

SADDLEBACK COMMUNITY COLLEGE DISTRICT
28000 Marguerite Parkway
Mission Viejo, California 92675

The Special Meeting of the Governing Board of the Saddleback Community College District was held in the Board Room at 28000 Marguerite Parkway, Mission Viejo, California, Wednesday, October 18, 1972, at 4:00 P.M.

SPECIAL MEETING

Mr. Backus, President of the Board of Trustees, called the meeting to order; Mr. Brannon led the audience in the Pledge of Allegiance; and Mr. Vogel gave the Invocation.

There were present:

PRESENT

Mr. Patrick Backus
Mr. Alyn Brannon
Mr. Hans Vogel

BOARD MEMBERS

Fred H. Bremer, Ph.D., Superintendent/President
R. L. Platt, Dean of Instruction
Roy N. Barletta, Business Manager

STAFF MEETING

There were absent:

ABSENT

Mr. Michael Collins (excused)
Mr. John Lund (excused)

BOARD MEMBERS

Dr. Bremer informed the Board of Trustees that the Special Meeting had been called in conjunction with the problem concerning construction on the Science-Mathematics Building.

MEETING CALLED
CONCERNING THE
SCIENCE-MATH
BUILDING

Dr. Bremer recommended that the Board of Trustees make a decision concerning the refusal of C. V. Holder, Inc., to sign the contract authorizing it to begin construction on the Science-Mathematics Building.

Mr. Vogel requested that an Executive Session be called in order to discuss with County Counsel possible litigation concerning the above.

Mr. Backus adjourned the Special Meeting into Executive Session at 4:10 P.M.

EXECUTIVE
SESSION

Mr. Backus reopened the Special Meeting at 4:20 P.M.

SPECIAL MEETING

Motion by Mr. Vogel, duly seconded, that C. V. Holder, Inc., not be permitted to withdraw its bid for construction of the Science-Mathematics Building.

C. V. HOLDER,
INC.

Mr. Backus stated that Mr. Eugene Shapiro, legal counsel for C. V. Holder, Inc., was present and requested that he be heard at that time.

MR. EUGENE
SHAPIRO -
LEGAL COUNSEL
FOR C. V. HOLDER
INC.

Mr. Eugene Shapiro, Shapiro & Maguire Law Offices, stated that his law office represents C. V. Holder, Inc., and that the purpose of his presence at the Board Meeting was to explain further in detail the error amounting to \$122,600.00 which led to the request of Mr. C. V. Holder that his Firm be allowed to withdraw as the low bidder for construction of the Science-Mathematics Building.

He introduced to the Members of the Board of Trustees, Mrs. Noreen Harris, clerical employee for C. V. Holder, Inc., who had made the clerical error in the amount of \$122,600.00.

Mr. Shapiro stated that, in addition to the \$122,600.00 clerical error, an error had been made in the interpretation of the specifications with regard to cash allowances, and also in the posting of a 5 percent bid bond instead of the requested 10 percent bid bond.

Mr. Shapiro asked the Members of the Board of Trustees if they wished to question Mrs. Harris with regard to the clerical error.

A lengthy question and answer period ensued.

Mrs. Harris explained that approximately 20 minutes prior to the deadline for submitting the bid to the District she had received a bid in the amount of \$57,400.00 for precast concrete. To that figure an amount had been added for caulking which increased the total bid for precast concrete and caulking to \$61,300.00. Mrs. Harris stated that she removed from her log sheet the figure of \$30,000.00, estimated previously for that particular item, and inserted the figure of \$61,300.00. She further stated that the figure of \$61,300.00 should have been added to the base bid. However, she inadvertently pushed the wrong key, causing a double error in the amount of \$122,600.00.

MRS. HARRIS -
CLERICAL EMPLOY
C. V. HOLDER,
INC.

Mr. Shapiro presented to the Board of Trustees the undated tape of the bid figures prepared by Mrs. Harris.

A discussion ensued concerning whether or not undated tape could be used as a basis for releasing a contractor as a result of a clerical error. In addition, the question was raised concerning the fact that the clerical error was not mentioned initially when the matter concerning cash allowances was brought to the Architect's attention.

