



**GOVERNING BOARD MINUTES
SPECIAL MEETING, GOVERNING BOARD
PALOMAR COMMUNITY COLLEGE DISTRICT
PRESIDENT'S CONFERENCE ROOM
COLLEGE CAMPUS
SAN MARCOS, CALIFORNIA
MONDAY, JULY 15 , 2002, 5:30 P.M.**

A. CALL TO ORDER

Dr. Robert L. Dougherty, Jr., President, called the special meeting of the Palomar Community College District Governing Board to order at 5:30 p.m.

B. ROLL CALL

TRUSTEES PRESENT:

ROBERT L. DOUGHERTY, JR., M.D., PRESIDENT
DARRELL L. McMULLEN, M.B.A., VICE PRESIDENT
SILVERIO H. HARO, ED.M., SECRETARY
RALPH G. JENSEN, B.A., TRUSTEE
MICHELE T. NELSON, PH.D., TRUSTEE

TRUSTEE ABSENT:

SEAN WEIMER, STUDENT TRUSTEE

EXECUTIVE ADMINISTRATORS PRESENT:

Dr. Sherrill L. Amador, Superintendent/President
Jerry Patton, Assistant Superintendent/Vice President, Finance and Administrative Services

GUESTS:

Donald D. Adair, Division Manager, Swinerton Builders
William Hearne, Marcotte & Hearne Builders
William M. Marcotte, Marcotte & Hearne Builders

QUORUM ESTABLISHED

Dr. Dougherty declared a quorum present, and the meeting proceeded with the order of business.

A TAPED RECORD OF THE PROCEEDINGS OF THIS MEETING IS ON FILE IN THE PRESIDENT'S OFFICE FOR THIRTY DAYS OR UNTIL THE MINUTES OF THE MEETING HAVE BEEN APPROVED BY THE GOVERNING BOARD, WHICHEVER IS LONGER.

C. CALL FOR REMOVAL OF ITEMS FROM OR CHANGES TO AGENDA – There were none.

D. NEW BUSINESS

1. RECEIVE BIDS FOR STUDENT UNION CONSTRUCTION, PHASE II. WAIVE A MINOR IRREGULARITY IN BIDDING. DECLARE THE LOWEST RESPONSIVE BIDDER. AND AWARD CONTRACT SUBJECT TO RECEIPT OF BONDING, INSURANCE, AND SATISFACTORY REFERENCE CHECKS

MSC Jensen, Nelson

The Governing Board received the following bids on the Student Union Construction, Phase II Project (the "Project") opened on July 11, 2002, at 2:00 p.m.:

<u>BIDDER</u>	<u>BASE BID</u>
Marcotte & Hearne Builders., Inc., San Diego, CA	\$ 3,124,000.00
Swinerton Builders., San Diego, CA	\$ 3,230,000.00
Richard & Richard Construction., Oceanside, CA	\$ 3,316,000.00

The bid of the apparent low bidder, Marcotte & Hearne Builders ("Marcotte"), contained a minor irregularity in the total bid price as stated in the words (Three Million) and directly under this entry on the next line of the bid form, the numbers (\$3,124,000.00). The Board hereby waives as a minor irregularity the difference and finds that the intent of Marcotte as stated on the face of the bid was to bid a total price of \$3,124,000.00.

The Board finds that it was notified by the owner of Marcotte within thirty (30) minutes of submitting its bid that this error in recording on its bid form had occurred and requested relief as a minor irregularity in the bidding where all bids were submitted to the District under great time pressure and were received within two (2) minutes of bid closing.

In considering and granting the waiver, the Board finds that to do so would not deprive the District of its assurance that the contract will be entered into, performed, and guaranteed accordingly to its specified requirements and that the waiver will not adversely affect competitive bidding by placing Marcotte in a position of advantage over other bidders since all other bids were higher than \$3,124,000.00.

Based on the foregoing, the Governing Board waives the minor irregularity in the bid, accepts the low, responsive bid of Marcotte & Hearne Builders, San Diego, in the amount of Three Million One Hundred Twenty-Four Thousand Dollars & No Cents (\$3,124,000.00), and awards a contract to Marcotte & Hearne Builders in that amount, subject to receipt of required bonding, insurance certificates, and satisfactory reference checks. Funding for this Project is from a combination of sources including, in part, student fees approved by students for this Project. **Exhibit D-1**

Mr. Donald Adair of Swinerton Builders was present to protest the awarding of the contract to Marcotte & Hearne. He explained his reasons for the protest. Copies of a letter from Mr. Adair received by Ben Echeverria immediately prior to the meeting were distributed to those present. The Board also review copies of a letter from Mr. Marcotte received by Mr. Echeverria shortly after the bids were opened on July 11, explaining their clerical error. **Exhibits D-1-a and D-1-b**

The Vote was unanimous.

E. COMMENTS FROM OTHER INDIVIDUALS AND GROUPS – There were none.

F. ADJOURNMENT

The meeting was adjourned at 5:50 p.m.

President

Secretary