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County of Santa Cruz

GENERAL SERVICES DEPARTMENT

701 OCEAN STREET, SUITE 330, SANTA CRUZ, CA 95060-4073

(831) 454-2718 FAX: (831) 454-2710 TDD: (831) 454-2123

BOB WATSON, DIRECTOR

August 3, 2000

AGENDA: August 152000

Board of Supervisors
COUNTY OF SANTA CRUZ
701 Ocean Street
Santa Cruz, CA 95060

RECOMMENDATION OF AWARD FOR 1080 EMELINE BASEMENT HVAC #99C1-018

'Dear Members of the Board:

At your August 1, 2000 Board meeting, bids were received for the 1080 Emeline Basement HVAC project. Your Board directed the General Services Department to review bids and return on or before August 15, 2000 with a recommendation of award.

As direct, the bids received have been reviewed and we believe that the lowest bidder, Airtec Services, with a bid of \$32,316 can accomplish the work to the County's satisfaction.

In order to complete the financing for the project, it is necessary to accept unanticipated revenue from the Health Services Agency in the amount of \$35,548 into the Plant Budget. With this action, sufficient funds will be available in the Plant Budget, Index 191020/Q37005, Sub Object 6610 for this project.

It is therefore RECOMMENDED that your Board:

1. Adopt the attached resolution accepting unanticipated revenue in the amount of \$35,548 and appropriate the funds into the Plant Budget, 191020/Q37005, Sub Object 6610;
2. Award a contract to Airtec Services in the amount of \$32,316 for the 1080 Emeline Basement HVAC project;
3. Authorize the General Services Director to notify the contractor and sign the contract agreements and associated documents on behalf of your Board; and,
4. Authorize the Director of General Services to approve change orders and appropriate \$3,232 in addition to the contract amount to cover change order expenditures, as required.

Sincerely,

BOB WATSON
Director

RECOMMENDED:

SUSAN A. MAURIELLO
County Administrative Officer

cc: HSA, Auditor-Controller, General Services
Airtec Services

Attachment: ADM 29, AUD 60

GSD454 H:\Formal Bids\99C1-018\ROA.wpd

Agreement No. _____

A G R E E M E N T

This Agreement, made and concluded this _____ day of _____ 200_, by and between _____, and the COUNTY OF SANTA CRUZ, hereinafter called CONTRACTOR and COUNTY, respectively.

WITNESSETH:

WHEREAS, the Board of Supervisors of said County has awarded a Contract to Contractor for performing the work hereinafter mentioned in accordance with the sealed proposal of said Contractor.

NOW, THEREFORE, it is agreed as follows:

1. **Scope of Work.** Contractor shall perform all the work and furnish all the labor, materials, equipment, and all utility and transportation services required to complete all of the work for 1080 EMELINE BASEMENT HVAC in Santa Cruz County, in accordance with the Notice to Bidders, Specifications and Plans, Special Provisions, and Bidder's Proposal; the items and quantities of which are more particularly set forth in Contractor's Proposal, therefor, on file in the Office of the County Clerk.
2. **Time for Performance.** The Contractor shall begin the work within ten (10) calendar days after receiving the "Notice to Proceed," and shall diligently prosecute the same to completion before the expiration of sixty (60) calendar days from the date of said "Notice to Proceed."
3. **Independent Contractor Status.** CONTRACTOR and COUNTY have reviewed and considered the principal test and secondary factors below and agree that CONTRACTOR is an independent contractor and not an employee of COUNTY. CONTRACTOR is responsible for all insurance (workers compensation, unemployment, etc.) and all payroll related taxes. CONTRACTOR is not entitled to any employee benefits. COUNTY agrees that CONTRACTOR shall have the right to control the manner and means of accomplishing the result contracted for herein.

Principal Test. The CONTRACTOR rather than COUNTY has the right to control the manner and means of accomplishing the result contracted for.

Agreement No. _____

Secondary Factors. (a) The extent of control which, by agreement, COUNTY may exercise over the details of the work is slight rather than substantial; (b) CONTRACTOR is engaged in a distinct occupation or business; (c) In the locality, the work to be done by CONTRACTOR is usually done by a specialist without supervision, rather than under the direction of an employer; (d) The skill required in the particular occupation is substantial rather than slight; (e) The CONTRACTOR rather than the COUNTY supplies the instrumentalities, tools and workplace; (f) The length of time for which CONTRACTOR is engaged is of limited duration rather than indefinite; (g) The method of payment of CONTRACTOR is by the job rather than by the time; (h) The work is part of a special or permissive activity, program or project, rather than part of the regular business of COUNTY; (i) CONTRACTOR and COUNTY believe they are creating an independent contractor relationship rather than an employer-employee relationship; and (j) The COUNTY conducts public business.

