Agenda Item No. 7

File Code No. 570.05

CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: March 19, 2013

TO: Mayor and Councilmembers

FROM: Engineering Division, Public Works Department
Creeks Division, Parks and Recreation Department

SUBJECT: Contract For Construction Of Low Impact Development Demonstration Permeable Paver Parking Lots Project

RECOMMENDATION: That Council:

A. Accept a Proposition 84 Storm Water Grant for an amount not to exceed $1,889,299 for the Low Impact Development Demonstration Permeable Paver Parking Lots Project;
B. Approve a transfer of reserves in the amount of $259,890 from the Creeks Operating Fund to the Creeks Capital Fund;
C. Authorize the increase of estimated revenues and appropriations in the Fiscal Year 2013 Creeks Capital Fund by $2,149,189, for the Low Impact Development Demonstration Permeable Paver Parking Lots Project funded from the $1,889,299 grant and $259,890 transfer of reserves from the Creeks Operating Fund;
D. Reject the apparent low bid from Moalej Builders, Inc., of $1,681,373 for the Low Impact Development Demonstration Permeable Paver Parking Lots Project, Bid No. 3677, as nonresponsive due to their failure to submit a complete bid;
E. Award a contract with G. Sosa Construction, Inc., waiving minor irregularities, in their low bid amount of $1,716,930 for construction of the Low Impact Development Demonstration Permeable Paver Parking Lots Project, Bid No. 3677; and
F. Authorize the Public Works Director to execute the contract and approve expenditures up to $171,700 to cover any cost increases that may result from contract change orders for extra work and differences between estimated bid quantities and actual quantities measured for payment.

EXECUTIVE SUMMARY:

The Low Impact Development Demonstration Permeable Paver Parking Lots Project (Project) proposes to install permeable concrete pavers at Oak Park, Stevens Park, and the Westside Neighborhood Center. The City has been awarded a Proposition 84

Storm Water Grant to cover a significant share of Project costs. The Project received bids from construction contractors in February 2013, but the apparent low bidder, Moalej Builders, Inc. (Moalej) had both major and minor irregularities in their bid. Therefore, staff recommends that Council reject the apparent low bidder, Moalej, and award the Project to the lowest responsive bidder, G. Sosa Construction, Inc. (Sosa).

DISCUSSION:

PROJECT DESCRIPTION

Urban storm water runoff is the single largest source of surface water pollution in Santa Barbara. Under most existing conditions, storm water runoff from urban areas picks up pollutants as it flows across roofs, sidewalks, driveways, parking lots, and streets, and is conveyed by gutters, channels, and storm drains directly into local creeks and the ocean without any treatment. This runoff carries sediment, nutrients, bacteria, hydrocarbons, metals, pesticides, and trash.

The City has developed a Storm Water Management Program (SWMP) in order to reduce the discharge of pollutants into local creeks and the ocean, and installing permeable pavers is one of the suggested methods for developers to meet the City's guidelines. Permeable pavers allow water to pass through them into a subsurface gravel layer that doubles as a storage and infiltration area and a structural base layer.

The Project consists of installing over 85,000 square feet of permeable concrete pavers in the parking lots at Oak Park, Stevens Park, and the Westside Neighborhood Center. The Project is designed to capture and treat the volume of storm water generated from a 1-inch, 24-hour storm event. The Project will be used as an example of a relatively simple Best Management Practice that meets the City's SWMP requirements, and can be installed almost anywhere there is existing hardscape with low traffic volumes, site conditions permitting.

CONTRACT BIDS

A total of eight bids were received for the subject work, ranging as follows:

	BIDDER	BID AMOUNT
1.	Moalej Builders, Inc. Sherman Oaks	$1,681,373.00*
2.	G. Sosa Construction, Inc. Orcutt	$1,716,930.00
3.	C.S. Legacy Construction, Inc. Chino	$1,795,317.00

	BIDDER	BID AMOUNT
4.	Brough Construction, Inc. Arroyo Grande	$1,873,949.00*
5.	Spiess Construction Company, Inc. Santa Maria	$1,895,044.50*
6.	Shaw Contracting, Inc. Carpinteria	$1,904,691.00
7.	Lash Construction, Inc. Santa Barbara	$1,995,920.00
8.	Whitaker Construction Group, Inc. Paso Robles	$2,117,010.00

*corrected bid total

The apparent low bid of $1,681,373.00, submitted by Moalej, has been determined to be non-responsive due to their failure to commit to performing, with their own organization, contract work amounting to at least 50 percent of the contract price as required by the bid specifications. This is the type of irregularity that could give Moalej a material advantage over other bidders. Besides this major bid irregularity, the bid submitted by Moalej also had a minor bid irregularity by having math errors on their bid sheets. Based upon the major bid irregularity, staff recommends that Council reject Moalej's bid.

