

CAPITAL PROJECTS ADVISORY COMMITTEE
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A regular meeting of the Capital Projects Advisory Committee was held on Thursday, May 22, 1997 in the Administrative Complex Conference Room #59, 2621 Northgate Lane, Carson City, NV at 5:30 p.m.

PRESENT: Chairperson Gary Sheerin
Vice Chairperson Jenny Lopiccolo
Richard Baker
Kevin Honkump
Ed Moran
Craig Mullet
Ron Swirczek

STAFF: Walter Sullivan, Community Development Director
Noel Waters, District Attorney
Jay Aldean, Senior Engineer/Special Projects
John Iratcabel, Purchasing Director
Barney Dehl, Undersheriff
Fran Smith, Recording Secretary
(CPAC 5/22/97 1-0000.5)

NOTE - Unless otherwise indicated each item was introduced by Chairperson Sheerin. Individuals speaking are identified following the heading of each item. A tape recording of these proceedings is on file in the Clerk-Recorder's office. This tape is available for review and inspection during normal business hours.

A. CALL TO ORDER - Chairperson Sheerin called the meeting to order at 5:30 p.m. A roll call was taken and a quorum was present although Member Baker was absent and Member Moran had not yet arrived. Arrived at 5:43 p.m.

C-1 DISCUSSION REGARDING THE BID AWARD STATUS FOR THE JAIL/COURTHOUSE PUBLIC SAFETY COMPLEX - (1-0010.5) B. J. Sullivan, president of Clark and Sullivan - Donna Capp, Clark and Sullivan project estimator - Mani Subramanian and Gordon Graham of Vanir - Dan Carne, local DMJM representative - Chairperson Sheerin noted that Roche Contractors, Inc. was the lowest bidder and at the previous meeting the Committee had recommended their bid be accepted. He noted that a document dated May 19, 1997 from Clark and Sullivan Constructors containing their protest had been given to the Members. He said he had asked Mr. Waters, the Vanir representatives, and Mr. Iratcabel to attend this meeting to comment on the document. He also said a copy had been sent to Roche for their comments. He stated the Committee was not in a position to award or not award the contract because that is something that would be done by the Board of Supervisors on May 29. He felt that the Board was looking to the Committee for advice on what, if anything, should be done. He stated his belief that the Committee should review the allegations and responses to see if there was any reason why Roche should not be awarded the contract.

(1-0073.5) Clark and Sullivan President B. J. Sullivan said they had reviewed the drawings for the time schedule, how the bid would be put together, and pricing. He mentioned they had spent more time reviewing the drawings than they would normally do on a project and said the reason they took so long was because they believed the drawings to be incomplete. He said it was their feeling that the Committee should take them back to the architect. He felt the City would spend a lot of money on changes because of what they felt were the deficiencies and elaborated on what they believed these were. Chairperson Sheerin advised that the Committee had talked to the architects and had been told the final drawings would not have any addendums. He added in the next couple of days they would be submitted to the City for final plan check review and then there would be a complete set to be used for completing the project. B. J. Sullivan expressed his belief if the drawings were provided momentarily they would not be in a buildable state and said they needed at least one or two months of hard intensive work. Donna Capp, project estimator for Clark and Sullivan, also noted her belief that the drawings were incomplete. She provided details as to why she felt there would be problems with the suppliers on some of the parts and

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equipment shown on the drawings.

(1-0443.5) Robert Maddox, Attorney for Roche, stated that Clark and Sullivan were \$600,000 higher than Roche. He felt that Clark and Sullivan desired to have the bidding results thrown out so that they would have an opportunity to sharpen their pencils. Mike Allen, Vice President of Roche, commented on tactics that had taken place the past couple of weeks. He also noted he had spoken to Simon Park of DMJM who felt the drawings were very buildable.

(1-0545.5) At this point Chairperson Sheerin asked for clarification as to why the figures given Roche by the steel company were different from those given to other contractors. Mr. Allen said they had received several bids on this project that were lower than those the other contractors received. An extensive discussion ensued which included questions from Members on the bidding process as it related to what had been submitted by the steel sub-contractor. Also included was a response by Mr. Waters to a question from Member Swirczek on an alleged impropriety by the steel sub-contractor in the bidding and provided details on why it had been determined there was no cause. The discussion then continued with details on how the bidding had evolved. Chairperson Sheerin also asked Mr. Waters if he saw anything that would make the Committee recommend that Roche not get the bid. Mr. Waters said he did not and stated Roche was the lowest bidder on the project and reiterated what had previously been said that the complaint brought against them was that the bid of the steel sub-contractor was different from that which they had offered to others. He noted that the documents that had been provided and the comments made by Roche in response to the allegations gave an explanation as to why the figures were different. He also commented that to his knowledge Clark and Sullivan had not filed a grievance with the State Contractors' Board to back up what they had included in their May 19 letter. He did not see any obligation, ethically or legally, to look further into the dealings between the general and their sub-contractor. He then stated his belief that there was no basis for suggesting that they were not the lowest responsible and responsive bidder. Member Swirczek asked for clarification on criteria for rejecting a bid and Mr. Waters referred to 333-38 concerning public works projects and said he did not recall any specific exceptions.

