

**REPORT TO MAYOR AND COUNCIL**

TO THE HONORABLE MAYOR AND COUNCIL:

DATE: February 23, 2016

SUBJECT: AWARD A CONSTRUCTION CONTRACT IN THE AMOUNT OF \$253,940.50 (BASE BID PLUS ADDITIVE BID 1) TO ROSAS BROTHERS CONSTRUCTION; REJECT A BID PROTEST SUBMITTED BY SPOSETO ENGINEERING, INC ; AND AUTHORIZE THE USE OF PROJECT CONTINGENCY FUNDS TO CONSTRUCT ACCESSIBILITY IMPROVEMENTS AT VARIOUS LOCATIONS (FUNDED BY MEASURE J AND COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS)

Report in Brief

FY14-15 Accessibility Improvements at Various Locations (Project No. 2325) will provide for Americans with Disabilities Act (ADA) Improvements in several areas throughout the City by constructing approximately 45 concrete ADA-compliant curb ramps and sidewalk improvements. Bids were opened at 2:00 p.m. on Thursday, January 14, 2016. Rosas Brothers Construction (Rosas) was the low bidder and submitted a responsive and responsible bid in the amount of \$253,940.50 (Base Bid plus Additive Bid 1). Rosas has an appropriate and valid contractor's license and satisfactory work references.

Staff recommends that the City Council award a construction contract in the amount of \$253,940.50 to Rosas Brothers Construction of Oakland, California; reject a bid protest by Sposeto Engineering, Inc. (Sposeto); and authorize staff to utilize the available project contingency for contract change orders up to 10% of the contract amount.

Background

The City Council approved FY14-15 Accessibility Improvements at Various Locations (Project No. 2325) on November 18, 2014 as a Fiscal Year 2014-15 "spin-off" of Citywide Accessibility Improvements (Project No. 1284) and Citywide Sidewalk Improvement Annual Program (Project No. 1173). As approved, the planning and design of Project No. 2325 was scheduled in Fiscal Year 2014-15 with construction intended in Fiscal Year 2015-16. Project No. 1284 is the annual holding account for Citywide ADA improvements including curb ramps, sidewalks and other accessibility improvements, which is funded with Community Development Block Grant (CDBG) funds. Project No. 1173 is the annual holding account for Measure J funds for sidewalk improvements. These Measure J funds are used to supplement the appropriated CDBG funds, which cannot be used for administrative project-related costs. Each fiscal year funding is transferred from Project Nos. 1284 and 1173 into a new project for implementation and expenditure tracking purposes.

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The specific scope of work for Project No. 2325 includes the construction of approximately forty five (45) concrete ADA-compliant curb ramps and sidewalk improvements. As recommended in the ADA Self Evaluation and Transition Plan (SETP), this project is part of the effort to upgrade all non-ADA-compliant curb ramps citywide – especially those in high use pedestrian areas, as well as in places of public accommodation (i.e., commercial and business zones). The Base Bid's main focus are located in three specific areas which includes thirty six (36) ramp locations: Concord Blvd (between Port Chicago Hwy and Vicente Drive); Sunset Ave (between Port Chicago Hwy. and 1st Street); and Arnold Industrial Way (between Port Chicago Hwy and Pike Lane). The Additive Bid 1 includes an additional nine (9) ramp locations in various areas throughout the City in response to specific citizen requests. Locations of the various ramps are shown in Attachment 1.

The project design also included nine (9) additional ramp locations in various areas throughout the City (Additive Bid 2) and sixteen (16) additional ramp locations along Port Chicago Hwy, between Olivera Road and Panoramic Drive, (Additive Bid 3) that could be awarded if funding permitted. The City reserved the right to award any combination of the Additive Bids at its own discretion.

The basis of selection of the low bidder for award for this project was the Base Bid plus Additive Bid 1.

Discussion

Construction Contract

Bids for the project were opened at 2:00 p.m. on Thursday, January 14, 2016. Six (6) bids were received, ranging from \$253,940 to \$440,573, as shown on the Bid Summary (Attachment 2). The Engineer's Estimate for the Base Bid and Additive Bid 1 was \$272,364; Rosas submitted the low bid of \$253,940 (Base bid = \$193,855, Additive Bid 1 = \$60,085)

The bid schedule consisted of a Base Bid and three (3) Additive Bids. As mentioned above, the City reserves the right to award any combination of the additive bids with the intention to complete as much work as possible within the project budget. Unfortunately, the bids received for Additive Bid 2 or Additive Bid 3 from the low bidder did not allow for award of either additive bid including the funds necessary for contingency and inspection. It is staff's intention to repackage the ramps designed in Additive Bid 2 and Additive Bid 3 into a future accessibility project.

