



Pedro "Pete" M. Sanchez, Mayor  
Mike Hudson, Mayor Pro-Tem  
Jane Day  
Sam Derting  
Michael A. Segala

First and Third Tuesday  
Every Month

**A G E N D A**

**REGULAR MEETING OF THE  
SUISUN CITY COUNCIL  
SUISUN CITY COUNCIL ACTING AS SUCCESSOR AGENCY TO THE  
REDEVELOPMENT AGENCY OF THE CITY OF SUISUN CITY,  
AND HOUSING AUTHORITY  
TUESDAY, OCTOBER 2, 2012  
7:00 P.M.**

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**SUISUN CITY COUNCIL CHAMBERS -- 701 CIVIC CENTER BOULEVARD -- SUISUN CITY, CALIFORNIA**

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(Next Ord. No. – 722)  
(Next City Council Res. No. 2012 – 74)  
Next Suisun City Council Acting as Successor Agency Res. No. SA2012 – 14)  
(Next Housing Authority Res. No. HA2012 – 04)

**ROLL CALL**

Council / Board Members  
Pledge of Allegiance  
Invocation

**PUBLIC COMMENT**

*(Requests by citizens to discuss any matter under our jurisdiction other than an item posted on this agenda per California Government Code §54954.3 allowing 3 minutes to each speaker).*

**CONFLICT OF INTEREST NOTIFICATION**

*(Any items on this agenda that might be a conflict of interest to any Councilmembers / Boardmembers should be identified at this time.)*

**PRESENTATIONS/APPOINTMENTS**

*(Presentations, Awards, Proclamations, Appointments).*

1. Presentation of a Proclamation to Gerry Raycraft, Boardmember, Solano-Napa Habitat for Humanity, Proclaiming October 1, 2012 as World Habitat Day.

**CONSENT CALENDAR**

**Suisun City Council Acting as Successor Agency**

2. Agency Receive and Accept the Due Diligence Review of the Low and Moderate Income Housing Fund – (Garben).

DEPARTMENTS: AREA CODE (707)

ADMINISTRATION 421-7300 ■ PLANNING 421-7335 ■ BUILDING 421-7310 ■ FINANCE 421-7320  
FIRE 425-9133 ■ RECREATION & COMMUNITY SERVICES 421-7200 ■ POLICE 421-7373 ■ PUBLIC WORKS 421-7340  
SUCCESSOR AGENCY 421-7309 FAX 421-7366

Joint City Council / Suisun City Council Acting as Successor Agency

3. Council/Agency Approval of the Minutes of the Regular and/or Special Meetings of the Suisun City Council and Suisun City Council Acting as Successor Agency held on September 18, 2012 – (Hobson).

**GENERAL BUSINESS**City Council

4. Awarding Construction Contract for Senior Center Reroof Project – (Kasperson).
  - a. Council Adoption of Resolution No. 2012-\_\_\_: Declaring the Bid of Northwest Roofing & Waterproofing, Inc. for the Senior Center Reroof Project as Non-Responsive.
  - b. Council Adoption of Resolution No. 2012-\_\_\_: Authorizing the City Manager to Enter into a Construction Contract on the City's behalf with Solano County Roofing Inc. for the Senior Center Reroof Project.

**PUBLIC HEARINGS:****REPORTS: (Informational items only.)**

5. City Manager/Executive Director/Staff
  - a. Update on Redevelopment, AB 1484 and League of California Cities Law Suit – (Garben).
6. Mayor/Council - Chair/Boardmembers

**ADJOURNMENT**

A complete packet of information containing staff reports and exhibits related to each item for the open session of this meeting, and provided to the City Council, are available for public review at least 72 hours prior to a Council /Agency/Authority Meeting at Suisun City Hall 701 Civic Center Blvd., Suisun City. Agenda related writings or documents provided to a majority of the Council/Board/Commissioners less than 72 hours prior to a Council/Agency/Authority meeting regarding any item on this agenda will be made available for public inspection during normal business hours. An agenda packet is also located at the entrance to the Council Chambers during the meeting for public review. The City may charge photocopying charges for requested copies of such documents.

***PLEASE NOTE:***

1. The City Council/Agency/Authority hopes to conclude its public business by 11:00 P.M. Ordinarily, no new items will be taken up after the 11:00 P.M. cutoff and any items remaining will be agendized for the next meeting. The agendas have been prepared with the hope that all items scheduled will be discussed within the time allowed.
2. Suisun City is committed to providing full access to these proceedings; individuals with special needs may call 421-7300.
3. Agendas are posted at least 72 hours in advance of regular meetings at:

City Hall  
701 Civic Center Boulevard

Fire Station  
621 Pintail Drive

Senior Center  
318 Merganser Drive

Office of the Mayor

Suisun City, California

# Proclamation



WHEREAS, Habitat for Humanity International is an ecumenical Christian ministry founded on the conviction that every man, woman and child should have a decent, safe and affordable place to live; and

WHEREAS, Habitat for Humanity International has designated October 1, 2012 as World Habitat Day with the theme "Many Homes, One Community," highlighting the vital role that decent, affordable housing plays in community stabilization and development; and

WHEREAS, Solano-Napa Habitat for Humanity, an independent affiliate of Habitat for Humanity International, is likewise committed to the provision of decent, affordable housing for all residents of Solano and Napa Counties; and

WHEREAS, Solano-Napa Habitat for Humanity wishes to recognize World Habitat Day on October 1, 2012 in Solano County and in the City of Suisun City; and

WHEREAS, the City Council of the City of Suisun City wishes also to recognize October 1, 2012 as World Habitat Day in Solano County and in the City of Suisun City.

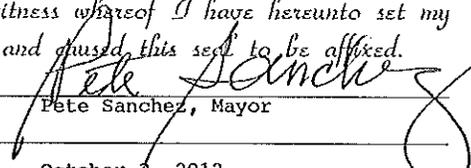
NOW, THEREFORE, BE IT RESOLVED, THAT I, Pete Sanchez, by virtue of the authority vested in me as Mayor of the City of Suisun City, do hereby proclaim Monday, October 1, 2012 as

## WORLD HABITAT DAY

in the City of Suisun City, California.

BE IT FURTHER RESOLVED, that the City Council of the City of Suisun City affirms its shared commitment with Solano-Napa Habitat for Humanity that all City of Suisun City residents deserve the opportunity for decent, affordable housing.

*In witness whereof I have hereunto set my hand and affixed this seal to be attested.*

  
Pete Sanchez, Mayor

ATTEST:

DATE: October 2, 2012

## AGENDA TRANSMITTAL

**MEETING DATE:** October 2, 2012

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**SUCCESSOR AGENCY AGENDA ITEM:** Receive and Accept the Due Diligence Review of the Low and Moderate Income Housing Fund

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**FISCAL IMPACT:** None.

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**BACKGROUND:** Assembly Bill 1484 (AB 1484), the redevelopment budget trailer bill amending Assembly Bill x1 26 (ABx1 26), was signed into law on June 27, 2012. AB 1484 requires the Successor Agency to hire an outside qualified licensed accountant to perform a comprehensive “Due Diligence Review” of the Low and Moderate Income Housing Fund. The accounting firm hired must be approved by the County Auditor-Controller (Auditor-Controller). The purpose of the review is to determine the unobligated fund balance that will be available for distribution to taxing entities.

AB 1484 requires the Due Diligence Review of the Low and Moderate Income Housing Fund be submitted to the Oversight Board, the County Auditor-Controller, the State Controller’s Office and the State Department of Finance (DOF) by October 1, 2012. The Oversight Board has until October 15, 2012, to review, approve and transmit to the DOF and the Auditor-Controller a determination of the amount of cash and cash equivalents available for disbursement to taxing entities.

The DOF review of the determination provided by the Oversight Board will be completed no later than November 9, 2012. Any decision to overturn determinations made by the Oversight Board to authorize a Successor Agency to retain assets or funds will be conveyed to the Oversight Board and Successor Agency via a letter. Successor Agencies have five days from receipt of the decisions to request “meet and confer.”

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**STAFF REPORT:** In FY 2010-11, the City and Redevelopment Agency retained the accounting firm of Vavrinek, Trine, Day & Company, LLP (VTD) to perform the annual audit for the City and the Agency. Since VTD is familiar with the assets and financial components of the Successor Agency, and is familiar with and participated in the development of the procedures to complete the Due Diligence Reviews of the Low and Moderate Income Housing Fund, the County Auditor-Controller was requested to approve, and did approve VTD to perform the Low and Moderate Income Housing Fund Due Diligence Review on behalf of the Successor Agency.

As of this writing, a draft Due Diligence Review of the Low and Moderate Income Housing Fund was complete, with a final expected to be available by the October 1, 2012, deadline. The final copy will be distributed or available for review with the City Clerk upon publication. There is no action of the Successor Agency Board required; however, the information is provided to the Successor Agency Board in order to ensure transparency of the process.

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**RECOMMENDATION:** It is recommended that the Successor Agency receive and accept the Due Diligence Review of the Low and Moderate Income Housing Fund.

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**PREPARED BY:**

Jason Garben, Economic Development Director

**REVIEWED/APPROVED BY:**

Suzanne Bragdon, Executive Director

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**ATTACHMENTS:**

1. Draft Due Diligence Review of the Low and Moderate Income Housing Fund

**DRAFT**

**City of Suisun City  
Redevelopment Successor Agency**

**Independent Accountants' Report on Applying  
Agreed-Upon Procedures pursuant to  
AB 1484 (Low and Moderate Income Housing Fund)**

**June 30, 2012**



VAVRINEK, TRINE, DAY  
& COMPANY, LLP  
*Certified Public Accountants*

VALUE THE DIFFERENCE

## INDEPENDENT ACCOUNTANTS' REPORT ON APPLYING AGREED-UPON PROCEDURES

Oversight Board of the  
City of Suisun City Redevelopment Successor Agency  
City of Suisun City, California

We have performed the Agreed-Upon Procedures enumerated in Attachment A, which were agreed to by the California State Controller's Office, the California Department of Finance, the County Auditor-Controller, and the City of Suisun City Redevelopment Successor Agency to determine the Successor Agency Low and Moderate Income Housing Fund's unobligated balances that are available for transfer to taxing entities, solely to assist you in ensuring that the Successor Agency is complying with its statutory requirements with respect to *Health and Safety Code* Section 34179.5. Management of the Successor Agency is responsible for the accounting records pertaining to statutory compliance pursuant to *Health and Safety Code* Section 34179.5. This Agreed-Upon Procedures engagement was conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants. The sufficiency of these procedures is solely the responsibility of those parties specified in the report. Consequently, we make no representation regarding the sufficiency of the procedures described below either for the purpose for which this report has been requested or for any other purpose.

Exhibits A, B and B-1 identify the procedures and findings.

We were not engaged to, and did not conduct an audit, the objective of which would be the expression of an opinion as to the appropriateness of the results summarized in Exhibits A, B and B-1. Accordingly, we do not express such an opinion. Had we performed additional procedures, other matters might have come to our attention that would have been reported to you.

This report is intended solely for the information and use of the Successor Agency Oversight Board, the California State Controller's Office, the California Department of Finance, the County Auditor-Controller, and is not intended to be, and should not be used by anyone other than these specified parties. This restriction is not intended to limit distribution of this report, which is a matter of public record.

Sacramento, California  
September 25, 2012

**CITY OF SUISUN CITY REDEVELOPMENT SUCCESSOR AGENCY  
EXHIBIT A  
AGREED UPON PROCEDURES  
PURSUANT TO AB 1484 LOW AND MODERATE INCOME HOUSING FUND**

Our procedures and findings are as follows:

**A. Low and Moderate Income Housing Fund of the Successor Agency**

For the Low and Moderate Income Housing Fund, the following procedures were performed:

1. Obtain from the Successor Agency a listing of all assets that were transferred from the former redevelopment agency (RDA) to the Successor Agency on February 1, 2012. Agree the amounts on this listing to account balances established in the accounting records of the Successor Agency. Identify in the Agreed-Upon Procedures (AUP) report the amount of the assets transferred to the Successor Agency as of that date.

Findings – We obtained from the Successor Agency a listing of all assets that were transferred from the former redevelopment agency to the Successor Agency on February 1, 2012. We agreed the amounts on this listing to account balances established in the accounting records of the Successor Agency noting the total balance of all assets that were transferred to the Successor Agency on February 1, 2012, was \$17,428,882, and consisted of loans receivable. Concurrently, these assets were transferred from the Successor Agency to the City Housing Authority as reflected in Exhibit B.

2. If the State Controller's Office has completed its review of transfers required under both Sections 34167.5 and 34178.8 and issued its report regarding such review, attach a copy of that report as an exhibit to the AUP report. If this has not yet occurred, perform the following procedures.
  - A. Obtain a listing prepared by the Successor Agency of transfers (excluding payments for goods and services) from the former redevelopment agency to the city, county, or city and county that formed the redevelopment agency for the period from January 1, 2011 through January 31, 2012. For each transfer, the Successor Agency should describe the purpose of the transfer and describe in what sense the transfer was required by one of the Agency's enforceable obligations or other legal requirements. Provide this listing as an attachment to the AUP report.
  - B. Obtain a listing prepared by the Successor Agency of transfers (excluding payments for goods and services) from the Successor Agency to the city, county, or city and county that formed the redevelopment agency for the period from February 1, 2012 through June 30, 2012. For each transfer, the Successor Agency should describe the purpose of the transfer and describe in what sense the transfer was required by one of the Agency's enforceable obligations or other legal requirements. Provide this listing as an attachment to the AUP report.

**CITY OF SUISUN CITY REDEVELOPMENT SUCCESSOR AGENCY  
EXHIBIT A  
AGREED UPON PROCEDURES  
PURSUANT TO AB 1484 LOW AND MODERATE INCOME HOUSING FUND**

- C. For each transfer, obtain the legal document that formed the basis for the enforceable obligation that required any transfer. Note in the AUP report the absence of any such legal document or the absence of language in the document that required the transfer.

Findings – The Successor Agency asserted the State Controller's Office has not completed a review of transfers required under both Sections 34167.5 and 34178.8.

