

EVERETT SCHOOL DISTRICT NO. 2

RESOLUTION NO. 505

A Resolution of the Board of Directors (the "Board") of the Everett School District No. 2 (the "District") to award the contract for Alternative High School Modernization and Restoration Project (the "Project") to Heritage Construction.

WHEREAS, the general contractor bid opening for the Project was duly and regularly held at 2:00 p.m. (Pacific Standard Time) on Wednesday, June 16, 1993; and

WHEREAS, the District received four bids, the low bidder being Heritage Construction ("Heritage"); and

WHEREAS, the District has received bid protests from Cree Construction Company, Inc. ("Cree"), and from Stirrett-Johnson, Inc. ("Stirrett") asserting that Heritage submitted a nonresponsive bid because Heritage listed three subcontractors for the Mechanical and Fire Sprinkler portions of the Project work; and

WHEREAS, the bid specifications called for bids on a series of alternatives in addition to the base Project; and

WHEREAS, the bid specifications for the Project required a list of subcontractors for the purposes of determining the responsibility of the bidder, which list had to be submitted within two hours of bid opening; and

WHEREAS, the bid specifications did not specifically state whether listing multiple subcontractors was permitted or otherwise specify how multiple subcontractors were to be listed or specify how to inform the District that different subcontractors might be used depending on the alternatives selected by the District; and

WHEREAS, Heritage informed the District (during the two hour period after bid opening, but prior to the time the subcontractors list was due) that its choice of subcontractors might depend on the alternatives selected by the District; and

WHEREAS, the Vemo Company (the second lowest bidder) qualified their subcontractors list to indicate it only applied to the base bid project; and

WHEREAS, Heritage's listing of several subcontractors did not affect Heritage's bid, and did not result in a material advantage to Heritage over other bidders; and

WHEREAS, the Board has considered the bids and qualifications of the general contractors and is fully advised and desires to award the contract for the Project, without alternatives, to Heritage;

NOW THEREFORE, BE IT RESOLVED as follows:

1. Heritage's bid, including its list of subcontractors, was responsive to the bid specifications published by the District. To the extent that Heritage's listing of several subcontractors under a single category of work in its list of subcontractors is or resulted from an irregularity in this bid process, such irregularity is immaterial and is hereby waived by the District.

2. Cree's and Stirrett's bid protests are hereby denied.
3. Heritage is the lowest responsible bidder for the Project.
4. The contract for the Project is awarded to Heritage for the base bid of \$6,332,827 with no alternatives; provided however, that the contract for award of the Project is conditioned upon the approval of the Office of the Superintendent of Public Instruction, receipt of a proper performance bond, and proof of insurance from Heritage.
5. The Board shall, and hereby does, authorize and direct the District's Superintendent or authorized designee, on behalf of the District, to take any and all actions necessary or appropriate on the District's behalf to complete the foregoing actions.


ADOPTED, this 12th day of July, 1993, and authenticated by the signatures affixed below.



President



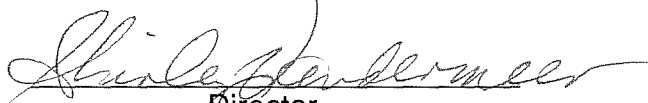
Director



Director




Director



Director

ATTEST:

By: 

Superintendent and
Secretary of the Board