Staff has completed its analysis of Rosas's bid, and determined that: Rosas possesses an appropriate and valid contractor's license which is not on any debarred list; that they and their subcontractors are registered with the Department of Industrial Relations as required by SB 854; has satisfactory references; and are experienced in the construction of similar projects. Rosas was also the contractor for the Citywide Curb Ramp Improvements project (Project No. 2324) which was accepted by Council on June 23, 2015.

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This project is categorically exempt for preparation of an environmental document in accordance with Section 15302 of the California Environmental Quality Act. The Notice of Exemption was filed with the County Clerk's Office on October 7, 2015. This project is also Categorical Excluded from preparation of an environmental review in accordance with Section 24 CFR 58.35(a)(2) of the National Environmental Policy Act

Bid Protest

Sposeto, the 2nd low bidder submitted a bid protest on January 15, 2016. This protest is based on the lack of submission of an installation certificate for truncated domes with the bid received from Rosas (the low bidder). Staff reviewed the matter with the City Attorney's office and has determined that the lack of submission of this certificate is deemed an inconsequential deviation from the specifications. Moreover, Section 3-02 of the contract documents specifically states that the protestor shall concurrently submit a copy of the protest to the low bidder. Staff has determined that Sposeto did not submit a copy of their protest to Rosas. The section further states that non-compliance with the procedures shall constitute a waiver of any right to pursue the protest. For the above reasons, staff recommends that the City Council reject the bid protest of Sposeto.

Construction Contingency

Staff is requesting that the City Council authorize staff to utilize the available project contingency for contract change orders up to 10% of the contract amount, if such change orders become needed during the project implementation.

Fiscal Impact

There are sufficient funds in the budget of Project No. 2325 (Fund 254) to fully fund the award of construction for both the Base Bid and Additive Bid 1, construction management services, and to provide a construction contingency up to 10% of the contract amount.

Public Contact

The City Council Agenda was posted.

Recommendation for Action

Staff recommends that the City Council award a construction contract in the amount of \$253,940.50 to Rosas Brothers Construction of Oakland, California; reject the bid protest by Sposeto Engineering, Inc. and authorize staff to utilize the available project contingency for contract change orders up to 10% of the contract amount.