The Successor Agency asserted that transfers from the former RDA Low and Moderate Income Housing Fund to the City Housing Authority for the period from January 1, 2011 through January 31, 2012 totaled \$7,798,469 and consisted of real property related to low and moderate income housing projects and cash, rent receivables, and prepaid expenses derived from rents or operation of properties acquired for low and moderate income housing purposes. A detailed listing of these assets is included in Exhibit B.

The Successor Agency asserted that transfers from the former RDA Low and Moderate Income Housing Fund to the City Housing Authority for the period from February 1, 2012 through June 30, 2012 totaled \$17,428,882 and consisted of affordable housing assistance loans receivable, SERAF loan receivable, and \$1,357 of unencumbered residual cash. A detailed listing of these assets is included in Exhibit B. The \$1,357 of unencumbered cash was transferred to the City Housing Authority in error and appears on Exhibit B-1 reflecting that this amount will be remitted to the County for disbursement to appropriate taxing entities.

For each transfer listed on Exhibit B of the AUP report, we obtained the legal document that formed the basis for the transfer. We obtained Resolution No. 2012-03 authorizing the City Housing Authority to retain the housing assets and functions of the former RDA, and act as the housing successor.

3. If the State Controller's Office has completed its review of transfers required under both Sections 34167.5 and 34178.8 and issued its report regarding such review, attach a copy of that report as an exhibit to the AUP report. If this has not yet occurred, perform the following procedures:
  - A. Obtain a listing prepared by the Successor Agency of transfers (excluding payments for goods and services) from the former redevelopment agency to any other public agency or to private parties for the period from January 1, 2011 through January 31, 2012. For each transfer, the Successor Agency should describe the purpose of the transfer and describe in what sense the transfer was required by one of the Agency's enforceable obligations or other legal requirements. Provide this listing as an attachment to the AUP report.
  - B. Obtain a listing prepared by the Successor Agency of transfers (excluding payments for goods and services) from the Successor Agency to any other public agency or private parties for the period from February 1, 2012 through June 30, 2012. For each transfer, the Successor Agency should describe the purpose of the transfer and describe in what sense the transfer was required by one of the Agency's enforceable obligations or other legal requirements. Provide this listing as an attachment to the AUP report.

**CITY OF SUISUN CITY REDEVELOPMENT SUCCESSOR AGENCY  
EXHIBIT A  
AGREED UPON PROCEDURES  
PURSUANT TO AB 1484 LOW AND MODERATE INCOME HOUSING FUND**

- C. For each transfer, obtain the legal document that formed the basis for the enforceable obligation that required any transfer. Note in the AUP report the absence of any such legal document or the absence of language in the document that required the transfer.

Findings – The Successor Agency asserted the State Controller's Office has not completed a review of transfers required under both Sections 34167.5 and 34178.8. The Successor Agency also asserted no transfers were made from the former redevelopment agency or the Successor Agency to any other public agency or to private parties for the period from January 1, 2011 through January 31, 2012, and the period February 1, 2012 through June 30, 2012, respectively.

4. Perform the following procedures:

- A. Obtain from the Successor Agency a summary of the financial transactions of the Redevelopment Agency and the Successor Agency in the format set forth in the attached schedule for the fiscal periods indicated in the schedule. For purposes of this summary, the financial transactions should be presented using the modified accrual basis of accounting. End of year balances for capital assets (in total) and long-term liabilities (in total) should be presented at the bottom of this summary schedule for information purposes.
- B. Ascertain that for each period presented, the total of revenues, expenditures, and transfers accounts fully for the changes in equity from the previous fiscal period.
- C. Compare amounts in the schedule relevant to the fiscal year ended June 30, 2010, to the State Controller's report filed for the Redevelopment Agency for that period.
- D. Compare amounts in the schedule for the other fiscal periods presented to account balances in the accounting records or other supporting schedules. Describe in the report the type of support provided for each fiscal period.

Findings – Procedure 4 is not required for the Low and Moderate Income Housing Fund.

- 5. Obtain from the Successor Agency a listing of all assets of the Low and Moderate Income Housing Fund as of June 30, 2012 for the report that is due October 1, 2012 and a listing of all assets of all other funds of the Successor Agency as of June 30, 2012 (excluding the previously reported assets of the Low and Moderate Income Housing Fund) for the report that is due December 15, 2012. When this procedure is applied to the Low and Moderate Income Housing Fund, the schedule attached as an exhibit will include only those assets of the Low and Moderate Income Housing Fund that were held by the Successor Agency as of June 30, 2012 and will exclude all assets held by the entity that assumed the housing function previously performed by the former redevelopment agency. Agree the assets so listed to recorded balances reflected in the accounting records of the Successor Agency. The listings should be attached as an exhibit to the appropriate AUP report.

Findings - The Successor Agency asserts that no assets have been transferred to the Low and Moderate Income Housing Successor Agency Fund. As such, the procedures listed in step 5 were not performed. However, as reflected in Exhibit B-1, there is unencumbered cash available for allocation to affected taxing entities.

**CITY OF SUISUN CITY REDEVELOPMENT SUCCESSOR AGENCY  
EXHIBIT A  
AGREED UPON PROCEDURES  
PURSUANT TO AB 1484 LOW AND MODERATE INCOME HOUSING FUND**

6. Obtain from the Successor Agency a listing of asset balances held on June 30, 2012, that are restricted for the following purposes:
  - A. Unspent bond proceeds:
    - i. Obtain the Successor Agency's computation of the restricted balances (e.g., total proceeds less eligible project expenditures, amounts set aside for debt service payments, etc.).
    - ii. Trace individual components of this computation to related account balances in the accounting records, or to other supporting documentation (specify in the AUP report a description of such documentation).
    - iii. Obtain from the Successor Agency a copy of the legal document that sets forth the restriction pertaining to these balances. Note in the AUP report the absence of language restricting the use of the balances that were identified by the Successor Agency as restricted.
  - B. Grant proceeds and program income that are restricted by third parties:
    - i. Obtain the Successor Agency's computation of the restricted balances (e.g., total proceeds less eligible project expenditures).
    - ii. Trace individual components of this computation to related account balances in the accounting records, or to other supporting documentation (specify in the AUP report a description of such documentation).
    - iii. Obtain from the Successor Agency a copy of the grant agreement that sets forth the restriction pertaining to these balances. Note in the AUP report the absence of language restricting the use of the balances that were identified by the Successor Agency as restricted.
  - C. Other assets considered to be legally restricted:
    - i. The Successor Agency's computation of the restricted balances (e.g., total proceeds less eligible project expenditures).
    - ii. Trace individual components of this computation to related account balances in the accounting records, or to other supporting documentation (specify in the AUP report a description of such Obtain documentation).
    - iii. Obtain from the Successor Agency a copy of the legal document that sets forth the restriction pertaining to these balances. Note in the AUP report the absence of language restricting the use of the balances that were identified by Successor the Agency as restricted.
  - D. Attach the above mentioned Successor Agency prepared schedule(s) as an exhibit to the AUP report. For each restriction identified on these schedules, indicate in the report the period of time for which the restrictions are in effect. If the restrictions are in effect until the related assets are expended for their intended purpose, this should be indicated in the report.

Findings - The Successor Agency asserted that the Successor Agency Low and Moderate Income Housing Fund does not have any restricted balances for unspent bond proceeds, grant proceed or program income, or any other assets restricted by third parties. As such, the procedures in step 6 were not performed.

**CITY OF SUISUN CITY REDEVELOPMENT SUCCESSOR AGENCY  
EXHIBIT A  
AGREED UPON PROCEDURES  
PURSUANT TO AB 1484 LOW AND MODERATE INCOME HOUSING FUND**

7. Perform the following procedures:

- A. Obtain from the Successor Agency a listing of assets as of June 30, 2012, that are not liquid or otherwise available for distribution (such as capital assets, land held for resale, long-term receivables, etc.) and ascertain if the values are listed at either purchase cost (based on book value reflected in the accounting records of the Successor Agency) or market value as recently estimated by the Successor Agency.
- B. If the assets listed at 7(A) are listed at purchase cost, trace the amounts to a previously audited financial statement (or to the accounting records of the Successor Agency) and note any differences.
- C. For any differences noted in 7(B), inspect evidence of disposal of the asset and ascertain that the proceeds were deposited into the Successor Agency trust fund. If the differences are due to additions (this generally is not expected to occur), inspect the supporting documentation and note the circumstances.
- D. If the assets listed at 7(A) are listed at recently estimated market value, inspect the evidence (if any) supporting the value and note the methodology used. If no evidence is available to support the value and/or methodology, note the lack of evidence.

Findings – The Successor Agency asserted that the Successor Agency Low and Moderate Income Housing Fund does not have assets that are not liquid or otherwise available for distribution (such as capital assets, land held for resale, long-term receivables, etc.) as of June 30, 2012. As such, the procedures in step 7 were not performed.

8. Perform the following procedures:

- A. If the Successor Agency believes that asset balances need to be retained to satisfy enforceable obligations, obtain from the Successor Agency an itemized schedule of asset balances (resources) as of June 30, 2012, that are dedicated or restricted for the funding of enforceable obligations and perform the following procedures. The schedule should identify the amount dedicated or restricted, the nature of the dedication or restriction, the specific enforceable obligation to which the dedication or restriction relates, and the language in the legal document that is associated with the enforceable obligation that specifies the dedication of existing asset balances toward payment of that obligation.
  - i. Compare all information on the schedule to the legal documents that form the basis for the dedication or restriction of the resource balance in question.
  - ii. Compare all current balances to the amounts reported in the accounting records of the Successor Agency or to an alternative computation.
  - iii. Compare the specified enforceable obligations to those that were included in the final Recognized Obligation Payment Schedule (ROPS) approved by the California Department of Finance.
  - iv. Attach as an exhibit to the report the listing obtained from the Successor Agency. Identify in the report any listed balances for which the Successor Agency was unable to provide appropriate restricting language in the legal document associated with the enforceable obligation.

**CITY OF SUISUN CITY REDEVELOPMENT SUCCESSOR AGENCY**  
**EXHIBIT A**  
**AGREED UPON PROCEDURES**  
**PURSUANT TO AB 1484 LOW AND MODERATE INCOME HOUSING FUND**

- B. If the Successor Agency believes that future revenues together with balances dedicated or restricted to an enforceable obligation are insufficient to fund future obligation payments and thus retention of current balances is required, obtain from the Successor Agency a schedule of approved enforceable obligations that includes a projection of the annual spending requirements to satisfy each obligation and a projection of the annual revenues available to fund those requirements and perform the following procedures:
- i. Compare the enforceable obligations to those that were approved by the California Department of Finance. Procedures to accomplish this may include reviewing the letter from the California Department of Finance approving the Recognized Enforceable Obligation Payment Schedules for the six month period from January 1, 2012 through June 30, 2012, and for the six month period July 1, 2012 through December 31, 2012.
  - ii. Compare the forecasted annual spending requirements to the legal document supporting each enforceable obligation.
    - a. Obtain from the Successor Agency its assumptions relating to the forecasted annual spending requirements and disclose in the report major assumptions associated with the projections.
  - iii. For the forecasted annual revenues:
    - a. Obtain from the Successor Agency its assumptions for the forecasted annual revenues and disclose in the report major assumptions associated with the projections.
- C. If the Successor Agency believes that projected property tax revenues and other general purpose revenues to be received by the Successor Agency are insufficient to pay bond debt service payments (considering both the timing and amount of the related cash flows), obtain from the Successor Agency a schedule demonstrating this insufficiency and apply the following procedures to the information reflected in that schedule.
- i. Compare the timing and amounts of bond debt service payments to the related bond debt service schedules in the bond agreement.
  - ii. Obtain the assumptions for the forecasted property tax revenues and disclose major assumptions associated with the projections.
  - iii. Obtain the assumptions for the forecasted other general purpose revenues and disclose major assumptions associated with the projections.
- D. If procedures A, B, or C were performed, calculate the amount of current unrestricted balances necessary for retention in order to meet the enforceable obligations by performing the following procedures.
- i. Combine the amount of identified current dedicated or restricted balances and the amount of forecasted annual revenues to arrive at the amount of total resources available to fund enforceable obligations.
  - ii. Reduce the amount of total resources available by the amount forecasted for the annual spending requirements. A negative result indicates the amount of current unrestricted balances that needs to be retained.
  - iii. Include the calculation in the AUP report.

Findings – The Successor Agency asserted that asset balances as of June 30, 2012, do not need to be retained to satisfy enforceable obligations of the Low and Moderate Income Housing Fund as outlined under step 8. As such, the procedures in step 8 were not performed.

**CITY OF SUISUN CITY REDEVELOPMENT SUCCESSOR AGENCY  
EXHIBIT A  
AGREED UPON PROCEDURES  
PURSUANT TO AB 1484 LOW AND MODERATE INCOME HOUSING FUND**

9. If the Successor Agency believes that cash balances as of June 30, 2012, need to be retained to satisfy obligations on the ROPS for the period of July 1, 2012 through June 30, 2013, obtain a copy of the final ROPS for the period of July 1, 2012 through December 31, 2012 and a copy of the final ROPS for the period January 1, 2013 through June 30, 2013. For each obligation listed on the ROPS, the Successor Agency should add columns identifying (1) any dollar amounts of existing cash that are needed to satisfy that obligation, and (2) the Successor Agency's explanation as to why the Successor Agency believes that such balances are needed to satisfy the obligation. Include this schedule as an attachment to the AUP report.

Findings – The Successor Agency asserted that asset balances as of June 30, 2012, do not need to be retained to satisfy enforceable obligations on the ROPS for the period of July 1, 2012 to June 30, 2013, of the Low and Moderate Income Housing Fund as outlined under step 9. As such, the procedures in step 9 were not performed.

10. Include (or present) a schedule detailing the computation of the Balance Available for Allocation to Affected Taxing Entities. Amounts included in the calculation should agree to the results of the procedures performed in each section above. The schedule should also include a deduction to recognize amounts already paid to the County Auditor-Controller on July 12, 2012, as directed by the California Department of Finance. The amount of this deduction presented should be agreed to evidence of payment. The attached example summary schedule may be considered for this purpose. Separate schedules should be completed for the Low and Moderate Income Housing Fund and for all other funds combined (excluding the Low and Moderate Income Housing Fund).

