



San Diego Unified School District

PHYSICAL PLANT OPERATIONS CENTER ANNEX
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Graham Champion
Labor Compliance and
Construction Contracts Supervisor

January 23, 2018

VIA EMAIL ONLY

Mr. Leonardo Flores, Project Manager
Turner Construction Company
15378 Avenue of Science, Suite 100
San Diego, CA 92128
lflores@tcco.com

Dear Mr. Flores:

SUBJECT: Bid No. CZ-17-0244-29 Construct New 2-Story Classroom/Admin Bldg. and Whole Site Modernization at Innovation Middle School
Substitution Hearing Result

On December 13, 2017, the District held a hearing regarding Turner Construction Company's request for substitution of Western Gardens Landscaping, Inc. for the landscaping and irrigation portions of work at the new 2-Story Classroom/Admin Bldg. and Whole Site Modernization at Innovation Middle School after Western Gardens Landscaping, Inc. objected to the substitution.

Based on the correspondence submitted by Turner Construction Company and Western Gardens Landscaping, Inc. and the evidence presented by both companies at the hearing, the District approves the substitution. Turner Construction Company's evidence clearly demonstrated Western Gardens Landscaping failed to / refused to sign a written contract with Turner Construction after having a reasonable opportunity to do so, for the scope of work specified in the subcontractor's bid and at the price specified in the subcontractor's bid, based upon the general terms, conditions, plans and specifications for the project involved or the terms of the subcontractor's written bid. E-mail evidence presented at the hearing demonstrated that Western Gardens could not meet the schedule requirements and Western Gardens (Greg Vasilieff) ultimately stated "...if Turner feels it is necessary to find another landscape company that could meet your schedule and agree to your contractual terms that we cannot, we understand."

After review and consideration of all information submitted to the hearing panel, the District feels the substitution is warranted and approved and in compliance with Public Contract Code 4107(a).

IO Environmental & Infrastructure, Inc.
Mr. Dan Parker
2840 Adams Ave, Ste. 301
San Diego, CA 92116
License #957419
DIR #1000001765


Western Garden Landscape, Inc.
Mr. Greg Vasilieff
4616 Pannonia Road
Carlsbad, CA 92008

Innovation Middle School
CZ-17-0244-29
Landscape/Irrigation Sub Substitution – Hearing Results
January 23, 2018
Page 2

Please note that all other contractual requirements, including any required certifications, remain in effect.

If you have any questions regarding the above, please contact me.

Sincerely,


Graham Champion, CPPB
Labor Compliance and Construction Contracts Supervisor

GC:lw

c: Western Garden Landscaping, Inc.
IO Environmental & Infrastructure, Inc.
D. Webb
D. Koepcke
S. Hawkins
J. Devers
H. Schlegel
PSA Department