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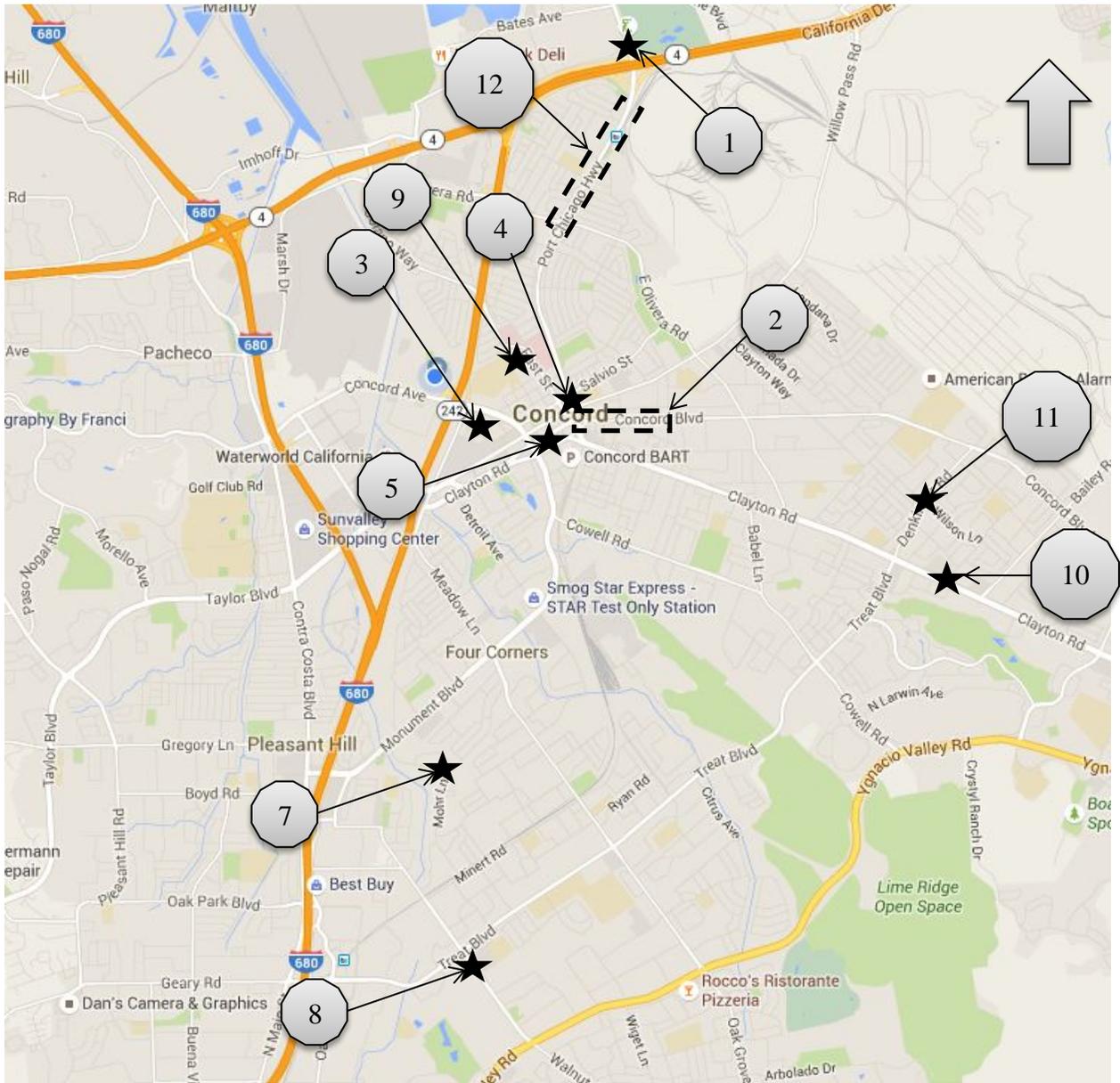


Valerie J. Barone
City Manager

valerie.barone@cityofconcord.org

Attachment 1: Location Map

Attachment 2: Bid Summary



LOCATION MAP

PROJECT NO. 2325

FY 14-15 CITYWIDE ACCESIBILITY IMPROVEMENTS IN VARIOUS LOCATIONS
NO SCALE

BASE BID:

1. Arnold Industrial Way (between Port Chicago Hwy. and Pike Lane)
2. Concord Blvd (between Port Chicago Hwy and Vicente Dr); Sunset Ave (between Port Chicago Hwy and 1st Street)

ADDITIVE BID 1

3. Harrison St and Broadway Ave
4. East St and Salvio St
5. Concord Blvd and Grant St
6. Michigan Blvd and Washington Blvd (Not shown in map)
7. Mohr Ln and Del Rio Circle

ADDITIVE BID 2

8. Oak Grove Rd and Ygnacio Valley Road
9. Grant St and Gill St
10. Clayton Rd and Thornwood St
11. Denkinger Road and Wilson Lane

ADDITIVE BID 3

12. Port Chicago Hwy (between Olivera Road and Panoramic Drive)

**City of Concord
Bid Sheet**

PROJECT #2325
Citywide Curb Ramp Improvements Project

Bid Opening:
Thursday,
January 14, 2016
2:00 p.m.

City Manager's Conference Room

Engineer's Estimate: \$ 250k to \$300k

To be awarded: 2/23/16

COMPANY	BASE BID + ADDITIVE BID 1
Rosas Brothers Construction PO Box 7862 Oakland, CA 94601	\$253,940.50
Sposeto Engineering Inc. 4558 Contractors Place Livermore, CA 94551	\$267,439.00
FBD Vanguard Construction 651 Enterprise Court Livermore, CA 94550	\$272,836.00
J D Partners Concrete 6645 Amber Lane Pleasanton, CA 94566	\$324,385.00
Spenco Construction, Inc. P.O. Box 1220 Danville, CA 94526	\$363,257.00
Darren Taylor Construction, Inc. 5750 Pleasant View Drive Anderson, CA 96007	\$440,573.50

Contact: Bernard Enrile x3031