Findings – We have included a schedule detailing the computation of the Summary of the Balance Available for Allocation to Affected Taxing Entities. See Exhibit B-1.

11. Obtain a representation letter from Successor Agency management acknowledging their responsibility for the data provided to the practitioner and the data presented in the report or in any attachments to the report. Included in the representations should be an acknowledgment that management is not aware of any transfers (as defined by Section 341795) from either the former redevelopment agency or the Successor Agency to other parties for the period from January 1, 2011 through June 30, 2012 that have not been properly identified in the AUP report and its related exhibits. Management's refusal to sign the representation letter should be noted in the AUP report as required by attestation standards.

Findings - We have obtained management's written representations acknowledging their responsibility as outlined in procedure #11.

City of Suisun City Redevelopment Successor Agency  
 Low and Moderate Income Housing Fund  
 Schedule of Asset Transfers to the City, County, or City and County, or Other Public Agencies or Private Parties

DATE OF TRANSFER	DESCRIPTION OF ASSETS	RECIPIENT	\$ VALUE OF ASSETS TRANSFERRED	\$ VALUE OF ASSETS NOT SUPPORTED	PURPOSE OF TRANSFER	SOURCE DOC BASIS FOR TRANSFER
3/11/2011	NWC Highway 12/Marina Blvd Vacant Land	Suisun City Housing Authority	\$ 4,960,987	\$ -	In accordance with Section 34176 (b) (1); Resolution 2012-03	Purchase agreement
3/11/2011	SWC Loaz/Civic Center Vacant Land	Suisun City Housing Authority	135,895	-	In accordance with Section 34176 (b) (1); Resolution 2012-03	Purchase agreement
3/11/2011	707 Main Street Dilapidated Commercial Building	Suisun City Housing Authority	223,128	-	In accordance with Section 34176 (b) (1); Resolution 2012-03	Purchase agreement
3/11/2011	Almond Gardens Apartments-Real Property	Suisun City Housing Authority	375,294	-	In accordance with Section 34176 (b) (1); Resolution 2012-03	Grant Deed
3/11/2011	Almond Gardens Apartments-Petty Cash	Suisun City Housing Authority	200	-	In accordance with Section 34176 (b) (1); Resolution 2012-03	By operation of law; 34176 (e) (4)
3/11/2011	Almond Gardens Apartments-Restricted Cash	Suisun City Housing Authority	814,682	-	In accordance with Section 34176 (b) (1); Resolution 2012-03	By operation of law; 34176 (e) (4)
3/11/2011	Almond Gardens Apartments-Operating Reserves	Suisun City Housing Authority	2,418	-	In accordance with Section 34176 (b) (1); Resolution 2012-03	By operation of law; 34176 (e) (4)
3/11/2011	Almond Gardens Apartments-Security Deposits	Suisun City Housing Authority	3,647	-	In accordance with Section 34176 (b) (1); Resolution 2012-03	By operation of law; 34176 (e) (4)
3/11/2011	Almond Gardens Apartments-Replacement Reserves	Suisun City Housing Authority	132,147	-	In accordance with Section 34176 (b) (1); Resolution 2012-03	By operation of law; 34176 (e) (4)
3/12/2011	Almond Gardens Apartments-Security Deposits-CD	Suisun City Housing Authority	21,372	-	In accordance with Section 34176 (b) (1); Resolution 2012-03	By operation of law; 34176 (e) (4)
3/13/2011	Almond Gardens Apartments-Rent Receivable	Suisun City Housing Authority	237	-	In accordance with Section 34176 (b) (1); Resolution 2012-03	By operation of law; 34176 (e) (4)
3/13/2011	Almond Gardens Apartments-Prepaid Insurance	Suisun City Housing Authority	365	-	In accordance with Section 34176 (b) (1); Resolution 2012-03	By operation of law; 34176 (e) (4)
3/14/2011	Almond Gardens Apartments-Prepaid Expense	Suisun City Housing Authority	406	-	In accordance with Section 34176 (b) (1); Resolution 2012-03	By operation of law; 34176 (e) (4)
3/11/2011	Post Office Vacant Land	Suisun City Housing Authority	1,127,661	-	In accordance with Section 34176 (b) (1); Resolution 2012-03	Deed of trust; purchase agreement
<b>Total</b>			<b>\$ 7,798,469</b>	<b>\$ -</b>		
<b>Total</b>			<b>\$ 6,645,442</b>	<b>\$ -</b>		
2/1/2012	Cottonwood Creek DDLA (Loan)	Suisun City Housing Authority	1,936,859	-	In accordance with Section 34176 (b) (1); Resolution 2012-03	Loan agreement
2/1/2012	Bay Homes Loan	Suisun City Housing Authority	36,675	-	In accordance with Section 34176 (b) (1); Resolution 2012-03	Loan agreement
2/1/2012	0173-114-150 FTHB Loan	Suisun City Housing Authority	49,125	-	In accordance with Section 34176 (b) (1); Resolution 2012-03	Loan agreement
2/1/2012	0173-731-100 FTHB Loan	Suisun City Housing Authority	44,400	-	In accordance with Section 34176 (b) (1); Resolution 2012-03	Loan agreement
2/1/2012	0037-312-240 FTHB Loan	Suisun City Housing Authority	45,100	-	In accordance with Section 34176 (b) (1); Resolution 2012-03	Loan agreement
2/1/2012	0037-352-170 FTHB Loan	Suisun City Housing Authority	73,375	-	In accordance with Section 34176 (b) (1); Resolution 2012-03	Loan agreement
2/1/2012	0173-092-150 FTHB Loan	Suisun City Housing Authority	47,475	-	In accordance with Section 34176 (b) (1); Resolution 2012-03	Loan agreement
2/1/2012	0173-064-040 FTHB Loan	Suisun City Housing Authority	38,073	-	In accordance with Section 34176 (b) (1); Resolution 2012-03	Loan agreement
2/1/2012	0173-173-070 FTHB Loan	Suisun City Housing Authority	49,875	-	In accordance with Section 34176 (b) (1); Resolution 2012-03	Loan agreement
2/1/2012	0037-191-030 FTHB Loan	Suisun City Housing Authority	34,500	-	In accordance with Section 34176 (b) (1); Resolution 2012-03	Loan agreement
2/1/2012	0173-751-080 FTHB Loan	Suisun City Housing Authority	41,250	-	In accordance with Section 34176 (b) (1); Resolution 2012-03	Loan agreement
2/1/2012	0037-311-240 FTHB Loan	Suisun City Housing Authority	47,000	-	In accordance with Section 34176 (b) (1); Resolution 2012-03	Loan agreement
2/1/2012	0173-472-150 FTHB Loan	Suisun City Housing Authority	65,375	-	In accordance with Section 34176 (b) (1); Resolution 2012-03	Loan agreement
2/1/2012	0173-751-230 FTHB Loan	Suisun City Housing Authority	45,000	-	In accordance with Section 34176 (b) (1); Resolution 2012-03	Loan agreement
2/1/2012	0173-633-140 FTHB Loan	Suisun City Housing Authority	46,250	-	In accordance with Section 34176 (b) (1); Resolution 2012-03	Loan agreement
2/1/2012	0173-232-200 FTHB Loan	Suisun City Housing Authority	41,250	-	In accordance with Section 34176 (b) (1); Resolution 2012-03	Loan agreement
2/1/2012	0174-234-050 FTHB Loan	Suisun City Housing Authority	91,000	-	In accordance with Section 34176 (b) (1); Resolution 2012-03	Loan agreement
2/1/2012	0032-114-110 FTHB Loan	Suisun City Housing Authority	56,250	-	In accordance with Section 34176 (b) (1); Resolution 2012-03	Loan agreement
2/1/2012	0174-254-230 FTHB Loan	Suisun City Housing Authority	37,000	-	In accordance with Section 34176 (b) (1); Resolution 2012-03	Loan agreement
2/1/2012	0173-771-040 FTHB Loan	Suisun City Housing Authority	47,500	-	In accordance with Section 34176 (b) (1); Resolution 2012-03	Loan agreement
2/1/2012	0173-483-010 FTHB Loan	Suisun City Housing Authority	21,500	-	In accordance with Section 34176 (b) (1); Resolution 2012-03	Loan agreement
2/1/2012	0173-801-090 FTHB Loan	Suisun City Housing Authority	76,681	-	In accordance with Section 34176 (b) (1); Resolution 2012-03	Loan agreement
2/1/2012	0174-305-140 FTHB Loan	Suisun City Housing Authority	52,017	-	In accordance with Section 34176 (b) (1); Resolution 2012-03	Loan agreement
2/1/2012	0173-431-080 FTHB Loan	Suisun City Housing Authority	53,750	-	In accordance with Section 34176 (b) (1); Resolution 2012-03	Loan agreement
2/1/2012	0173-621-560 FTHB Loan	Suisun City Housing Authority	50,140	-	In accordance with Section 34176 (b) (1); Resolution 2012-03	Loan agreement
2/1/2012	0173-535-020 FTHB Loan	Suisun City Housing Authority	57,250	-	In accordance with Section 34176 (b) (1); Resolution 2012-03	Loan agreement
2/1/2012	0173-512-170 FTHB Loan	Suisun City Housing Authority	34,070	-	In accordance with Section 34176 (b) (1); Resolution 2012-03	Loan agreement
2/1/2012	0173-375-250 FTHB Loan	Suisun City Housing Authority	52,800	-	In accordance with Section 34176 (b) (1); Resolution 2012-03	Loan agreement
2/1/2012	0173-211-210 FTHB Loan	Suisun City Housing Authority	49,225	-	In accordance with Section 34176 (b) (1); Resolution 2012-03	Loan agreement
2/1/2012	0173-021-030 FTHB Loan	Suisun City Housing Authority	20,973	-	In accordance with Section 34176 (b) (1); Resolution 2012-03	Loan agreement
2/1/2012	0173-123-400 FTHB Loan	Suisun City Housing Authority	51,338	-	In accordance with Section 34176 (b) (1); Resolution 2012-03	Loan agreement
2/1/2012	0173-441-070 FTHB Loan	Suisun City Housing Authority	66,520	-	In accordance with Section 34176 (b) (1); Resolution 2012-03	Loan agreement
2/1/2012	0173-366-060 FTHB Loan	Suisun City Housing Authority	33,100	-	In accordance with Section 34176 (b) (1); Resolution 2012-03	Loan agreement
2/1/2012	0173-364-150 FTHB Loan	Suisun City Housing Authority	31,957	-	In accordance with Section 34176 (b) (1); Resolution 2012-03	Loan agreement
2/1/2012	0173-751-200 FTHB Loan	Suisun City Housing Authority	18,888	-	In accordance with Section 34176 (b) (1); Resolution 2012-03	Loan agreement
2/1/2012	0174-225-080 FTHB Loan	Suisun City Housing Authority	37,518	-	In accordance with Section 34176 (b) (1); Resolution 2012-03	Loan agreement
2/1/2012	0173-573-100 FTHB Loan	Suisun City Housing Authority	49,362	-	In accordance with Section 34176 (b) (1); Resolution 2012-03	Loan agreement
2/1/2012	0173-473-140 FTHB Loan	Suisun City Housing Authority	54,108	-	In accordance with Section 34176 (b) (1); Resolution 2012-03	Loan agreement
2/1/2012	0173-312-330 FTHB Loan	Suisun City Housing Authority	73,484	-	In accordance with Section 34176 (b) (1); Resolution 2012-03	Loan agreement
2/1/2012	0173-122-080 FTHB Loan	Suisun City Housing Authority	39,031	-	In accordance with Section 34176 (b) (1); Resolution 2012-03	Loan agreement
2/1/2012	0173-122-030 FTHB Loan	Suisun City Housing Authority	59,614	-	In accordance with Section 34176 (b) (1); Resolution 2012-03	Loan agreement
2/1/2012	0173-212-070 FTHB Loan	Suisun City Housing Authority	23,918	-	In accordance with Section 34176 (b) (1); Resolution 2012-03	Loan agreement
2/1/2012	SERAF Loan	Suisun City Housing Authority	6,901,505	-	In accordance with Section 34176 (b) (1); Resolution 2012-03	Loan agreement
2/1/2012	Low/Mod Unencumbered Cash	Suisun City Housing Authority	1,357	-	In accordance with Section 34176 (b) (1); Resolution 2012-03	Loan agreement
<b>Total</b>			<b>\$ 17,428,882</b>	<b>\$ 1,357</b>		

Erroneous Transfer - Should have been transferred to RORF (Fund 902)

**City of Suisun City Redevelopment Successor Agency  
 Low and Moderate Income Housing Fund  
 Summary of Balances Available for Allocation to Affected Taxing Entities**

**Exhibit B-1**

	<b>Reference:</b>	
Total amount of assets held by the successor agency as of June 30, 2012 (procedure 5)	NONE	\$ -
Add the amount of any assets transferred to the city or other parties for which an enforceable obligation with a third party requiring such transfer and obligating the use of the transferred assets did not exist (procedures 2 and 3)	Exhibit B	1,357
Less assets legally restricted for uses specified by debt covenants, grant restrictions, or restrictions imposed by other governments (procedure 6)	NONE	-
Less assets that are not cash or cash equivalents (e.g., physical assets) - (procedure 7)	NONE	-
Less balances that are legally restricted for the funding of an enforceable obligation (net of projected annual revenues available to fund those obligations) - (procedure 8)	NONE	-
Less balances needed to satisfy ROPS for the 2012-13 fiscal year (procedure 9)	NONE	-
Less the amount of payments made on July 12, 2012 to the County Auditor-Controller as directed by the California Department of Finance	NONE	-
Amount to be remitted to county for disbursement to taxing entities		\$ 1,357

# MINUTES

## REGULAR MEETING OF THE SUISUN CITY COUNCIL

### SUISUN CITY COUNCIL ACTING AS SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITY OF SUISUN CITY, AND HOUSING AUTHORITY

TUESDAY, SEPTEMBER 18, 2012

7:00 P.M.

