



staff report

TO: Honorable Mayor and Members of the City Council

ATTENTION: Jeffrey L. Stewart, City Manager

FROM: Len Gorecki, Director of Public Works

SUBJECT: Consideration and possible action to determine FS Contractors, Inc., dba FS Construction (FS Construction), as non-responsive; waive a minor irregularity and award a contract to Ruiz Concrete & Paving, Inc., dba Ruiz Engineering (Ruiz Engineering), for the Construction of Sidewalks, Driveway Aprons, and Curb Ramps - Clark Avenue between Palm Street and Laurel Street, SR2S Project No. SR2SL-5348 (025), (Specifications No. 13/14-06); and authorize the City Manager to execute a contract with Ruiz Engineering in a form approved by the Interim City Attorney.

DATE: March 14, 2016

EXECUTIVE SUMMARY

This action would determine FS Contractors, Inc., dba FS Construction (FS Construction) as non-responsive and award a contract to Ruiz Concrete & Paving, Inc., dba Ruiz Engineering (Ruiz Engineering), to perform the work described in the specification documents for the Construction of Sidewalks, Driveway Aprons, and Curb Ramps – Clark Avenue between Palm Street and Laurel Street Project (the Project).

RECOMMENDATION TO CITY COUNCIL

- 1) Determine FS Construction as non-responsive;
- 2) Waive a minor irregularity as to the notary acknowledgement form and award a contract to Ruiz Engineering;
- 3) Authorize the City Manager to execute an agreement with Ruiz Engineering, in a form approved by the Interim City Attorney, for the Project; or
- 4) Alternatively, discuss and take other action related to this item.

FISCAL IMPACT

Ruiz Engineering submitted the lowest responsive bid in the amount of \$147,985.47. Funds are budgeted in Account Nos. 015-47125-9000 (Transportation Development Act Article 3 funds) and 030-47125-9000 (Federal Highway Administration grant funds). The Engineer's Estimate was \$165,000 for construction and contingency.

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DISCUSSION

The project scope will include the removal and replacement of sidewalk, curb ramps, cross gutters, driveway aprons, and tree grates as part of a Safe Routes to School project. On December 14, 2015, the City Council adopted Resolution No. 15-96 authorizing solicitation of bids. The City advertised Specifications No. 13/14-06 for bids in accordance with Public Contract Code Section 20164. Eight bids were submitted at the formal bid opening on February 29, 2016. The names of those contractors and their bid amounts are listed below:

CONTRACTOR	ORIGINAL BID	CORRECTED BID
FS Contractors, Inc., dba FS Construction	\$133,349.00	\$131,380.50
Ruiz Concrete & Paving, Inc., dba Ruiz Engineering	\$147,985.47	\$147,985.47
Palp, Inc., dba Excel Paving Company	\$148,738.00	\$148,738.00
HYM Engineering, Inc.	\$163,815.00	\$163,815.00
Nobest, Inc.	\$169,000.00	\$169,000.00
All American Asphalt	\$170,895.00	\$170,895.00
EBS General Engineering, Inc.	\$189,877.00	\$189,877.00
Hardy & Harper, Inc.	\$222,000.00	\$222,000.00

As stated in the Specifications, the City reserves the right, after opening bids, to reject any or all bids, or to award a contract to the lowest responsive and responsible bidder and reject all other bids. Furthermore, the Specifications also state that the selected bidder must perform with its own organization, contract work amounting to at least 50% of the contract price. Failure to meet this requirement is grounds for rejection of a bid. After reviewing the bid submitted by FS Construction relative to these Specifications, Public Works staff was unable to determine if FS Construction met this requirement due to FS Construction's failure to list the required percentage of work their subcontractors would be performing. Therefore, it is recommended the City Council determine FS Construction as non-responsive.

BID ANALYSIS

Ruiz Engineering submitted a complete bid package. Staff has verified its State Contractor's License status, references, and registration with the Department of Industrial Relations. The contractor is qualified to perform the work described and has fulfilled the requirements set forth in the Project specifications package, with the exception of the required notary acknowledgment form. Beginning January 1, 2015, California Civil Code § 1189 and 1195 and California Government Code § 8202 requires a specific notice to be included at the top of every certificate of acknowledgment, proof of execution of an instrument, and affidavit sworn to before a notary public within California. The acknowledgment form submitted with Ruiz Engineering's bid package failed to include this specific notice. That failure, however, does not appear to be a material defect to the bid since it does not give any economic advantage to Ruiz Engineering as compared to other bidders. Consequently, the Public Works Department recommends that the City Council waive this requirement as a minor irregularity and award the contract to Ruiz Engineering as the lowest responsive and responsible bidder.

CEQA

Pursuant to the California Environmental Quality Act (CEQA) (Public Resources Code §§ 21000, et seq.) and CEQA Guidelines (California Code of Regulations, Title 14, §§ 15000, et seq.), the City conducted an environmental assessment. This project is categorically exempt from additional environmental review pursuant to CEQA Guidelines § 15301.

SPECIFICATIONS

The specification documents are available for public inspection at the Public Works Department Office, 9944 Flora Vista Street, Bellflower, California until completion of the project and, subsequently, as official records, will be maintained by the City Clerk's Office.