TELEPHONE (858) 737-3100
FACSIMILE (858) 737-3101
INTERNET www.mgfllp.com
E-MAIL jthornton@mgfllp.com

June 6, 2011

ANDREA L. PETRAY
JON F. GAUTHIER, APC *
DANIELLE C. HUMPHRIES
CHRISTOPHER R. SILLARI
DUSTIN R. JONES
LAURA B. MACNEEL
RODRIGO F. MOREIRA
AJAY C. SHAH
DANIEL P. SCHOLZ
ELISHA A. HARP
RYAN P. KENNEDY
ADAM C. WITT
BRETT T. WALKER
M. KATY ROSS
ROSS M. MATTESON

* OF COUNSEL

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.

I. 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

Ms. Lisa Coburn-Boyd
June 6, 2011
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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

Ms. Lisa Coburn-Boyd

June 6, 2011

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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

Ms. Lisa Coburn-Boyd
June 6, 2011
Page 4 of 5

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].)

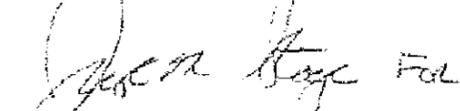
4. Conclusion

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

Ms. Lisa Coburn-Boyd
June 6, 2011
Page 5 of 5

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:sib/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 00450
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 Title: _____ Year Completed: _____

Type of Project _____ Contract Amount: \$ _____

Company Name: _____

Address: _____

Contact Person: _____ Tel: _____

Project Title: _____ 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: _____

Project Title: _____ Year Completed: _____

Type of Project _____ Contract Amount: \$ _____

Company Name: _____

Address: _____

Contact Person: _____ Tel: _____

Project Title: _____ Year Completed: _____

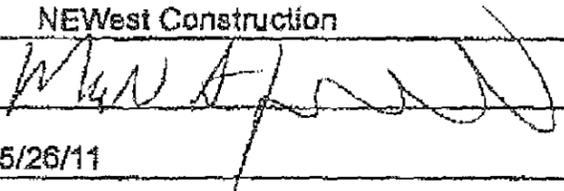
Type of Project _____ Contract Amount: \$ _____

Company Name: _____

Address: _____

Contact Person: _____ Tel: _____

BIDDER: NEWest Construction

Signature: 

Date: 5/26/11

'END OF SECTION'

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

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 951-286-6900
 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) resilient 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

voice mail

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

NEWest CONSTRUCTION - PAST PROJECTS

NAME OF AGENCY	Leucadia Wastewater District	<i>CITY OF CARLSBAD</i>	CONTRACT NO.	
AGENCY ADDRESS	1960 La Cosata Ave., Carlsbad, CA 92009		0613	<i>THANK BILLY (760) 602- 2763</i>
CONTACT NAME	Robin Morishita	CONTACT PHONE	760-753-0155 x3007	<i>AL. FERRER 862422 427023</i>
CONTRACT AMOUNT	\$163,848.00	COMPLETION DATE	2/18/07	
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

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

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 emergency 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

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 826 Imperial Beach Blvd. 1014
Imperial Beach, CA

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., 1017
Suite 470, San Diego, CA 92037-0916

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

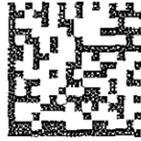
In accordance with the provisions of California law, the District has determined that, at the time the contract is awarded, the Contractor shall be properly licensed in accordance with the laws of this State. Accordingly, the Contractor shall possess a valid Class "A" license at the time that the contract 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

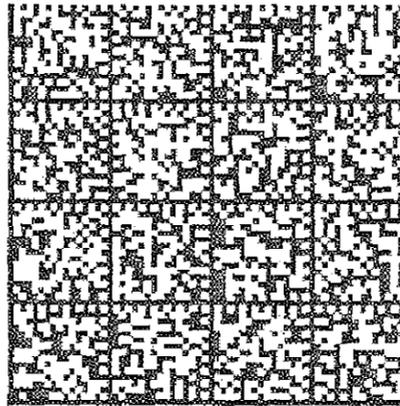


95045-002195-V10

Next Day Overnite -- P

Zone:8105

Bill To:95045 Date: 6/6/2011
From:Sally Butterworth
Marks, Golia & 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



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



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 values 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.

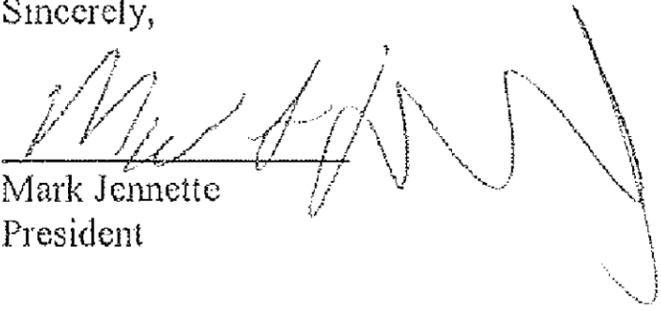
Page 2
June 7, 2011
Ms. Coburn-Boyd

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 Olay 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

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 ININSTALLATION 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 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

<u>Project</u>	<u>Location</u>	<u>Amount</u>
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 Obispo	\$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
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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



A Professional Corporation

Richard E. Romero

romero@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\43442\CO\S0055950.WPD

Stutz Artiano Shinoff & Holtz
A Professional Corporation

Jason R. Thornton
Marks, Golia & Finch, LLP

June 9, 2011
Page 2

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., Ghilotti 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



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 values 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.

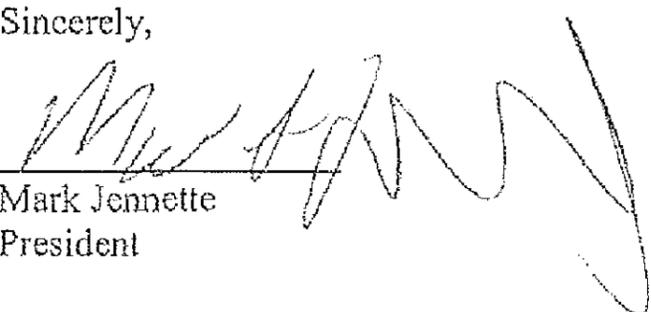
Page 2
June 7, 2011
Ms. Coburn-Boyd

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

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	951-296-6800
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.		
<hr/>			
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	760-788-5200
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.		
<hr/>			
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 0602
 Brawley, CA 92227

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 ININSTALLATION 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 1540 Harbor 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	CONTACT 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	CONTACT 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	CONTACT 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 ductbank and manholes, underground fuel storage vaults, fire alarm system, installation of transformers, switches, switchgear, and sectionalizing cabinets.

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Quincy Vocational Technical High School - 1979

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Replace PCB Transformers	Norwood, MA	\$300K
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69KV Service	NRAD Point Loma, CA	\$3.0M
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