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SUISUN CITY COUNCIL CHAMBERS -- 701 CIVIC CENTER BOULEVARD -- SUISUN CITY, CALIFORNIA

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#### **ROLL CALL**

Mayor / Chairman Sanchez called the Meeting to order at 7:00 PM with Council / Board Members Day, Derting, Hudson, Segala and Sanchez present.

Pledge of Allegiance was led by Council / Board Member Hudson.

Invocation was given by City Manager Bragdon.

#### **PUBLIC COMMENT**

*(Requests by citizens to discuss any matter under our jurisdiction other than an item posted on this agenda per California Government Code §54954.3 allowing 3 minutes to each speaker).*

George Guynn suggested council members should report on attending conferences.

#### **CONFLICT OF INTEREST NOTIFICATION - None**

*(Any items on this agenda that might be a conflict of interest to any Councilmembers / Boardmembers should be identified at this time.)*

#### **PRESENTATIONS/APPOINTMENTS**

*(Presentations, Awards, Proclamations, Appointments).*

1. Presentation of a Proclamation to Fire Department Proclaiming September 2012 as “National Preparedness Month”.

Mayor Sanchez read and Council Member Hudson presented the proclamation to Fire Captain Bounds who reported that citizens in time of an emergency or disaster should be prepared, have supplies, have a plan, be informed, and be involved.

2. Presentation on the “Christmas on the Waterfront” Event and Funding by the Community Services Foundation – (Jessop).

Parks and Recreation Director Jessop stated Community Services Foundation is committed to continuing the event but on a smaller scale which will be funded by community fund raisers and explained some of the things being cut were fireworks, ice skating rink, Christmas village and banners on Sunset.

**CONSENT CALENDAR**Joint City Council / Suisun City Council Acting as Successor Agency / Housing Authority

3. Council/Agency/Authority Review and Accept the Investment Report for the Quarter Ending June 30, 2012 – (Anderson).
4. Council/Agency/Authority Approval of the Minutes of the Regular and/or Special Meetings of the Suisun City Council, Suisun City Council Acting as Successor Agency, and Housing Authority held on July 19, 2012, August 14, 2012 and August 21, 2012– (Hobson).

Joint City Council / Suisun City Council Acting as Successor Agency

5. Council/Agency Approval of the August 2012 Payroll Warrants in the amount of \$497,475.43. Council/Agency Approval of the August 2012 Payable Warrants in the amount of \$1,509,706.93 – (Finance).

**Motioned by Council / Board Member Day and seconded by Council / Board Member Derting to approve the Consent Calendar. Motion carried unanimously**

**GENERAL BUSINESS**City Council

6. Awarding Construction Contract for Senior Center Reroof Project – (Moirano).
  - a. Council Adoption of Resolution No. 2012-\_\_\_: Declaring the Bid of Northwest Roofing & Waterproofing Inc. for the Senior Center Reroof Project as Non-Responsive.
  - b. Council Adoption of Resolution No. 2012-\_\_\_: Authorizing the City Manager to Enter into a Construction Contract on the City's behalf with Solano County Roofing Inc. for the Senior Center Re-Roof Project.

Morgan Nolte, of the Roofers and Waterproofers Union 81, stated agreement to award Solano County Roofing, Inc. because Solano was the only bidder who abided by the rules of the bid.

The apparent low bidder, Brian Williams of Northwest Roofing and Waterproofing, Inc. protested the awarding of the bid to the other bidder on the sole basis of the Class B contractor's license requirement.

**Motioned by Council Member Hudson and seconded by Council Member Derting to delay the awarding of the bid to a later date. Motion carried unanimously.**

**PUBLIC HEARINGS:****REPORTS: (Informational items only.)**

7. City Manager/Executive Director/Staff
8. Mayor/Council -Chair/Boardmembers

Council / Board Member Segala requested a legal report on the status of Redevelopment law as it would pertain to us today, spoke about the homeless theft of political signs, and asked how long the City is required to keep the personal property of the homeless.

Council / Board Member Hudson reported on shopping carts on Hwy 12 and across from Joe Nelson Community Center, expressed concern about paying for temporary parking lots on Main Street, and praised the Leavin grand opening.

Mayor Sanchez advised he had officiated his fifth wedding on the waterfront and attended a cultural arts event in Fairfield along with Assembly Member Yamada, Mayor Price and County Supervisor Spring.

Council / Board Member Day thanked the police department for helping an 88-year old lady find her dog and is in full support of keeping our own police department.

Council / Board Member Derting stated the Leavin Grand Opening was wonderful and well attended.

### **CLOSED SESSION**

Pursuant to California Government Code Section 54950 the Suisun City Council and Successor will hold a Closed Session for the purpose of:

#### **City Council**

9. Conference With Legal Council – Anticipated Litigation.

Significant exposure to litigation pursuant to Government Code Section 54956.9(b): One potential case.

**7:51 PM – Mayor Sanchez recessed the City Council to Closed Session.**

### **CONVENE OPEN SESSION**

Announcement of Actions Taken, if any, in Closed Session.

**8:20 PM – Mayor Sanchez reconvened the City Council and stated no decisions were made in Closed Session.**

### **ADJOURNMENT**

There being no further business, Mayor Sanchez adjourned the City Council meeting at 8:20 PM.

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Linda Hobson, CMC  
City Clerk

## AGENDA TRANSMITTAL

**MEETING DATE:** October 2, 2012

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**CITY AGENDA ITEM:** Awarding Construction Contract for Senior Center Reroof Project:

- a. Council Adoption of Resolution No. 2012-\_\_\_: Declaring the bid of Northwest Roofing & Waterproofing Inc. for the Senior Center Reroof Project as non-responsive.
- b. Council Adoption of Resolution No. 2012-\_\_\_: Authorizing the City Manager to Enter into a Construction Contract on the City's behalf with Solano County Roofing Inc. for the Senior Center Reroof Project.

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**FISCAL IMPACT:** A CDBG Grant of \$685,000 has been approved and awarded for the Suisun City Senior Center Rehabilitation. The Senior Center Reroof Project is the first phase of the larger project. The contract award of \$55,328 plus 10% contingency is within the available budget. There is no impact on the General Fund.

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**BACKGROUND:** October 19, 2010, the City received notice that we were awarded a \$685,000 CDBG Grant to make improvements to the Suisun City Senior Center. This CDBG grant was approved for a comprehensive rehabilitation of the Senior Center with the primary goals of this project to include: a new roof, a new commercial grade kitchen, safety code upgrades, energy efficiency improvements, ADA improvements, and other building and site improvements. In March 2011 a contract with Moniz Architecture was awarded for the completion of construction documents for this project. Subsequently plans and specifications were completed and the project was put out to bid.

On June 19, 2012 bids for the construction of the complete project were opened and all bids received were over budget. Furthermore, staff found irregularities in the bids. All bids were rejected. It was determined that it was in the best interest of the City to revise the construction documents to clarify certain details and provide for cost savings. To facilitate this, staff recommended that the project be divided into two phases. Phase I would include the roof and related items. Phase II would include the remainder of the project. Phase I is to be completed immediately during the dry season and would provide for a weather tight shell for the completion of Phase II of the project. Phase II will be re-designed and put out to bid so that construction of Phase II can start immediately following the holiday season. This schedule will allow for the completion of the project within grant deadlines.

On September 18, 2012 staff recommendation for the contract award for the roofing portion of the project was brought before Council for approval. At this meeting, representatives from Northwest Roofing & Waterproofing, Inc. (Northwest Roofing) were in attendance. One representative spoke to the Council and expressed several concerns over the project being awarded to Solano County Roofing, Inc. Northwest Roofing submitted a document to Council (Attachment 1) and made a

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**PREPARED BY:**

Daniel Kasperson, Building & Public Works Director

**REVIEWED/APPROVED BY:**

Suzanne Bragdon, City Manager

verbal claim while at the podium addressing Council. A summary of their primary concerns are listed below:

- Northwest Roofing claiming they received no timely notice of the protest by Solano County Roofing.
- Northwest Roofing claiming that a Class B License was not required for this project per the bid package.
- Northwest Roofing verbalized that because there were only two bidders for the project that once their bid was thrown out, there was only one remaining bidder and this made it a non-competitive bid situation.

Staff's answer to these issues is included below.

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**STAFF REPORT:** As stated in the Staff Report for the September 18<sup>th</sup> 2012 meeting, which is attached in its entirety as Attachment 2, a revised set of project construction documents were prepared that included only the work for Phase I that was titled the Senior Center Reroof Project (Reroof Project). The Reroof Project was properly advertised and bids were opened at 2:00 PM on August 21, 2012. Bids from two contractors were received and the results are as follows:

<b>Company</b>	<b>Total Bid</b>
Northwest Roofing & Waterproofing, Inc.	\$55,328
Solano County Roofing Inc.	\$55,900

As part of the bid results, two protests about the bid results were received. Those two protests were discussed in the September 18<sup>th</sup> Staff Report. Again, this information can be reviewed in Attachment 2.

Northwest Roofing expressed concerns at the September 18<sup>th</sup> meeting. Details of the concerns they submitted in writing available for review in Attachment 1. A summary of their concerns and staff's responses to those concerns are listed below:

- 1. Northwest Roofing claims that they did not receive timely notice of the protest from Solano County Roofing, Inc.*

**STAFF'S RESPONSE:** Staff investigated Northwest Roofing's claim that they did not receive timely notice of the protest from Solano County Roofing, Inc. In discussions with Solano County Roofing, Inc., they clarified that they did make a reasonable attempt to deliver a protest letter to Northwest Roofing. Proof of a reasonably delivery attempt is in the form of a USPS Certified Letter receipt (Attachment 1a). Staff has confirmed that Solano County Roofing's letter delivery attempt was sent to the correct and legal address for Northwest Roofing. This is in addition to the fax that was sent to Northwest Roofing on August 28, 2012 (Solano County Roofing's cover sheet), as shared at the September 18, 2012 City Council meeting.

2. *Northwest Roofing claims that a Class B License should not have been required as part of the bid specifications.*

STAFF RESPONSE: The bid package clearly identified the requirement of a Class B License. Additionally, as part of the bid package, all bidders received detailed written information that outlines how a bidder can go about expressing a protest over the bid package. Section 2 and Section 14 of the bid package outlines the steps for submitting a timely bid protest (Attachment 1b and 1c). Northwest Roofing had concerns with the bid document, and did not submit to the City such concerns prior to bid opening as directed in the bid documents. Section 2 (attachment 1b) indicates that any protest to the bid package be submitted seven business days prior to the bid opening.

Secondly, the scope of work in the bid package goes beyond a simple roof replacement. Any portion of non-roof specific repairs, including dry rot repairs, that are in excess of one-half of 1% of the total project create an instance where the contractor performing the repairs needs a license beyond a Class C-39 License. Such is the case with this project. Northwest Roofing has a letter from the California State License Board stating that a Class C-39 License could have been an acceptable License for this project, however, there is no mention in the Board's letter of the dry rot repairs that will be needed to complete this project. Therefore, requirement of a Class B License is appropriate for this project.

3. *Northwest Roofing verbally stated at the Council meeting that because there was only one other bidding contractor for the job that if their bid was thrown out, it created a non-competitive bidding situation and that Solano County Roofing, Inc.'s bid should have been disqualified.*

STAFF RESPONSE: The bid package was advertised as required. The City allowed the legal allotted time for bid submissions. Despite only receiving two bids the bid process is still considered to be legal and competitive. The number of responding bidders is irrelevant as long as the City has followed the correct and legal guidelines for bidding the project.

In conclusion, staff has considered the concerns raised by Northwest Roofing and reviewed the apparent low bid submitted by Northwest Roofing and found it to be non-responsive because it does not list a Class B Contractor's License as required. The staff recommendation is that the Council approve the rejection of the bid from Northwest Roofing as being non-responsive.

Staff has reviewed the next low bidder's proposal and bid documents and has determined that the bid submitted by Solano County Roofing, Inc. is responsive and that Solano County Roofing is a responsible bidder. Solano County Roofing, Inc. possesses both Class B and a Class C-39 License. Both bids fall within the available project budget. The continued staff recommendation is to award the Reroof Project to Solano County Roofing, Inc.

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**RECOMMENDATION:**

- a. Council Adoption of Resolution No. 2012-\_\_\_: Declaring the bid of Northwest Roofing & Waterproofing Inc. for the Senior Center Reroof Project as non-responsive.
- b. Council Adoption of Resolution No. 2012-\_\_\_: Authorizing the City Manager to Enter into a Construction Contract on the City's behalf with Solano County Roofing Inc. for the Senior Center Reroof Project.

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**ATTACHMENTS:**

1. Copy of Document Submitted by Northwest Roofing to City Council at the September 18, 2012 meeting regarding their protest. Copy of USPS Certified Delivery Receipt from Solano County Roofing along with supporting documents:
  - a. Copy of USPS Certified Letter Receipt – Response to Issue #1.
  - b. Copy of Section 2 of the Instructions to Bidder Portion of the Project Bid Package – Interpretation or Correction of Contract Details.
  - c. Copy of Section 14 of the Instructions to Bidder Portion of the Project Bid Package – Bid Protests – Responds to Issue #2 – Necessity of a Class B License.
2. Complete copy of Staff Report and Supporting Attachments from the September 18, 2012 meeting.
3. Resolution No. 2012-\_\_\_: Declaring the bid of Northwest Roofing & Waterproofing Inc. for the Senior Center Reroof Project as non-responsive.
4. Resolution No. 2012-\_\_\_: Authorizing the City Manager to Enter into a Construction Contract on the City's behalf with Solano County Roofing Inc. for the Senior Center Reroof Project.

**In the bid contract; section titled BID PROTESTS, it states:**

14.1 Any protest of the proposed award of bid to the bidder deemed the lowest responsible bidder must be submitted in writing to the city, no later than 5:00 pm on the fifth (5<sup>th</sup>) business day following the date of the bid opening.

**Then section 14.1.3 continues to state:**

14.1.3 The party filing the protest must concurrently transmit a copy of the initial protest to the bidder deemed the lowest responsible bidder.