It is recognized that it is not necessary that all secondary factors support creation of an independent contractor relationship, but rather that overall there are significant secondary factors which indicate that CONTRACTOR is an independent contractor.

4. **Component Parts.** This Contract shall consist of the following documents, each of which is on file with the Santa Cruz County Clerk of the Board, and all of which are incorporated herein, and made a part hereof by reference thereto:
 - a. This Agreement and Guarantees
 - b. Notice to Bidders, inviting sealed proposals
 - c. Specifications entitled: 1080 EMELINE BASEMENT HVAC
 - d. Plans entitled: 1080 EMELINE BASEMENT HVAC
 - e. Bidder's Bond
 - f. Accepted Proposal
 - g. Performance Bond
 - h. Payment Bond
 - i. Certificate of Worker's Compensation Insurance
 - j. Certificate of General Liability Insurance
 - k. Certificate of Auto Liability Insurance
5. County shall pay and Contractor shall accept, in full consideration for the performance of the Contract, subject to additions and deductions as provided therein, the sum of \$ _____.
6. Pursuant to County Code Section 2.37.107, any bid, proposal, or other response to a solicitation for bid or proposal which proposes or calls for the use of any tropical hardwood or wood product in performance of the contract shall be deemed nonresponsive. The contractor shall not

Agreement No. _____

provide any items in performance of this contract which are tropical hardwoods or tropical hardwood products. The County of Santa Cruz urges companies not to import, purchase, obtain, or use for any purpose, any tropical hardwood or tropical hardwood product. In the event any bidder or contractor fails to comply in good faith with any of the provisions of County Code Section 2.37.107, the bidder or contractor shall be liable for liquidated damages in an amount equal to the bidder's or contractor's net profit under the contract, or five (5) percent of the total amount of the contract dollars, whichever is greater. The contractor acknowledges and agrees that the liquidated damages assessed shall be payable to the County upon demand and maybe set off against any monies due to the bidder or contractor from any contract with the County.

7. Nondiscrimination Clause.

The CONTRACTOR shall not discriminate against any employee or applicant for employment because of race, color, religion, national origin, ancestry, physical or mental disability, medical condition (cancer related), marital status, sexual orientation, age (over 18), veteran status, gender, pregnancy, or any other non-merit factor unrelated to job duties. Such action shall include, but not be limited to, the following: recruitment; advertising, layoff or termination; rates of pay or other forms of compensation; and selection for training (including apprenticeship), employment, upgrading, demotion, or transfer. The CONTRACTOR agrees to post in conspicuous places, available to employees and applicants for employment, notice setting forth the provisions of this non-discrimination clause. Contractors and subcontractors shall comply with the provisions of the Fair Employment and Housing Act (Government Code, Section 12900 et seq.) and the applicable regulations promulgated thereunder (California Administrative Code, Title 2, Section 7285.0 et seq). The applicable regulations of the Fair Employment and Housing Commission implementing Government Code, Section 12990, set forth in Chapter 5 of Division 4 of Title 2 of the California Administrative Code are incorporated into this contract by reference and made a part hereof as if set forth in full. Contractor and its subcontractors shall give written notice of their obligations under this clause to labor organizations with which they have a collective bargaining or other agreement.

The CONTRACTOR will, in all solicitations or advertisements for employees placed by or on behalf of the CONTRACTOR, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, national origin, ancestry, physical or mental disability, medical condition (cancer related), marital status, sexual orientation, age (over 18), veteran status, gender, pregnancy, or any other non-merit factor unrelated to job duties. Such action shall include, but not be limited to, the following: recruitment; advertising, layoff or termination; rates of pay or other forms of compensation; and selection for training (including apprenticeship), employment, upgrading, demotion, or transfer. The CONTRACTOR agrees to post in conspicuous places, available to

employees and applicants for employment, notice setting forth the provisions of this non-discrimination clause.

The CONTRACTOR will cause the foregoing provisions to be inserted in all subcontracts for any work covered by this Agreement, provided that the foregoing provisions shall not apply to contracts or subcontracts for standard commercial supplies or raw materials.

IN WITNESS WHEREOF, County has caused these presents to be executed by its officers thereunto duly authorized and Contractor has subscribed same, all on the day and year first above written.

