

ORANGE COUNTY AIRPORT COMMISSION
Eddie Martin Building
Airport Commission Hearing Room
3160 Airway Avenue
Costa Mesa, California 92626

SPECIAL MEETING MINUTES

June 24, 2009

COMMISSIONERS PRESENT: Stephen Blythe, Stephen Bristol, Chris Welsh

COMMISSIONERS ABSENT: Bruce Junor, Cheri Pham

STAFF PRESENT: Alan Murphy, Airport Director
Loan Leblow, Assistant Airport Director
Richard Oviedo, Senior Deputy County Counsel
Larry Serafini, Deputy Airport Director, Facilities
Don Horn, Project Manager, Facilities
Ambi Thurai, Project Manager, Facilities
Linda Lee, Administrative Manager, Human Resources
Danilo Simich, Program Manager, Parsons Transportation Group
Greg Blasic, Project Manager, Parsons Transportation Group
John Meier, Project Manager, Parsons Transportation Group
Sarah Stewart, Administrative Assistant, Parsons Transportation Group
Sonny Sicat, Project Manager, Faithful & Gould
Elsa Garcia, Staff Specialist, Finance & Administration

CALL TO ORDER: Chair Welsh called the meeting to order.

PLEDGE OF ALLEGIANCE: Commissioner Bristol led the assembly in the Pledge of Allegiance.

1. **APPROVAL OF MINUTES.** On Commissioner Bristol's motion and Vice Chair Blythe's second, the June 3, 2009 Regular Meeting Minutes were approved as written.

2. **AWARD TERMINAL C PROJECT CONSTRUCTION CONTRACT (ASR 09-001096).** Airport Director requests Airport Commission concurrence with the Recommended Board Action to award Terminal C Project construction contract to McCarthy Building Companies, Inc. in the amount of \$102,309,469; consent to relieve Whiting-Turner Contracting Company from its bid pursuant to Public Contract Code Section 5101(a).

On the motion and second of Commissioners present, Item 2 unanimously passed.

3. **AWARD PARKING STRUCTURE C CONSTRUCTION CONTRACT (ASR 09-001124).** Airport Director requests Airport Commission concurrence with the Recommended Board Action to award Parking Structure C construction contract to Swinerton Builders, Inc. in the amount of \$34,170,818. Director Murphy stated that Swinerton Builders Inc. was the apparent low responsive bidder and stated that Bomel Construction, the apparent second low bidder filed a bid protest stating that Swinerton's bid was not responsive to the solicitation documents; the protest was reviewed by Walker, counsel and staff that concluded that Swinerton's bid was responsive.

Mr. Ryan Craig, of the Trackman & Trackman law firm, on behalf of Bomel Construction argued that Swinerton's bid was not responsive and materially deviant from specification documents and that Swinerton's bid would have been higher if they complied with specifications at bid submission. In response to Chair Welsh, Mr. Craig stated that Bomel's initial bid form listed one (1) contractor for both waterproofing systems and expansion joint scopes, referring to supplemental documents

his firm provided. In response to Commissioner Bristol, Jim Ure of Bomel Construction explained subcontractor proposal pricing and discounts as they pertain to an addendum.

Mr. David Callis of Swinerton Builders stated that: Swinerton is in compliance with sub-contractor listing requirements; Bomel and Swinerton's post-bid documents demonstrate that Swinerton gained no advantage as a result of contractor listing; Swinerton's contested sub-trades were higher than Bomel's, for same scopes; sub-contractors have not raised objections to Swinerton's bid; no "bid-shopping" or "bid-peddling" occurred; the County's consultants and staff reviewed information from both parties and found Swinerton's bid to be responsive; and Swinerton endorses the recommendation for award.

On Commissioner Bristol's motion and Vice Chair Blythe's second, Item 3 unanimously passed.

4. **AWARD DESIGN-BUILD BAGGAGE HANDLING SYSTEM AGREEMENT (ASR 09-001072).** Airport Director requests Airport Commission concurrence with the Recommended Board Action to Award Design-Build Agreement to Jervis B. Webb Company in the amount of \$16,543,765 to design and construct the Terminals A, B, and C Baggage Handling System (BHS) project. Responding to Commissioner Bristol, Director Murphy stated that limited project details are provided due to security issues.

On Commissioner Bristol's motion and Vice Chair Blythe's second, Item 4 unanimously passed.

5. **APPROVE AMENDMENT NO. 1 TO THE WALKER PARKING CONSULTANTS A-E AGREEMENT (ASR 09-001085).** Airport Director requests Airport Commission concurrence with the Recommended Board Action to approve Amendment No. 1 to the Architect-Engineer Agreement with Walker Parking Consultants in the not-to-exceed amount of \$214,642, for additional construction administration services for geotechnical services during construction of Parking Structure C, resulting in a new contract total of \$6,420,650.

On Vice Chair Blythe's motion and Commissioner Bristol's second, Item 5 unanimously passed.

6. **AWARD CONTRACT FOR PAVEMENT MAINTENANCE & REPAIRS (ASR 09-000977).** Airport Director requests Airport Commission concurrence with the Recommended Board Action to consent to the request by USS Cal Builders to withdraw its bid; and award a unit price construction contract to All American Asphalt Company for a period of one year effective 21 days after the award of contract, to perform as-needed pavement maintenance and repairs on the airfield, landside roadways, and within the parking structures. Responding to Chair Welsh, Director Murphy stated that this contract is exclusively for minor pavement maintenance and repairs, allowing for a rapid response; this contract is different from large pavement projects.

On Commissioner Bristol's motion and Vice Chair Blythe's second, Item 6 unanimously passed.

7. **ADDITIONAL BUSINESS**

- A. **Other Business** – None
- B. **Legislative Update** – None
- C. **Update on Airport Improvement Project** – Deputy Director Serafini presented an update.
- D. **Items of Interest to the Public** – None

8. **ADJOURNMENT OF PUBLIC MEETING** Having no further business to conduct, the meeting adjourned at 5:57 p.m.

Respectfully submitted,

Elsa Garcia
Staff Specialist