**Northwest Roofing did NOT "Concurrently" receive a copy of the "initial protest to the bidder" from "The party filing the protest". This fact alone makes this particular bid protest invalid as binding by the bid contract. In addition, as stated later by the Contractors state license board, Northwest Roofing IS QUALIFIED to bid AND do the work necessary to complete this project.**

**If the city insists on still hearing this protest then the following facts need to be taken into consideration:**

**California Public contract Code section 3300 states:** (directly from the bid package)

3300. (a) Any public entity, as defined in Section 1100, the University of California, and the California State University shall specify the classification of the contractor's license which a contractor shall possess at the time a contract is awarded. The specification shall be included in any plans prepared for a public project and in any notice inviting bids required pursuant to this code.

**It is the government's responsibility as stated in the California public contract code to: PCC. 100(c)**

"provide all qualified bidders with a fair opportunity to enter the bidding process, therefore stimulating competition in a manner conducive to sound fiscal practices."

**AS stated *California Infrastructure Projects*:**

"Bidding laws exist to protect the public from misuse or waste of public funds, provide all qualified bidders with a fair opportunity to enter the bidding process, stimulate competition in a manner conducive to sound fiscal practices, and eliminate favoritism, fraud, corruption, and abuse of discretion in the awarding of public contracts." *California Infrastructure Projects: A Guide to Successful Contracting and Dispute Resolution* auth: Earnest C. Brown, Esq. PE

**The bid packet labels the project as ROOFING on every page but then goes into defining it as roofing in multiple locations, a few of which are as follows;**

**The description of work (on page 4) and the recitals section of your contract (page 40) you state the project defined as:**

"generally involves improvements to the existing 4,984 square foot senior center including: replace roofing, dry rot repair, new sheathing & roofing in limited areas, and various other related items of work."

**According to California public contract code section 3000-3010 a "Roof Project" is defined as:**

"A project for the replacement or repair of a roof of a public facility. Except that roof project does not include a project for the repair of 25% or less of the roof or a repair project that has a total cost of twenty-one thousand dollars or less."

**Section 3004 continues to state:**

"3004. Specifications for any roof project shall be designed to promote competition."

**And additionally the California state license boards official response to my inquiry about this project states:**

"The most applicable classification to undertake this project would be C-39 roofing classification."

**The classifications deputy then continues to state:**

"They [The city of Suisun City] are incorrect with respect to only allowing a B contractor to bid projects"

**In the defining of the specific work, in the bid packet, the architect defines the major works to be performed as the following:**

Asphalt shingles  
Four Ply built-up roof system section 07 5100  
And flashing and sheet metal section 07 6000

**Under CICA (Competition in Federal Contracting) Full and Open Competition is defined as:**

"Under CICA, "full and open competition" results when "all responsible sources are permitted to submit sealed bids or competitive proposals" A responsible source is a prospective contractor who (1) has adequate financial resources to perform the contract, or the ability to acquire such resources; (2) is able to comply with the required or proposed delivery or performance schedule; (3) has a satisfactory performance record; (4) has a satisfactory record of integrity and business ethics; (5) has the necessary organization, experience, technical skills, and accounting and operational controls, or the ability to obtain them; (6) has the necessary production, construction, and technical equipment facilities, or the ability to obtain them; and (7) is otherwise qualified and eligible to receive an award under applicable laws and regulations. 41 U.S.C. 403(6) & 41 U.S.C. 403(7)."

**Other competition requirements under C.I.C.A. state the following:**

"... belief that effective competition in government procurement involves more than just the mechanisms that agencies use to solicit offers, CICA also contains other provisions that promote competition by, among other things, barring agencies from using restrictive specifications and requiring them to give advance notice of upcoming solicitations." (see, competition in contracting act, supra note 14, at 2 "it is important to understand ... that competition is not a procurement procedure, but an objective which a procedure is designed to attain.")

**According to the California contract code section 10348.5**

"Each state agency shall designate at least one currently existing person or position within the state agency as a contract manager. Every contract manager shall have knowledge of legal contractual arrangements."

This requirement combined with the other requirements may hold the city legally responsible for mis-labeling this project as class B

**Section 10355 of the California contract code states:**

(2) Contracts let or awarded on the basis of a law requiring competitive bidding may be modified or amended only if the contract so provides or if authorized by the law requiring competitive bidding.

**This law means the city can amend the contract and merely say that the contractor requirement of B was a typo and a C-39 should also have been allowed to bid as described by the California state license board and multiple of the other governing laws stated above.**

**IF not, then California Public Contract Code Section 10339 states:**

(a) Subject to the provisions of Section 10348, no state agency shall draft, or cause to be drafted, any invitation to bid or request for proposal, in connection with the awarding of a contract, in a manner that limits the bidding directly or indirectly to any one bidder.

(b) Any contract awarded in violation of subdivision (a) shall be void.

**Therefore the contract should be void; thus opening the city to litigation for directly interfering with "full and open competition", as stated in the state of California's competitive bidding requirements.**

## AGENDA TRANSMITTAL

**MEETING DATE:** September 18, 2012

**CITY AGENDA ITEM:** Awarding Construction Contract for Senior Center Reroof Project:

- a. Council Adoption of Resolution No. 2012-\_\_\_: Declaring the Bid of Northwest Roofing & Waterproofing Inc. for the Senior Center Reroof Project as Non-Responsive.
- b. Council Adoption of Resolution No. 2012-\_\_\_: Authorizing the City Manager to Enter into a Construction Contract on the City's behalf with Solano County Roofing Inc. for the Senior Center Reroof Project.

**FISCAL IMPACT:** A CDBG Grant of \$685,000 has been approved and awarded for the Suisun City Senior Center Rehabilitation. The Senior Center Reroof Project is the first phase of the larger project. The contract award of \$55,328 plus a 10% contingency is within the available budget. There would be no impact on the General Fund.

**BACKGROUND:** October 19, 2010, the City received notice that the City was awarded a \$685,000 CDBG Grant to make improvements to the Suisun City Senior Center. This CDBG grant was approved for a comprehensive rehabilitation of the Senior Center with the primary goals of this project to include: a new roof, a new commercial-grade kitchen, safety code upgrades, energy-efficiency improvements, ADA improvements, and other building and site improvements.

In March 2011, a contract with Moniz Architecture was awarded for the completion of construction documents for this project. Subsequently plans and specifications were completed and the project was put out to bid.

On June 19, 2012, bids for the construction of the complete project were opened and all bids received were over budget. Furthermore, staff found irregularities in the bids. All bids were rejected. It was determined that it was in the best interest of the City to revise the construction documents to clarify certain details and provide for cost savings.

To facilitate this, it is staff's recommendation that the project be divided into two phases. Phase I would include the roof and related items. Phase II would include the remainder of the project. Phase I is to be completed immediately during the dry season and would provide for a weather tight shell for the completion of Phase II of the project. Phase II will be redesigned and put out to bid, so that construction of Phase II can start immediately following the holiday season. This schedule will allow for the completion of the project within grant deadlines.

**STAFF REPORT:** A revised set of construction documents was prepared that included only the work for Phase I and titled the Senior Center Reroof Project (Reroof Project). The Reroof Project was properly advertised and bids were opened at 2:00 PM on August 21, 2012. Bids from two contractors were received and the results are as follows:

Company	Total Bid
Northwest Roofing & Waterproofing Inc.	\$55,328
Solano County Roofing Inc.	\$55,900

**PREPARED BY:**

Daniel Kasperson, Building & Public Works Director

**REVIEWED/APPROVED BY:**

Suzanne Bragdon, City Manager

It should be noted that two protests about the bid results were received. They both primarily relate to the same basic issue in the bid documents. In those documents the Notice To Contractors states, in part:

Pursuant to California Public Contract Code Section 3300, the successful Bidder (Prime Contractor) will be required to possess a current State of California Class "B" Contractor's License at the time the contract is awarded.

The purpose of this section and its reference is to ensure that the contractor is properly licensed to do the work. The Class B license is that of a general contractor who typically would then hire specialty contractors to do specific portions of the job. The largest subcontractor for this project would be a C-39 Roofing contractor. Staff determined that the Class B would be required because of the amount of carpentry work and other trades involved in addition to roofing.

These formal bid protests were received from Solano County Roofing Inc. (SCR) and the United Union of Roofers, Waterproofers and Allied Workers (Union). Those protests are attached. Their concerns were very similar and can be summarized as follows with staff responses:

- **Northwest Roofing & Waterproofing Inc. (NW) did not list any subcontractors.** Response: NW anticipates doing all of the work itself with no subcontractors. Furthermore NW contends that all of the work can be done by a C-39 Roofing contractor.
- **NW does not have a Class B contractor's license.** Response: It is true that NW does not possess a Class B license. NW only has a C-39 Roofing license.
- **NW does not meet the Bid Specifications since they do not possess a Class B license.** Response: It is true that NW does not possess a Class B license as required in the Bid Specs.
- **NW does not have any state-certified Apprentices as required.** Response: NW has not provided proof of a certified Apprentice program.

A third counter "protest" letter was received from NW. However, it cannot be considered a Bid Protest as the letter did not protest the bid results and it was not received within the required deadline after bid opening. The letter was more in the form of a question about the Bid Documents themselves. The letter protested the wording in the Bid Documents that required the low bidder possess a Class B license. NW alleges that the City mistakenly labeled the required license as a Class B. NW further states that the roofing work cannot be done by a Class B contractor, therefore a C-39 should be allowed to bid.

The staff response is that the bid documents require that the bid be submitted by a Class B general contractor, but they do not require that the roofing work be done by the general contractor. All subcontractors must be listed. More importantly, the Notice to Contractors in the Bid Documents states in part:

Inquiries or questions based on alleged patent ambiguity of the plans, specifications or estimate must be communicated as a bidder inquiry prior to bid opening. ... Any such inquiries or questions, submitted after bid opening, will not be treated as a bid protest.

As the letter of protest from NW came after the bid opening, it is untimely and cannot be considered.

On September 13, 2012, the City received a copy of a letter from the Contractors State License Board which states in part:

The B – General Building Classification contractor would be allowed to bid on such a project but pursuant to Business and Professions Code Division 3, Chapter 9. Contractors, Article 4, Classifications would be required to sub-contract this project to a Specialty C39 – Roofing Contractor, unless they also held the C39 – Roofing classification.

This confirms staff's analysis of the issue.

Staff has reviewed the apparent low bid submitted by Northwest Roofing and found it to be non-responsive because it does not list a Class B contractor's license as required. The staff recommendation is that the Council confirm the rejection of the bid from NW as being non-responsive.

Staff has reviewed the next low bidder's proposal and bid documents and has determined that the bid submitted by Solano County Roofing Inc. (SCR) is responsive and that SCR is a responsible bidder. SCR possesses both Class B and a Class C-39 license. The bids fall within the engineer's estimate and within the available budget. The staff recommendation is to award for the Reroof Project to Solano County Roofing.

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**RECOMMENDATION:** It is recommended that the City Council:

1. Adopt Resolution No. 2012-\_\_\_: Declaring the Bid of Northwest Roofing & Waterproofing Inc. for the Senior Center Reroof Project as Non-Responsive; and
  2. Adopt Resolution No. 2012-\_\_\_: Authorizing the City Manager to Enter into a Construction Contract on the City's behalf with Solano County Roofing Inc. for the Senior Center Reroof Project.
- 

**ATTACHMENTS:**

1. Bid Protest from Solano County Roofing.
2. Bid Protest from the United Union of Roofers, Waterproofers and Allied Workers.
3. Letter from the Contractors State License Board.
4. Resolution No. 2012-\_\_\_: Declaring the Bid of Northwest Roofing & Waterproofing Inc. for the Senior Center Reroof Project as Non-Responsive.
5. Resolution No. 2012-\_\_\_: Authorizing the City Manager to Enter into a Construction Contract on the City's behalf with Solano County Roofing Inc. for the Senior Center Reroof Project.





SOLANO COUNTY ROOFING, INC.

August 27, 2012

The City of Suisun City  
Building Department  
701 Civic Center Blvd  
Suisun City, Ca 94585

Northwest Roofing & Waterproofing Inc.  
1140 Pitt School Road #F  
Dixon, Ca 95620

### Statement of Protest (14.1)

**Re: Suisun City Senior Center Reroof Project Bid.**  
**Bid Date August 21, 2012 2:00pm**

Dear Sirs/Madam,

(14.1.2) We are filing this letter of protest because we feel the low bidder Northwest Roofing & Waterproofing did not meet the specifications for the following reason-

1. No listing of subcontractor as required by Public Contract Code section 4100 for the Sheetmetal/HVAC, Painting or the Carpenter work. This work is more than 1/2 of 1 percent of the work on this project.
2. They do not have a Class B contractor's License to do all of the work listed above. See attached details ( A ).
3. They do not have a Class B contractor's License as required in the specification.Attachment ( B )
4. We also believe they do not have any state certified Apprentices. Attachment ( C )

We are requesting you reject Northwest Roofing & Waterproofing bid for not meeting the requirement of Public Contract Code section 4100 as listed in the bidding documents and not having the proper licenses.

Please call me if you have any questions.

Sincerely,

  
Robert Jay Almstrom

Vice President, Project Estimator

4349 Cordelia Road, Fairfield, Ca 707-864-6000 ext 12 (14.1.2)

4349 Cordelia Road, Fairfield, California 94534-4201 • Phone (707) 864-6000 • Fax (707) 864-8205  
California License No. 495355 • Nevada License No. 0043674

**Contractor's License Detail - License # 648029**



**⚠️ DISCLAIMER:** A license status check provides information taken from the CSLB license database. Before relying on this information, you should be aware of the following limitations.

CSLB complaint disclosure is restricted by law (B&P 7124.6) If this entity is subject to public complaint disclosure, a link for complaint disclosure will appear below. Click on the link or button to obtain complaint and/or legal action information.

Per B&P 7071.17, only construction related civil judgments reported to the CSLB are disclosed.

Arbitrations are not listed unless the contractor fails to comply with the terms of the arbitration.