The responsive low bid of $1,716,930, submitted by Sosa, is an acceptable bid that is responsive to and meets the requirements of the bid specifications. Staff recommends that Council waive a minor bid irregularity associated with Sosa's bid whereby Azalea Landscape & Environmental Services, a subcontractor named in the bid, is not currently licensed in the state of California. The listing of an unlicensed subcontractor does not cause a bid to be non-responsive because the Business and Professions Code does not require that a general contractor list only licensed subcontractors when it submits its bid to a public agency. Because this is not the type of irregularity that would allow Sosa to withdraw its bid, no material advantage exists over the other bidders.

The change order funding recommendation of $171,700, or ten percent, is typical for this type of work and size of project.

COMMUNITY OUTREACH

The Creeks Division posted temporary signs at the Project sites in January, notifying the public of the planned construction. In the beginning of April, Public Works staff will notify the property owners and residents located near the Project locations of the upcoming

construction via mailers. Prior to construction, the contractor will be responsible for the final notice given via door hangers 72 hours prior to construction. The Project will also be outlined in a news release and on the City's website. During construction, temporary construction signs detailing the Project design and benefits will be posted at the sites. Upon Project completion, a television segment will be aired on City TV, and permanent interpretive signs will be posted at each site.

FUNDING

The City has been awarded Proposition 84 Storm Water Grant funding in the amount of $1,889,299 for project costs. There is a 20 percent local match required as part of this grant, but the City originally offered $672,878, or 26 percent, to give the grant application a better likelihood of success. The total amount of the grant, plus the City's match, is $2,562,177. During final design, additional items were added to the scope of work, consisting of construction management and non-contract construction costs that will be performed by City staff and will include installation of new picnic tables at Oak Park, installation of new gates at Oak Park and Stevens Park, and landscaping at Oak Park. Even with these additional items, due to the bid prices coming in lower than the Engineer's estimate, the estimated total Project cost is now $2,361,624. With this cost savings, the City will only be contributing the required 20 percent match of $472,315 and will be able to expend all of the available grant funds. Currently, $104,250 is available in the Creeks Division Capital Fund for the construction of the Low Impact Development Demonstration Permeable Paver Parking Lots Project. With the grant appropriation of $1,889,299, and utilizing $259,890 from the Creeks Reserve Fund, there will be sufficient funds in the Creeks Division Capital Fund to cover the cost of the Project. Funding for the $108,185 in design costs have previously been appropriated and spent.

The following summarizes the expenditures recommended in this report:

CONSTRUCTION CONTRACT FUNDING SUMMARY

	Basic Contract	**Change Funds**	**Total**
G. Sosa Construction, Inc.	$1,716,930	$171,700	$1,888,630
TOTAL RECOMMENDED AUTHORIZATION			**$1,888,630**

The following summarizes all Project design costs, construction contract funding, and other Project costs:

ESTIMATED TOTAL PROJECT COST

Cents have been rounded to the nearest dollar in this table.

	Grant Share	City Share	Total
City Design Costs	$60,310	$15,077	$75,387
City Survey Costs	$9,934	$2,484	$12,418
Other Design Costs (soil samples, borings, utility locating)	$16,304	$4,076	$20,380
Subtotal	**$86,548**	**$21,637**	**$108,185**
Construction Contract	$1,373,544	$343,386	$1,716,930
Construction Change Order Allowance	$137,360	$34,340	$171,700
Non-Contract Construction Costs (gates, picnic tables, landscaping)	$54,495	$13,624	$68,119
Subtotal	**$1,565,399**	**$391,350**	**$1,956,749**
Other Construction Costs (testing, etc.)	$19,976	$4,994	$24,970
Construction Management (by Contract)*	$17,376	$4,344	$21,720
Construction Management/Inspection (by City Staff)	$200,000	$50,000	$250,000
Subtotal	**$237,352**	**$59,338**	**$296,690**
TOTAL PROJECT COST	**$1,889,299**	**$472,325**	**$2,361,624**

*This is the estimated cost for a labor compliance consultant contract that is required by the granting agency. If the proposals received for this are over $25,000, the professional services agreement will require authorization by Council with a separate Council Agenda Report at a later date.

