

**LEGAL NOTICE**  
**NOTICE OF**  
**PUBLIC HEARING**

**NOTICE IS HEREBY GIVEN** that on October 29, 2015 at 4:00 p.m., at the Board Meeting Room located in the Monterey Regional Waste Management District (District) offices at the Monterey Peninsula Landfill, 14201 Del Monte Blvd. (2 miles north of Marina) Monterey County, California, a hearing pursuant to Public Contract Code (PCC) Sections 4107 and 4107.5 will be conducted in order to review documents and affidavits and hear testimony relative to providing a recommendation to the District Board of Directors in consideration of the request by the prime contractor for the District Truck Yard Construction Project (“Project”), Lewis C. Nelson and Sons, Inc. (“Nelson”), to substitute subcontractors, namely Fryer Roofing Company Inc. for Andy’s Roofing Company Inc., as the listed subcontractor for the thermoplastic polyolefin roofing work from Nelson’s contract per February 10, 2015 hearing decision by the hearing officer.

**Project Description:** Work involves construction of, but not limited to, the following key project components:

- Grading, excavation, placement of engineered fill and subgrade preparation on the 11.58 acre site, including two large storm water retention ponds and a bioswale with small retention pond.
- Construction of three buildings: Administration Building (7,200 SF); Truck Maintenance Building (11,300 SF), Truck/Bin Wash and Repair Building (5,500 SF).
- A 100,000 gallon fire water storage tank and associated piping to connect to the existing fire water storage and pumping system to supply fire hydrants throughout the proposed site, as well as fire sprinkler systems in each building.
- Connection to the existing potable water well, including a new water storage tank.
- Extension of a sanitary sewer line, to serve both the Truck Yard Facility and the District’s existing facilities, to the Monterey Regional Water Pollution Control Agency’s wastewater treatment plant, including construction of a wastewater lift station and force main.
- Installation of a landfill gas migration barrier and monitoring system under all three proposed buildings.
- Construction of approximately 6 acres of asphalt concrete paving with supported storm drainage system, and parking spaces for 60 trucks with enough capacity to increase striping for 100 trucks.
- Perimeter security fencing and motorized rolling gates.
- CNG fueling facility with both fast and time fill fuel stations.
- LEED Certification.

Nelson was the low bidder for the Project for which bids were opened on December 30, 2014. In a letter dated December 31, 2014, Nelson claimed to have made an inadvertent clerical error by listing Pueblo Construction, Inc. rather than Andy’s Roofing Company. Nelson claims its base price is based on a bid from Andy’s Roofing Company. Pursuant to PCC 4107.5 Nelson notified the District within two days of bid opening of such error and is requesting consent to substitute Andy’s Roofing Company as the subcontractor for the thermoplastic polyolefin roofing work rather than Pueblo Construction, Inc.

On January 5, 2015 an objection to the substitution was received from Pueblo Construction, Inc.

On January 8, 2015, Pueblo Construction, Inc. was notified by the District in writing of Nelson’s request for substitution per PCC 4107(a)(5) and receipt of Pueblo Construction, Inc.’s written objection was acknowledged.

On February 10, 2015, a hearing was held at the District’s office and the hearing officer ruled Andy’s Roofing Company, Inc. as the assigned subcontractor for the Nelson’s contract.

On September 22, 2015, Nelson notified the District of their request to substitute Fryer Roofing Company, Inc. for Andy’s Roofing Company, Inc. as the TPO roofing subcontractor. Nelson reported the reason for the request was that Andy’s Roofing Company, Inc. “Will not agree to sign a sub-contract agreement to perform the work as per plans and specifications”.

On October 2, 2015, the District provided the required written notice to Andy’s Roofing Company, Inc. of Nelson’s request for the subcontractor substitution per PCC 4107(a)(5).

Notice of Public Hearing

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On October 9, 2015, the District received a letter from Andy's Roofing Company, Inc. dated October 7, 2015 objecting to the request for subcontractor substitution by Nelson and requesting notification of the schedule of a hearing to address this matter.

The hearing will be conducted by District General Manager Timothy Flanagan, acting as the hearing officer.

Information regarding the proposed action can be obtained at the District offices, telephone number (831) 384-5313, or [www.mrwmd.org](http://www.mrwmd.org). All persons interested in this matter are invited to appear at the above-mentioned hearing to present testimony and evidence regarding the proposed action. Written comments to the hearing officer may be submitted via email at [info@mrwmd.org](mailto:info@mrwmd.org) or by overnight courier to the District's office and must be received at the District offices prior to Tuesday, October 27, 2015 at 4:00 p.m.

Dated: October 19, 2015

(s) Guy R. Petraborg  
GUY R. PETRABORG