Due to workload, there may be relevant information that has not yet been entered onto the Board's license database.

<b>License Number</b>	<b>648029</b>	<b>Extract Date</b> 8/23/2012
<b>NORTHWEST ROOFING &amp; WATERPROOFING INC</b>		
<b>Business Information</b>	Business Phone Number: (707) 678-9185	
	1140 PITT SCHOOL ROAD # F DIXON, CA 95620	
<b>Entity</b>	Corporation	
<b>Issue Date</b>	06/18/1992	
<b>Expire Date</b>	06/30/2014	
<b>License Status</b>	<b>ACTIVE</b>	
	This license is current and active. All information below should be reviewed.	
<b>Classifications</b>	<b>CLASS</b>	<b>DESCRIPTION</b>
	C39	ROOFING
	<b>CONTRACTOR'S BOND</b>	
	This license filed a Contractor's Bond with <u>AMERICAN CONTRACTORS INDEMNITY COMPANY.</u>	
	<b>Bond Number:</b> 100178048	
	<b>Bond Amount:</b> \$12,500	
	<b>Effective Date:</b> 10/10/2011	
<b>Bonding</b>	<u>Contractor's Bond History</u>	
	<b>BOND OF QUALIFYING INDIVIDUAL</b>	
	1. The Responsible Managing Officer (RMO) WILLIAMS NORMAN ARNOLD certified that he/she owns 10 percent or more of the voting stock/equity of the corporation. A bond of qualifying individual is <b>not</b> required.	
	<b>Effective Date:</b> 06/18/1992	
	<b>WORKERS' COMPENSATION</b>	
	This license has workers compensation insurance with <u>STATE COMPENSATION INSURANCE FUND</u>	
<b>Workers' Compensation</b>	<b>Policy Number:</b> 713-0024059	
	<b>Effective Date:</b> 02/01/2008	
	<b>Cancellation Date:</b> 09/27/2012	
	<u>Workers' Compensation History</u>	

Personnel List

5.7 Bidder shall not modify or qualify the Bid Forms in any manner.

5.8 The Bid Forms shall be signed by a person or persons legally authorized to bind Bidder to the Contract. The individuals signing each document shall warrant that they are authorized to bind the legal entity of the Bidder.

## 6. DESIGNATION OF SUBCONTRACTORS

(A)

6.1 The Bidder shall comply with the Subletting and Subcontracting Fair Practices Act as set forth in California Public Contract Code Section 4100 et seq. (hereinafter referred to as the "Subcontracting Act"). Any reference in these Contract Documents to the requirements of the Subcontracting Act are for the Bidder's reference, and shall not limit the Bidder's or Contractor's obligations under law.

6.2 The Bidder shall list, in Section 5 of the Bid Form:

6.2.1 The name and location of the place of business of each subcontractor who will perform work or labor or render service to the Bidder in or about the construction of the Work for this Project, or a subcontractor licensed by the State of California who, under subcontract to the Bidder, specially fabricates and installs a portion of the Work or improvements according to detailed drawings contained in the plans and specifications, in an amount in excess of the minimum threshold of the Subcontracting Act. Generally, the minimum threshold is one-half of one percent (0.5%) of Bidder's Bid Amount; however, if the contract is for the construction of streets (including highways or bridges), the minimum threshold is the greater of: (a) one-half of one percent (0.5%) of Bidder's Bid Amount, or (b) ten thousand dollars (\$10,000).

6.3 The Bidder shall list only one subcontractor for each portion of the Work as is defined by the Bidder in the Bid.

6.4 The Bidder shall not list any subcontractor who is ineligible pursuant to California Labor Code sections 1777.1 and 1777.7, and California Public Contract Code Section 6109.

6.5 The Bidder shall be subject to the penalties set forth in the Subcontracting Act if the Bidder lists in its Bid another contractor who will in turn sublet portions constituting the majority of Work covered by the prime contract.

6.6 If the Bidder fails to specify a subcontractor, or if the Bidder specifies more than one subcontractor for the same portion of the Work, the Bidder agrees that it is fully qualified to perform that portion itself, and that the Bidder shall perform that portion itself.

CITY OF SUISUN CITY, CALIFORNIA  
NOTICE TO CONTRACTOR  
 FOR CONSTRUCTION OF  
 SENIOR CENTER REROOF PROJECT

(B)

Sealed proposals will be received by the City Clerk of the City of Suisun City, 701 Civic Center Boulevard, Suisun City, California 94585 until 2:00 pm on August 21, 2012 for the construction in accordance with the project plans and specifications to which special reference is made, as follows:

**Description of Work:**

In general, the Project involves improvements to the existing 4,984 square foot Senior Center including: replace roofing, dry rot repair, new sheathing & roofing in limited areas, and various other related items of work.

Inquiries or questions based on alleged patent ambiguity of the plans, specifications or estimate must be communicated as a bidder inquiry prior to bid opening. Questions must be submitted in writing and may be referred to Kevin Moirano at fax: 707-429-3758 or via email at [kmoirano@suisun.com](mailto:kmoirano@suisun.com). Any such inquiries or questions, submitted after bid opening, will not be treated as a bid protest.

The construction cost is estimated on the range of \$25,000-\$40,000.

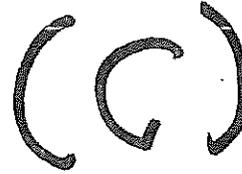
Plans and specifications may be inspected at the Building Department, 701 Civic Center Boulevard, Suisun City, CA 94585, and may be purchased for \$25.00 per set. Mailed requests shall be addressed to the Department of Public Works, City of Suisun City, 701 Civic Center Boulevard, Suisun City, CA 94585. A postage and handling fee of \$10.00 shall be added per set of plans and specifications to be mailed. Special arrangements must be made for overnight mail service.

Bids from Contractors must be received no later than August 21, 2012 at 2:00 pm, at which time they will be publicly opened and read aloud in the City Council Chambers at City Hall. Said bids will be reviewed by City Staff and referred to the City Council of the City of Suisun City for consideration.

A non-mandatory pre-bid conference is scheduled for 10:00 am on August 8, 2012, 318 Merganser Drive, Suisun City, CA 94585.

Pursuant to California Public Contract Code Section 3300, the successful Bidder (Prime Contractor) will be required to possess a current State of California Class "B" Contractor's License at the time the contract is awarded.

Each bid shall be accompanied by a certified or cashier's check payable to the City of Suisun City or a satisfactory bid bond in favor of the City of Suisun City executed by the Bidder as principal, and a satisfactory surety company, licensed as such in the State of California, as surety, in an amount not less than 10% of the maximum amount of the bid.



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**MEMBERS :: CONTRACTORS**

**CALENDER OF EVENTS**

Acker & Guerro Roofing  
Contact: George Acker  
Oakland, CA  
Phone: 415-765-1500  
Fax: 510-569-5425

Alameda Roofing Service, Inc.  
Contact: Tony Alameda  
Aptos, CA  
Phone: 831-476-2161  
Fax: 831-728-2197

**IRCC NEWSLETTER**

All Seasons Roofing  
Contact: Vlad Gorshstein  
San Jose, CA  
Phone: 408-972-4455  
Fax: 408-972-4177

Alton & Company  
Contact: Paul Sharp  
Santa Rosa, CA  
Phone: 707-576-1875  
Fax: 707-576-1910

**DAILY KICKERS**

Baker Roofing Company  
Contact: Joanne Baker  
Stockton, CA  
Phone: 209-462-8179  
Fax: 209-467-0802

Bigham Taylor Roofing Corporation  
Contact: Steve Galli  
Hayward, CA  
Phone: 510-886-0197  
Fax: 510-886-4347

California Single Ply  
Contact: James Mahle  
Roseville, CA  
Phone: 916 630-7380  
Fax: 916 630-7781

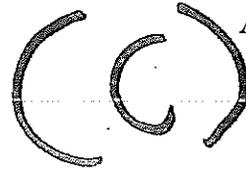
Cool Roofing Systems  
1286 Dupont Court  
Manteca, CA  
Ph: 209-825-0818  
Fax: 209-824-5581

D. C. Taylor Co.  
Contact: Bo Meyersieck  
Concord, CA  
Phone: 925-603-1100  
Fax: 925-603-1109

DRI Commercial - Irvine  
Contact: Timothy Davey  
Irvine, CA  
Phone: 949-852-9955  
Fax: 949-852-1160

DRI Services  
Contact: Brian Flaherty  
Hayward San Leandro, CA  
Phone: 510-372-2100  
Fax: 510-293-9399

FC & Sons Roofing Company  
Contact: Fernando Cabral  
Bell Gardens, CA  
Phone: 562-927-2310  
Fax: 562-927-3910



Fidelity Roof Company  
Contact: Monte Upshaw  
Oakland, CA  
Phone: 510-547-6330  
Fax: 510-658-0868

Horizon Roofing, Inc.  
Contact: Larry Coleman  
Shingle Springs, CA  
Phone: 530-672-6600  
Fax: 530-672-6900

Imperial Roofing  
Contact: Patrick Hoffman  
Elk Grove,  
Phone: 9167140301  
Fax: 9167140304

Kodiak Roofing & Waterproofing Co.  
Contact: Dwayne Nash  
Lincoln, CA  
Phone: 916-315-0240  
Fax: 916-660-0485

Legacy Roofing & Waterproofing  
Contact: Robert Laubach  
San Jose, CA  
Phone: 408-467-0150  
Fax: 408-467-0151

Louis & Associates, Inc.  
Contact: Darrel Louis  
Scotts Valley, CA  
Phone: 831-439-0180  
Fax: 831-439-0188

Madsen Roof Company, Inc.  
Contact: Peter Madsen  
Sacramento, CA  
Phone: 916-361-3327  
Fax: 916-361-3370

MCM Roofing  
6256 Meadow Vista Dr.  
Carmichael, CA  
Ph: 916-241-9866  
Fax: 916-241-9578

Priority Roofing Solutions, Inc.  
Contact: Kennedy Figueroa  
San Jose, CA  
Phone: 408-532-8020  
Fax: 408-532-8021

Progressive Roofing  
17805 Comconex Rd.  
Manteca CA 95336  
Ph: 209-624-7301  
Fax: 209-824-7235

Ross Roofing Company  
Contact: Dick Ross  
Sand City, CA  
Phone: 831-394-8581  
Fax: 831-394-3943

Rua Son Mechanical Inc  
395-A South Highway 65 PMB#348  
Lincoln, CA 95648  
Ph: 916-543-9360  
Fax: 916-543-9361

Scudder Roofing Company, Inc.  
Contact: Pete Scudder  
Monterey, CA  
Phone: 831-373-7212  
Fax: 831-883-2453

Shelton Roofing - Santa Cruz  
Contact: Brett Shelton  
Santa Cruz, CA  
Phone: 831-464-4120  
Fax: 831-476-7938

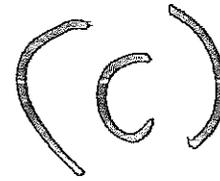
Shelton Roofing Company, Inc.  
Contact: Paul Lawson  
Mountain View, CA  
Phone: 650-961-7699  
Fax: 415-961-5069

Sierra Single Ply  
Contact: Jeff Allison  
McClellan, CA  
Phone: 916-640-0123  
Fax: 916-640-0124

The Independent Roofing Contractors, of California, Inc.

Southwest Construction Company  
Contact: James Gardner  
S. San Francisco, CA  
Phone:  
Fax:

State Roofing Systems, Inc.  
Contact: Jack White  
San Leandro, CA  
Phone: 510-317-1477  
Fax: 510-568-4725



Waterproofing Associates  
Contact: Dennis Ryan  
Mountain View, CA  
Phone: 650-937-1299  
Fax: 650-965-9005

Wedge Roofing , Inc.  
Contact: Ralph Wedge  
Petaluma, CA  
Phone: 707-763-5475  
Fax: 707-778-8417

Western Single Ply  
Contact: John Tanner  
Loomis, CA  
Phone: 916-652-3891  
Fax: 916-652-8043

**14. BID PROTESTS**

- ✓ 14.1 Any protest of the proposed award of Bid to the Bidder deemed the Lowest Responsible Bidder must be submitted in writing to the City, no later than 5:00 PM of the fifth (5<sup>th</sup>) business day following the date of the Bid Opening.
  - ✓ 14.1.1 The initial protest must contain a complete statement of the basis for the protest.
  - ✓ 14.1.2 The protest must state the facts and refer to the specific portion of the document or the specific statute that form the basis for the protest. The protest must include the name, address, and telephone number of the person representing the protesting party.
  - ✓ 14.1.3 The party filing the protest must concurrently transmit a copy of the initial protest to the Bidder deemed the lowest responsible Bidder.
  - ✓ 14.1.4 A party may not rely on the Bid Protest submitted by another Bidder, but must timely pursue its own protest.
  - ✓ 14.1.5 The procedure and time limits set forth in this Section are mandatory and are the Bidder's sole and exclusive remedy in the event of a Bid Protest. The Bidder's failure to fully comply with these procedures shall constitute a waiver of any right to further pursue the Bid Protest, including filing of a challenge of the award pursuant to the California Public Contracts Code, filing of a claim pursuant to the California Government Code or filing of any other legal proceedings.
- 14.1.6 The City shall review all timely protests prior to formal award of the Bid. The City shall not be required to hold an administrative hearing to consider any timely protest, but may do so at the option of the City Manager. At the time of the City Council's consideration of the award of the bid, the City Council shall also consider the merits of any timely protests. The City Council may either accept the protest and award the bid to the next lowest responsible Bidder or reject the protest and award to the lowest responsible Bidder. Nothing in this section shall be construed as a waiver of the City Council's right to reject all bids. In any event, the City Council's decision is final.
- 14.1.7 These bid protest procedures shall not limit the City Council's ability to reject all bids.