Mr. Holder, President of C. V. Holder, Inc., stated that when the matter concerning cash allowances was brought to his attention, he requested that a meeting be scheduled with the District Architect to discuss the interpretation of the specifications concerning the contractor's interpretation of the specifications dealing with cash allowances. He stated, however, that the main issue was that of the clerical error amounting to \$122,600.00.

MR. HOLDER

Mr. Shapiro requested that the Board of Trustees release C. V. Holder, Inc., from its obligation for construction of the Science-Mathematics Building on the basis of the clerical error and the misinterpretation concerning the matter of cash allowances.

MR. SHAPIRO -
REQUESTED THAT
C. V. HOLDER,
INC. BE
RELEASED

A discussion ensued concerning whether or not a material mistake of fact had been made by C. V. Holder, Inc.

Mr. Vogel withdrew his motion that C. V. Holder, Inc., not be permitted to withdraw its bid for construction of the Science-Mathematics Building.

MOTION WITHDRAWN

Mr. Brannon withdrew second.

Motion by Mr. Backus, duly seconded, to adopt the following Resolution:

RESOLUTION

Whereas, C. V. Holder, Inc., was the apparent low bidder for the construction of the Science-Mathematics Building, and
Whereas, C. V. Holder, Inc., requested to withdraw its bid for the construction of the Science-Mathematics Building, and
Therefore, C. V. Holder, Inc., be allowed to withdraw its bid for the construction of the Science-Mathematics Building because of a material mistake of fact.

ROLL CALL VOTE:

AYES: MEMBERS: BACKUS
NOES: MEMBERS: BRANNON & VOGEL
ABSENT: MEMBERS: COLLINS & LUND

FAILED

Motion failed.

Motion by Mr. Vogel, duly seconded, that the bid bond submitted by C. V. Holder, Inc., in conjunction with the construction of the Science-Mathematics Building, be retained by the District until such time as the issue of the material mistake of fact has been resolved.

BID BOND
RETAINED BY
THE DISTRICT

Mr. Backus voted no.

Motion failed.

Motion by Mr. Backus, duly seconded, that the bid bond submitted by C. V. Holder, Inc. in conjunction with the construction of the Science-Mathematics Building be returned to C. V. Holder, Inc.

BID BOND TO
BE RELEASED

Mr. Brannon and Mr. Vogel voted no.

Motion failed.

Dr. Bremer recommended that the Board of Trustees make a decision concerning whether or not to award the contract for the construction of the Science-Mathematics Building to the next lowest bidder.

Motion by Mr. Vogel, duly seconded and unanimously carried, to adopt the following Resolution:

Whereas, J. B. Allen and Company was the apparent second low bidder for the construction of the Science-Mathematics Building, and,

Therefore, be it resolved that the bid for construction of the Science-Mathematics Building be awarded to J. B. Allen and Company at a base bid of \$4,090,000.00 less alternate deducts 3, 4, 5, 6, 9, 10, 11, 12, 14, and 17, amounting to \$155,400.00, for a total bid of \$3,934,600.00.

ROLL CALL VOTE:

AYES: MEMBERS: BACKUS, BRANNON, & VOGEL

NOES: MEMBERS: NONE

ABSENT: MEMBERS: COLLINS & LUND

Mr. Backus adjourned the Special Meeting into Executive Session at 5:25 P.M.

Mr. Backus reopened the Special Meeting at 6:40 P.M., and stated that the following personnel action had transpired in Executive Session:

Motion by Mr. Brannon, duly seconded and unanimously carried, that Jon Michael Meville be appointed as a substitute custodian, "as-and-when" needed, at the hourly substitute rate, Grade 23, \$3.214 per hour.

Mr. Backus adjourned the Special Meeting at 6:42 P.M.

RESOLUTION TO
AWARD THE
BID FOR CON-
STRUCTION OF TI
SCIENCE-MATH
BUILDING TO
J. B. ALLEN
AND COMPANY

EXECUTIVE
SESSION

SPECIAL MEETING

J. MEVILLE
APPROVED AS
SUBSTITUTE
CUSTODIAN

ADJOURNMENT


Fred H. Bremer, Secretary to the Board of Trustees