SUSTAINABILITY IMPACT:

The City's SWMP has three different requirements that must be met by project applicants: (1) a peak runoff discharge requirement; (2) a runoff volume requirement; and (3) a water quality treatment requirement. The Project meets or exceeds these requirements. For the peak runoff discharge requirement, the Project reduces the storm water runoff discharge rate from previous conditions by allowing water to pass through the permeable pavers and into a storage and infiltration gravel area. For the runoff volume requirement, the subsurface gravel layer below the permeable pavers has enough capacity to retain on-site the volume of storm water generated from a 1-inch,

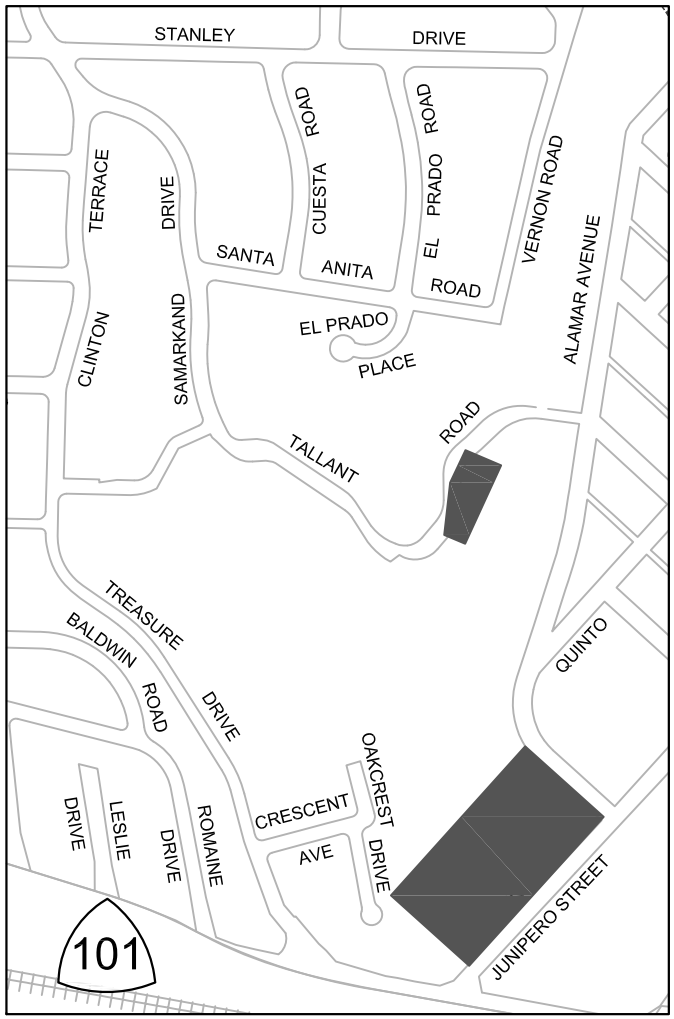
24-hour storm event. The water quality treatment requirement is met in this same fashion, by retaining and treating on-site the volume of storm water generated from a 1-inch, 24-hour storm event.

ATTACHMENT(S): Vicinity Map – Permeable Paver Parking Lots Project

PREPARED BY: John Ewasiuk, Principal Civil Engineer/MR/sk
Cameron Benson, Creeks Restoration/Water Quality Improvement Manager

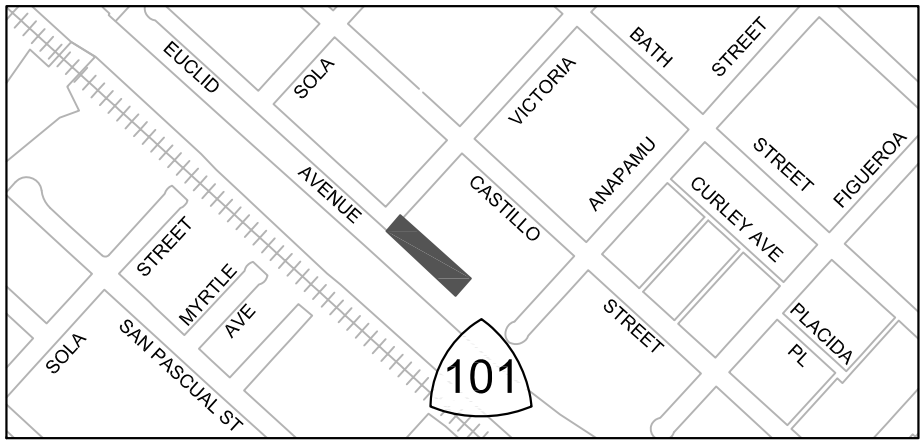
SUBMITTED BY: Christine F. Andersen, Public Works Director
Nancy Rapp, Parks and Recreation Director

APPROVED BY: City Administrator's Office



OAK PARK

STEVENS PARK



WESTSIDE NEIGHBORHOOD CENTER

Low Impact Development Demonstration

Permeable Paver Parking Lots Project

Vicinity Maps

DATE	3/5/2013
DRAWN	MR
BID NO.	3677
SCALE	N.T.S.
SHEET	1 OF 1

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