City of Suisun City  
Department of Public Works

Senior Center Reroof Project  
Bid Results  
August 21, 2012 @ 2 pm

**TO:**  
Plan Holders  
Building Exchanges

The apparent low bidder is Northwest Roofing

Company	Base Project
Northwest Roofing	\$55,328.00
Solano County Roofing	\$55,900.00





*United Union of Roofers,  
Waterproofers and Allied Workers*

AFFILIATED WITH AFL-CIO AND BUILDING AND CONSTRUCTION TRADES DEPARTMENT

Local Union No. 81

8400 Enterprise Way, Room 122, Oakland, Ca. 94621

510/632-0505

The City of Suisun City  
701 Civic Center Blvd.  
Suisun City, CA 94585  
Attn: Daniel Kasperson, Chief Building Official

Re: Suisun City Senior Center Re-Roof Project



Dear Daniel Kasperson,

Please consider this an official Bid Protest for the project listed above for the following:

\*\* Northwest Roofing & Waterproofing, Inc., CA License Number 648029, does not possess a current "Class B" license as a requirement listed in the City of Suisun's solicitation for bids for the above project. (Attachment 1) (A)

\*\* Without possessing a valid contractors "Class B" license, Northwest Roofing & Waterproofing, Inc. is unable to "self-perform" various other related items of work as described in the City of Suisun's solicitation for bids. (Attachment 2) (B)

\*\* Northwest Roofing & Waterproofing, Inc., unable to "self-perform" various other items listed for this bid, failed to list any "sub-contractors" as required by the CA Contract Code 4104(a),4106(a). (Attachment 3) (C)

If you have any questions, or if I can be of any assistance, please do not hesitate in calling me at the number listed on this letterhead.

Sincerely,

Morgan Nolde  
Business Representative

Cc: Northwest Roofing & Waterproofing, Inc.  
1140 Pitt School Road, #F  
Dixon, CA 95620

(A)

CITY OF SUISUN CITY, CALIFORNIA  
NOTICE TO CONTRACTOR  
 FOR CONSTRUCTION OF  
 SENIOR CENTER REROOF PROJECT

Sealed proposals will be received by the City Clerk of the City of Suisun City, 701 Civic Center Boulevard, Suisun City, California 94585 until 2:00 pm on August 21, 2012 for the construction in accordance with the project plans and specifications to which special reference is made, as follows:

**Description of Work:**

In general, the Project involves improvements to the existing 4,984 square foot Senior Center including: replace roofing, dry rot repair, new sheathing & roofing in limited areas, and various other related items of work.

Inquiries or questions based on alleged patent ambiguity of the plans, specifications or estimate must be communicated as a bidder inquiry prior to bid opening. Questions must be submitted in writing and may be referred to Kevin Moirano at fax: 707-429-3758 or via email at [kmoirano@suisun.com](mailto:kmoirano@suisun.com). Any such inquiries or questions, submitted after bid opening, will not be treated as a bid protest.

The construction cost is estimated on the range of \$25,000-\$40,000.

Plans and specifications may be inspected at the Building Department, 701 Civic Center Boulevard, Suisun City, CA 94585, and may be purchased for \$25.00 per set. Mailed requests shall be addressed to the Department of Public Works, City of Suisun City, 701 Civic Center Boulevard, Suisun City, CA 94585. A postage and handling fee of \$10.00 shall be added per set of plans and specifications to be mailed. Special arrangements must be made for overnight mail service.

Bids from Contractors must be received no later than August 21, 2012 at 2:00 pm, at which time they will be publicly opened and read aloud in the City Council Chambers at City Hall. Said bids will be reviewed by City Staff and referred to the City Council of the City of Suisun City for consideration.

A non-mandatory pre-bid conference is scheduled for 10:00 am on August 8, 2012, 318 Merganser Drive, Suisun City, CA 94585.

Pursuant to California Public Contract Code Section 3300, the successful Bidder (Prime Contractor) will be required to possess a current State of California Class "B" Contractor's License at the time the contract is awarded.

Each bid shall be accompanied by a certified or cashier's check payable to the City of Suisun City or a satisfactory bid bond in favor of the City of Suisun City executed by the Bidder as principal, and a satisfactory surety company, licensed as such in the State of California, as surety, in an amount not less than 10% of the maximum amount of the bid.



DEPARTMENT OF CONSUMER AFFAIRS

**Contractors State License Board**

**Contractor's License Detail - License # 648029**

 **DISCLAIMER:** A license status check provides information taken from the CSLB license database. Before relying on this information, you should be aware of the following limitations.

CSLB complaint disclosure is restricted by law (B&P 7124.6) If this entity is subject to public complaint disclosure, a link for complaint disclosure will appear below. Click on the link or button to obtain complaint and/or legal action information.

Per B&P 7071.17, only construction related civil judgments reported to the CSLB are disclosed.

Arbitrations are not listed unless the contractor fails to comply with the terms of the arbitration.

Due to workload, there may be relevant information that has not yet been entered onto the Board's license database.

License Number	648029	Extract Date 8/28/2012				
NORTHWEST ROOFING & WATERPROOFING INC						
Business Information	Business Phone Number: (707) 678-9185  1140 PITT SCHOOL ROAD # F DIXON, CA 95620					
Entity	Corporation					
Issue Date	06/18/1992	Attachment B				
Expire Date	06/30/2014					
License Status	<b>ACTIVE</b> This license is current and active. All information below should be reviewed.					
Classifications	<table border="0" style="width: 100%;"> <thead> <tr> <th style="text-align: left;">CLASS</th> <th style="text-align: left;">DESCRIPTION</th> </tr> </thead> <tbody> <tr> <td>C39</td> <td><u>ROOFING</u></td> </tr> </tbody> </table>		CLASS	DESCRIPTION	C39	<u>ROOFING</u>
CLASS	DESCRIPTION					
C39	<u>ROOFING</u>					
Bonding	CONTRACTOR'S BOND This license filed a Contractor's Bond with <u>AMERICAN CONTRACTORS INDEMNITY COMPANY.</u>  <b>Bond Number:</b> 100178048 <b>Bond Amount:</b> \$12,500 <b>Effective Date:</b> 10/10/2011 <u>Contractor's Bond History</u>  BOND OF QUALIFYING INDIVIDUAL 1. The Responsible Managing Officer (RMO) WILLIAMS NORMAN ARNOLD certified that he/she owns 10 percent or more of the voting stock/equity of the corporation. A bond of qualifying individual is not required.  <b>Effective Date:</b> 06/18/1992					
Workers' Compensation	WORKERS' COMPENSATION					

**ATTACHMENT 2**

This license has workers compensation insurance with  
STATE COMPENSATION INSURANCE FUND

**Policy Number:** 713-0024059

**Effective Date:** 02/01/2008

**Cancellation Date:** 09/27/2012

Workers' Compensation History

Personnel List

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DEPARTMENT OF CONSUMER AFFAIRS

Contractors State License Board

Contractor's License Detail (Personnel List)

Contractor License #: 648029

Contractor Name: NORTHWEST ROOFING & WATERPROOFING INC

*Click on the person's name to see a more detailed page of information on that person*

NAME	TITLE	ASSOCIATION DATE	DISASSOCIATION DATE	CLASS	MORE CLASS
<a href="#">NORMAN ARNOLD WILLIAMS</a>	RMO/CEO/PRES	06/18/1992		C39	More
<a href="#">LAWRENCE WAYNE FRANKO</a>	OFFICER	06/18/1992	02/01/1996		
<a href="#">JERI JOANNE WILLIAMS</a>	OFFICER	02/01/1996			

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DEPARTMENT OF CONSUMER AFFAIRS

**Contractors State License Board**

(B)

**B - General Building Contractor****Business & Professions Code****Division 3, Chapter 9. Contractors, Article 4. Classifications**

7057. (a) Except as provided in this section, a general building contractor is a contractor whose principal contracting business is in connection with any structure built, being built, or to be built, for the support, shelter, and enclosure of persons, animals, chattels, or movable property of any kind, requiring in its construction the use of at least two unrelated building trades or crafts, or to do or superintend the whole or any part thereof.

This does not include anyone who merely furnishes materials or supplies under Section 7045 without fabricating them into, or consuming them in the performance of the work of the general building contractor.

(b) A general building contractor may take a prime contract or a subcontract for a framing or carpentry project. However, a general building contractor shall not take a prime contract for any project involving trades other than framing or carpentry unless the prime contract requires at least two unrelated building trades or crafts other than framing or carpentry, or unless the general building contractor holds the appropriate license classification or subcontracts with an appropriately licensed specialty contractor to perform the work. A general building contractor shall not take a subcontract involving trades other than framing or carpentry, unless the subcontract requires at least two unrelated trades or crafts other than framing or carpentry, or unless the general building contractor holds the appropriate license classification. The general building contractor may not count framing or carpentry in calculating the two unrelated trades necessary in order for the general building contractor to be able to take a prime contract or subcontract for a project involving other trades.

(c) No general building contractor shall contract for any project that includes the "C-16" Fire Protection classification as provided for in Section 7026.12 or the "C-57" Well Drilling classification as provided for in Section 13750.5 of the Water Code, unless the general building contractor holds the specialty license, or subcontracts with the appropriately licensed specialty contractor.

*(Amended by Stats. 1997, Chapter 812 (SB 857).)*

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DEPARTMENT OF CONSUMER AFFAIRS

**Contractors State License Board****C39 - Roofing Contractor****California Code of Regulations****Title 16, Division 8, Article 3. Classifications**

A roofing contractor installs products and repairs surfaces that seal, waterproof and weatherproof structures. This work is performed to prevent water or its derivatives, compounds or solids from penetrating such protection and gaining access to material or space beyond. In the course of this work, the contractor examines and/or prepares surfaces and uses the following material: asphaltum, pitch, tar, felt, glass fabric, urethane foam, metal roofing systems, flax, shakes, shingles, roof tile, slate or any other roofing, waterproofing, weatherproofing or membrane material(s) or a combination thereof.

*Authority cited: Sections 7008 and 7059, Reference: Sections 7058 and 7059 (Business and Professions Code)*

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**PUBLIC CONTRACT CODE**  
**SECTION 4100-4114**

(c)

4100. This chapter may be cited as the "Subletting and Subcontracting Fair Practices Act."

4101. The Legislature finds that the practices of bid shopping and bid peddling in connection with the construction, alteration, and repair of public improvements often result in poor quality of material and workmanship to the detriment of the public, deprive the public of the full benefits of fair competition among prime contractors and subcontractors, and lead to insolvencies, loss of wages to employees, and other evils.

4103. Nothing in this chapter limits or diminishes any rights or remedies, either legal or equitable, which:

(a) An original or substituted subcontractor may have against the prime contractor, his or her successors or assigns.

(b) The state or any county, city, body politic, or public agency may have against the prime contractor, his or her successors or assigns, including the right to take over and complete the contract.

4104. Any officer, department, board or commission taking bids for the construction of any public work or improvement shall provide in the specifications prepared for the work or improvement or in the general conditions under which bids will be received for the doing of the work incident to the public work or improvement that any person making a bid or offer to perform the work, shall, in his or her bid or offer, set forth:

(a) (1) The name and the location of the place of business of each subcontractor who will perform work or labor or render service to the prime contractor in or about the construction of the work or improvement, or a subcontractor licensed by the State of California who, under subcontract to the prime contractor, specially fabricates and installs a portion of the work or improvement according to detailed drawings contained in the plans and specifications, in an amount in excess of one-half of 1 percent of the prime contractor's total bid or, in the case of bids or offers for the construction of streets or highways, including bridges, in excess of one-half of 1 percent of the prime contractor's total bid or ten thousand dollars (\$10,000), whichever is greater.

(2) (A) Subject to subparagraph (B), any information requested by the officer, department, board, or commission concerning any subcontractor who the prime contractor is required to list under this subdivision, other than the subcontractor's name and location of business, may be submitted by the prime contractor up to 24 hours after the deadline established by the officer, department, board, or commission for receipt of bids by prime contractors.

(B) A state or local agency may implement subparagraph (A) at its option.

(b) The portion of the work that will be done by each subcontractor under this act. The prime contractor shall list only one subcontractor for each portion as is defined by the prime contractor in his or her bid.

4104.5. (a) The officer, department, board, or commission taking bids for construction of any public work or improvement shall specify in the bid invitation and public notice the place the bids of the prime contractors are to be received and the time by which they shall be received. The date and time shall be extended by no less than 72 hours if the officer, department, board, or commission issues any material changes, additions, or deletions to the invitation later than 72 hours prior to the bid closing. Any bids received after the time specified in the notice or any extension due to material changes shall be returned unopened.

(b) As used in this section, the term "material change" means a change with a substantial cost impact on the total bid as determined by the awarding agency.

(c) As used in this section, the term "bid invitation" shall include any documents issued to prime contractors that contain descriptions of the work to be bid or the content, form, or manner of submission of bids by bidders.

4105. Circumvention by a general contractor who bids as a prime contractor of the requirement under Section 4104 for him or her to list his or her subcontractors, by the device of listing another contractor who will in turn sublet portions constituting the majority of the work covered by the prime contract, shall be considered a violation of this chapter and shall subject that prime contractor to the penalties set forth in Sections 4110 and 4111.

4106. If a prime contractor fails to specify a subcontractor or if a prime contractor specifies more than one subcontractor for the same portion of work to be performed under the contract in excess of one-half of 1 percent of the prime contractor's total bid, the prime contractor agrees that he or she is fully qualified to perform that portion himself or herself, and that the prime contractor shall perform that portion himself or herself.

If after award of contract, the prime contractor subcontracts, except as provided for in Sections 4107 or 4109, any such portion of the work, the prime contractor shall be subject to the penalties named in Section 4111.