Contractor Name

By _____

Title _____

ATTEST:

COUNTY OF SANTA CRUZ

Clerk, Board of Supervisors

By _____

APPROVED AS TO FORM

County Counsel

Date

COUNTY OF SANTA CRUZ
REQUEST FOR APPROVAL OF AGREEMENT

0064

TO: Board of Supervisors
County Administrative Officer
County Counsel
Auditor-Controller

FROM: General Services

B. Davis (Signature) (Date)

The Board of Supervisors is hereby requested to approve the attached agreement and authorize the execution of the same.

- Said agreement is between the County of Santa Cruz (Agency)
and, Airtec Services, 201 Walker Street, Watsonville, Ca 95076 (Name & Address)
- The agreement will provide HVAC modifications at 1080 Eneline Basement 99C1-018
- The agreement is needed as the work can be performed most expeditiously by contract
- Period of the agreement is from Board approval to June 30, 2001
- Anticipated cost is \$ 35,543 (Fixed amount; Monthly rate; Not to exceed)
- Remarks: \$32, 316 contract + \$3, 232 contingency= \$35, 548 total
- Appropriations are budgeted in 191020/Q37006 (Index#) 6610 (Subobject)

FD 40/10/00 NOTE: IF APPROPRIATIONS ARE INSUFFICIENT, ATTACH COMPLETED FORM AUD-74

Appropriations are available and have been encumbered. Contract No. C002214 Date 8/4/00

GARY A. KNUTSON Auditor - Controller

By Linda Chou Deputy.

Proposal reviewed and approved. It is recommended that the Board of Supervisors approve the agreement and authorize the Contract to execute the same on behalf of the County (Agency).

Remarks: G (Analyst)

By Paul Surt County Administrative Officer Date 8/4/00

Agreement approved as to form. Date _____

Distribution:

Bd. of Supv. - White
Auditor-Controller - Blue
County Counsel - Green *
Co. Admin. Officer - Canary
Auditor-Controller - Pink
Originating Dept. - Goldenrod

*To Orig. Dept. if rejected.

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A 29 (6/95)

State of California)
County of Santa Cruz) ss

I _____ ex-officio Clerk of the Board of Supervisors of the County of Santa Cruz,
State of California, do hereby certify that the foregoing request for approval of agreement was approved by
said Board of Supervisors as recommended by the County Administrative Officer by an order duly entered
in the minutes of said Board on _____ County Administrative Officer
_____ 19____ BY _____ Deputy Clerk

BEFORE THE BOARD OF SUPERVISORS
OF THE COUNTY OF SANTA CRUZ, STATE OF CALIFORNIA

RESOLUTION NO. _____

On the motion of Supervisor _____
duly seconded by Supervisor _____
the following resolution is adopted:

RESOLUTION ACCEPTING UNANTICIPATED REVENUE

WHEREAS, the County of Santa Cruz is a recipient of funds from Health Services
Agency _____ for Capital Projects-1080 Emeline program; and

WHEREAS, the County is recipient of funds in the amount of \$ 35,548
which are either in excess of those anticipated or are not specifically set forth in the
current fiscal year budget of the County; and

WHEREAS, pursuant to Government Code Section 29130(c)/29064(b), such funds may
be made available for specific appropriation by a four-fifths vote of the Board of
Supervisors.

NOW, THEREFOR, BE IT RESOLVED AND ORDERED that the Santa Cruz County
Auditor-Controller accept funds in the amount of \$35.548 into

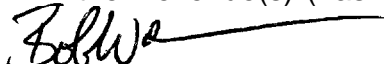
Department Capital Projects- 1080 Emeline

TIC	Index Number	Revenue Subobject Number	Account Name	Amount
001	191020	2367/Q37005	Contribution from other funds	\$35, 548

and that such funds be and are hereby appropriated as follows:

T/C	index Number	Expenditure Subobject Number	PRJ/UCD	Account Name	Amount
021	191020	6610	437005	Struc. & Improvements	\$35, 548

DEPARTMENT HEAD I hereby certify that the fiscal provisions have been researched
and that the Revenue(s) (has been) (will be) received within the current fiscal year,

By 
BOB WATSON, Department Head

Date 9-3-02

COUNTY ADMINISTRATIVE OFFICER

☐ Recommended to Board
☐ Not Recommended to Board

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Cruz,
 State of California, this _____ day of _____ 19_____
 by the following vote (requires four-fifths vote for approval):

AYES: SUPERVISORS

NOES: SUPERVISORS

ABSENT: SUPERVISORS

Chairperson of the Board

ATTEST:

Clerk of the Board

APPROVED AS TO FORM:

APPROVED AS TO ACCOUNTING DETAIL:

Harvey A. Oberhelman
 County Counsel

Linda Chou 8/4/00
 Auditor-Controller

Distribution:

Auditor-Controller
 County Counsel
 County Administrative Officer
 Originating Department