(1-1229.5) At this point Chairperson Sheerin referred to the comments as to the adequacy of the drawings. He noted that Mr. Graham and Mr. Subramanian had reviewed them and asked if they felt the Committee would be ill advised to go with them. Mr. Subramanian said Vanir had not reviewed them to the extent the contractors and sub-contractors had but noted that overall they believed they are a good set of documents. Mr. Graham said he was comfortable with them and felt that the project could go forward. Chairperson Sheerin then asked Mr. Iratcabel how he felt about this and he concurred with what Mr. Graham had said. He asked the same thing of Mr. Aldean who stated his opinion and that of the City building officials was that the project is buildable using these plans. Mr. Carne confirmed for Member Swirczek that in his opinion, as the local DMJM representative, he would not have released the documents for bid if he felt they were not complete enough to get realistic bids. Chairperson Sheerin then stated that Simon Park of DMJM could also respond to the question and attempted to phone him but Mr. Park had already left for the day. He noted that this item was agendaized for discussion but no action; however, he felt that the Board of Supervisors was looking to the Committee for a recommendation.

H. AGENDA ITEMS FOR NEXT REGULAR CAPITAL PROJECT ADVISORY COMMITTEE MEETING - (1-1631.5) Chairperson Sheerin said if the Committee was going to make a recommendation to the Board against accepting Roche they could have a special meeting on May 29 for a vote that would say to the Board that the Committee did not feel the Board should award the contract to Roche. He asked if Members felt any evidence had been presented at this meeting that would suggest a special meeting to recommend against Roche. Hearing no responses he said he was assuming the Committee agreed Roche was the lowest responsible bidder and that they would not recommend against them. At this point he thanked Clark and Sullivan for their comments and stated they had the right to have their attorney appeal the decision made by the Committee. Mr. Sullivan thanked the Committee for listening to them and said they would not be making an appeal.

C-2 DISCUSSION AND POSSIBLE ACTION REGARDING THE ROLE OF THE CAPITAL PROJECTS ADVISORY COMMITTEE DURING CONSTRUCTION OF THE JAIL/COURTHOUSE

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PUBLIC SAFETY COMPLEX - (1-701.5) Mr. Aldean stated that he and Member Baker had met with Mr. Park and Mr. Graham to discuss this and had also met with Mr. Iratcabal on the subject. He added that staff has the authority to make any change order up to the approved construction contingency amount which in this case was \$1.6 million dollars. He said he did not want that kind of responsibility and referred to Item 6 in the manual which states that he, the project administrator, may execute change orders up to and including \$50,000 with ten days of time extension up to the approved construction contingency amount. Therefore, he said any of his change orders would not exceed \$50,000 or an addition or deletion of ten days of time extension. He also read that the Committee would approve change orders in excess of \$50,000 up to the approved construction contingency amount. He said if he received any big items he would like to defer them to the Committee for discussion. He also suggested that the Committee meet at least on a quarterly basis to discuss how the construction is going unless it was necessary to meet at other intervals. Chairperson Sheerin felt that they should meet at the call of the Chair. He then asked Mr. Aldean what kind of timely meetings he recommended be held among the contractor, the architects, the construction manager, and the City. Mr. Subramanian said they would meet weekly. Chairperson Sheerin reiterated that the next meeting of the Committee would be at the call of the chair.

D. COMMITTEE MEMBER REPORTS (NON-ACTION) - Discussed earlier.

E. REPORT FROM PROJECT ARCHITECT - Discussed earlier.

F. REPORT FROM PROJECT MANAGER - Discussed earlier.

G. REPORT FROM STAFF - Discussed earlier.

I. APPROVAL OF MINUTES - MARCH 28, 1997 AND APRIL 24, 1997 - None.

B. PUBLIC COMMENT - None.

J. ADJOURNMENT - There being no further business Chairperson Sheerin entertained a motion to adjourn. Member Honkump moved to adjourn. Member Mullet seconded the motion. Motion carried 6-0. Chairperson Sheerin adjourned the meeting at 7:30 p.m.

The Minutes of the May 22, 1997 meeting of the Capital Projects Advisory Committee

ARE SO APPROVED__10/14___, 1997

/s/_____
Gary Sheerin, Chairperson