4107. A prime contractor whose bid is accepted may not:

(a) Substitute a person as subcontractor in place of the subcontractor listed in the original bid, except that the awarding authority, or its duly authorized officer, may, except as otherwise provided in Section 4107.5, consent to the substitution of another person as a subcontractor in any of the following situations:

(1) When the subcontractor listed in the bid, after having had a reasonable opportunity to do so, fails or refuses to execute a written contract for the scope of work specified in the subcontractor's bid and at the price specified in the subcontractor's bid, when

**UNITED UNION OF ROOFERS  
WATERPROOFERS AND ALLIED WORKERS**  
AFFILIATED WITH AFL-CIO BUILDING AND CONSTRUCTION TRADES DEPARTMENT

**LOCAL UNION 81**

3400 ENTERPRISE WAY, ROOM 122, OAKLAND CA 94621

(510) 632-0505

**FAX COVER SHEET**

DATE: 08/28/2012

TO: NORTHWEST REG. WATERPROOFING - Fax #: (707) 678-0447

ATTN: MANAGEMENT

RE: BID PROTEST

FROM: MORGAN WOLDE

Roofers Local 81  
3400 Enterprise Way  
Oakland, CA 94621  
Fax No. (510) 632-5469

Number of Pages (including cover sheet) 13

MESSAGE: COPY IN MAIL



## CONTRACTORS STATE LICENSE BOARD

9821 Business Park Drive, Sacramento, California 95827  
Mailing Address: P.O. Box 26000, Sacramento, CA 95826  
800.321.CSLB (2752) | [www.cslb.ca.gov](http://www.cslb.ca.gov) | [CheckTheLicenseFirst.com](http://CheckTheLicenseFirst.com)

STATE OF CALIFORNIA  
Governor Edmund G. Brown Jr.

September 12, 2012

Mr. Brian Williams  
Northwest Roofing & Waterproofing #648029  
1140 Pitt School Road #F  
Dixon, CA 95620

Re: Suisun City Senior Center Reroof Project

Mr. Williams,

After reviewing the submitted documentation, I have reviewed the scope of work detailed for the reroof project for the Suisun City Senior Center Project and have determined that the most applicable classification to undertake this project would be the C39 – Roofing Classification. This is due to the fact the scope of work would include Asphalt Shingles, Four Ply Built-up Roof System and all associated flashings and sheet metals.

The B – General Building Classification contractor would be allowed to bid on such a project but pursuant to Business and Professions Code Division 3, Chapter 9. Contractors, Article 4, Classifications would be required to sub-contract this project to a Specialty C39 – Roofing Contractor, unless they also held the C39 – Roofing classification. If the B – General Contractor executed this contract and performed the work themselves, they would be in violation of Business and Professions Code Section 7117.6 – Acting as a Contractor in an unauthorized classification, and would be subject to discipline from the Contractors State License Board.

I have included the classification descriptions below for the B – General Building Contractor and the C39 – Roofing Contractor for your review.

Sincerely,

Rick Villucci ERII  
Classification Deputy  
Senior Investigator  
Contractors State License Board  
9821 Business Park Drive  
Sacramento, CA 95826  
916-255-4138

**B - General Building Contractor****Business & Professions Code Division 3, Chapter 9. Contractors, Article 4. Classifications**

**7057. (a)** Except as provided in this section, a general building contractor is a contractor whose principal contracting business is in connection with any structure built, being built, or to be built, for the support, shelter, and enclosure of persons, animals, chattels, or movable property of any kind, requiring in its construction the use of at least two unrelated building trades or crafts, or to do or superintend the whole or any part thereof.

This does not include anyone who merely furnishes materials or supplies under Section 7045 without fabricating them into, or consuming them in the performance of the work of the general building contractor.

**(b)** A general building contractor may take a prime contract or a subcontract for a framing or carpentry project. However, a general building contractor shall not take a prime contract for any project involving trades other than framing or carpentry unless the prime contract requires at least two unrelated building trades or crafts other than framing or carpentry, or unless the general building contractor holds the appropriate license classification or subcontracts with an appropriately licensed specialty contractor to perform the work. A general building contractor shall not take a subcontract involving trades other than framing or carpentry, unless the subcontract requires at least two unrelated trades or crafts other than framing or carpentry, or unless the general building contractor holds the appropriate license classification. The general building contractor may not count framing or carpentry in calculating the two unrelated trades necessary in order for the general building contractor to be able to take a prime contract or subcontract for a project involving other trades.

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A roofing contractor installs products and repairs surfaces that seal, waterproof and weatherproof structures. This work is performed to prevent water or its derivatives, compounds or solids from penetrating such protection and gaining access to material or space beyond. In the course of this work, the contractor examines and/or prepares surfaces and uses the following material: asphaltum, pitch, tar, felt, glass fabric, urethane foam, metal roofing systems, flax, shakes, shingles, roof tile, slate or any other roofing, waterproofing, weatherproofing or membrane material(s) or a combination thereof.

## **RESOLUTION NO. 2012 - \_\_\_\_**

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUISUN CITY DECLARING THE BID OF NORTHWEST ROOFING & WATERPROOFING INC. FOR THE SENIOR CENTER REROOF PROJECT AS NON-RESPONSIVE**

**WHEREAS**, on October 19, 2010, the City received notice that we were awarded a \$685,000 CDBG Grant to make improvements to the Suisun City Senior Center for a comprehensive rehabilitation of the Senior Center with the primary goal of this project to include a new roof, a new commercial grade kitchen, safety code upgrades, energy efficiency improvements, ADA improvements, and other building and site improvements; and

**WHEREAS**, staff has prepared plans, specifications and an estimate for bidding Phase I of this project which includes the new roof and other work to facilitate the roofing (Phase I); and

**WHEREAS**, two bid proposals for Phase I were received by the City before 2:00 pm on August 21, 2012, and were opened and read; and

**WHEREAS**, Northwest Roofing & Waterproofing Inc. (Northwest Roofing) was the apparent low bidder providing a bid of \$55,328 for the Phase I Base Bid and Solano County Roofing, Inc. (Solano County Roofing) providing a bid of \$55,900; and

**WHEREAS**, formal bid protests were received from Solano County Roofing Inc. and the United Union of Roofers Waterproofers and Allied Workers with those protests being received timely and correct as to form; and

**WHEREAS**, included in those protests was the allegation that Northwest Roofing did not possess a Class B Contractor's License as required in the Bid Specifications; and

**WHEREAS**, Northwest Roofing submitted a bid protest, after the opening of bids, protesting the requirement in the bid package of a Class B license, among other things; and

**WHEREAS**, Section 2.2 of the bid documents required that "[i]n the event Bidder has any question as to the meaning of any part of the Contract Documents, or Bidder finds any error, omission, inconsistency, or ambiguity in the Contract Documents, Bidder shall make a written request for clarification prior to submitting its Bid. Requests for clarification or interpretation of the Contract Documents shall be addressed only to Kevin Moirano at fax: 707-429-3758 or via email at kmoirano@suisun.com. It shall be the Bidder's responsibility to ensure that any such request is submitted to the City in a timely manner to allow sufficient time for the City to issue written Addenda. Furthermore, any request must be submitted no later than seven business days prior to the date of the Bid Opening."

**WHEREAS**, Northwest Roofing & Waterproofing did not make a written request for clarification prior to submitting its Bid. Northwest Roofing's objections were made, for the very first time, after the bids were opened, as described in detail below. Allowing these untimely objections to be accepted now, as if they were made before the bids were opened, would compromise the integrity of the bidding process.

**WHEREAS**, Northwest Roofing also claimed for the first time after the bids were opened that a Class B License should not have been required as part of the bid specifications. A Class B License was included as part of the bid specifications due to the percentage of dry rot repair associated with this project. Any portion of non-roof specific repairs, including dry rot repairs, that are in excess of one-half of 1% of the total project create an instance where the contractor performing the repairs needs a license beyond a Class C-39 License. While Northwest Roofing has a letter from the California State License Board stating that a Class C-39 License could have been acceptable, there is no mention in their letter of the dry rot repairs that will be needed to complete this project. Therefore, the letter from the State Board is deemed to be not applicable in this case and Northwest Roofing & Waterproofing contention is rejected. Requirement of a Class B License for this project is appropriate; and

**WHEREAS**, Finally, Northwest Roofing stated that because there was only one other bidding contractor for the job that if their bid was thrown out, it created a non-competitive bidding situation and that Solano County Roofing's bid should have been disqualified. The bid package was advertised as required. The City allowed the legal allotted time for bid submissions and the process was adequate. Northwest Roofing's contention is rejected; and

**WHEREAS**, for the reasons noted above, the bid specifications issued by the City require a Class B License, and staff has verified that Northwest Roofing does not possess a Class B Contractor's License.

**NOW, THEREFORE, BE IT RESOLVED**, that that the City Council of the City of Suisun City declares that the bid from Northwest Roofing is non-responsive in their bid submitted for the Senior Center Re-Roof Project.

**PASSED AND ADOPTED** at a Regular Meeting of the City Council of the City of Suisun City duly held on Tuesday, the 2<sup>nd</sup> day of October 2012, by the following vote:

**AYES:** Councilmembers: \_\_\_\_\_  
**NOES:** Councilmembers: \_\_\_\_\_  
**ABSENT:** Councilmembers: \_\_\_\_\_  
**ABSTAIN:** Councilmembers: \_\_\_\_\_

**WITNESS** my hand and the seal of said City this 2<sup>nd</sup> day of October 2012.

\_\_\_\_\_  
Donna Pock, CMC  
Deputy City Clerk

**RESOLUTION NO. 2012 - \_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUISUN CITY  
AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONSTRUCTION  
CONTRACT ON THE CITY'S BEHALF WITH SOLANO COUNTY ROOFING INC.  
FOR THE SENIOR CENTER REROOF PROJECT**

**WHEREAS**, on October 19, 2010, the City received notice that we were awarded a \$685,000 CDBG Grant to make improvements to the Suisun City Senior Center for a comprehensive rehabilitation of the Senior Center with the primary goal of this project to include a new roof, a new commercial grade kitchen, safety code upgrades, energy efficiency improvements, ADA improvements, and other building and site improvements; and

**WHEREAS**, staff has prepared plans, specifications and an estimate for bidding Phase I of this project which includes the new roof and other work to facilitate the roofing (Phase I); and

**WHEREAS**, two bid proposals for Phase I were received by the City before 2:00 pm on August 21, 2012, and were opened and read; and

**WHEREAS**, Northwest Roofing & Waterproofing Inc. (Northwest Roofing) was the apparent low bidder providing a bid of \$55,328 for the Phase I Base Bid and Solano County Roofing, Inc. (Solano County Roofing) providing a bid of \$55,900; and

**WHEREAS**, formal bid protests were received from Solano County Roofing Inc. and the United Union of Roofers Waterproofers and Allied Workers with those protests being received timely and correct as to form; and

**WHEREAS**, included in those protests was the allegation that Northwest Roofing did not possess a Class B Contractor's License as required in the Bid Specifications; and

**WHEREAS**, Northwest Roofing submitted a bid protest, after the opening of bids, protesting the requirement in the bid package of a Class B license, among other things; and

**WHEREAS**, Section 2.2 of the bid documents required that "[i]n the event Bidder has any question as to the meaning of any part of the Contract Documents, or Bidder finds any error, omission, inconsistency, or ambiguity in the Contract Documents, Bidder shall make a written request for clarification prior to submitting its Bid. Requests for clarification or interpretation of the Contract Documents shall be addressed only to Kevin Moirano at fax: 707-429-3758 or via email at kmoirano@suisun.com. It shall be the Bidder's responsibility to ensure that any such request is submitted to the City in a timely manner to allow sufficient time for the City to issue written Addenda. Furthermore, any request must be submitted no later than seven business days prior to the date of the Bid Opening."

**WHEREAS**, Northwest Roofing & Waterproofing did not make a written request for clarification prior to submitting its Bid. Northwest Roofing's objections were made, for the very first time, after the bids were opened, as described in detail below. Allowing these untimely objections to be accepted now, as if they were made before the bids were opened, would compromise the integrity of the bidding process.

**WHEREAS**, Northwest Roofing also claimed for the first time after the bids were opened that a Class B License should not have been required as part of the bid specifications. A Class B License was included as part of the bid specifications due to the percentage of dry rot repair associated with this project. Any portion of non-roof specific repairs, including dry rot repairs, that are in excess of one-half of 1% of the total project create an instance where the contractor performing the repairs needs a license beyond a Class C-39 License. While Northwest Roofing has a letter from the California State License Board stating that a Class C-39 License could have been acceptable, there is no mention in their letter of the dry rot repairs that will be needed to complete this project. Therefore, the letter from the State Board is deemed to be not applicable in this case and Northwest Roofing & Waterproofing contention is rejected. Requirement of a Class B License for this project is appropriate; and

**WHEREAS**, Finally, Northwest Roofing stated that because there was only one other bidding contractor for the job that if their bid was thrown out, it created a non-competitive bidding situation and that Solano County Roofing's bid should have been disqualified. The bid package was advertised as required. The City allowed the legal allotted time for bid submissions and the process was adequate. Northwest Roofing's contention is rejected; and

**WHEREAS**, for the reasons noted above, the bid specifications issued by the City require a Class B License, and staff has verified that Northwest Roofing does not possess a Class B Contractor's License; and

**WHEREAS**, the City Council has declared the bid from Northwest Roofing to be Non-Responsive; and

**WHEREAS**, the second low bidder was Solano County Roofing Inc. having provided a bid of \$55,900; and

**WHEREAS**, staff has reviewed Solano County Roofing's cost proposal and bid documents and has determined that the bid submitted by Solano County Roofing is responsive and that Solano County Roofing is the responsible bidder.

**NOW, THEREFORE, BE IT RESOLVED**, that that the City Council of the City of Suisun City AUTHORIZES THE City Manager to enter into a construction contract on behalf of the City with Solano County Roofing, Inc. for the Senior Center Reroof Project for the contract cost of \$55,900 and to take any and all necessary and appropriate actions to implement this contract. The City Council further authorizes the City Manager to approve changes for contingencies as necessary up to an additional \$5,590.

**PASSED AND ADOPTED** at a Regular Meeting of the City Council of the City of Suisun City duly held on Tuesday, the 2<sup>nd</sup> day of October 2012, by the following vote:

**AYES:** Councilmembers: \_\_\_\_\_  
**NOES:** Councilmembers: \_\_\_\_\_  
**ABSENT:** Councilmembers: \_\_\_\_\_  
**ABSTAIN:** Councilmembers: \_\_\_\_\_

**WITNESS** my hand and the seal of said City this 2<sup>nd</sup> day of October 2012.

\_\_\_\_\_  
Donna Pock, CMC  
Deputy City Clerk