



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: March 28, 2017

TO: Mayor and Councilmembers

FROM: Engineering Division, Public Works Department

SUBJECT: Contract For Construction Of The Mission Creek Lagoon Plant Restoration Project

RECOMMENDATION: That Council:

- A. Reject the bid protest of Marina Landscape Inc. (Marina), and award a contract with Landology, Inc., in their low bid amount of \$144,087 for construction of the Mission Creek Lagoon Plant Restoration Project, Bid No. 3846, and authorize the Public Works Director to execute the contract and approve expenditures up to \$14,400 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; and
- B. Increase appropriations and estimated revenues by \$200,000 in the Fiscal Year 2017 Streets Grant Fund representing the Santa Barbara County Flood Control District's contribution of the Mission Creek Lagoon Plant Restoration Project to cover a portion of the construction cost in accordance with Agreement No. 23,596.

DISCUSSION:

Project Description

The Mission Creek Lagoon Plant Restoration Project (Project) is located at the confluence of Mission Creek and Laguna Channel estuaries with the Pacific Ocean. The Project is required mitigation by the California Coastal Commission and other regulatory agencies for City and Santa Barbara County Flood Control District (SBCFCD) projects.

The Project will restore wetland and transitional habitats as part of both the Lower Mission Creek Flood Control Project and the Laguna Channel Vegetation Clearing and Sediment Removal Project (33,590 and 9,420 square feet, respectively). The Project includes enhancements intended to improve the overall natural environment and to improve habitat for species that inhabit the estuary and beach. The Project is

coordinated with restoration already planned as part of the Cabrillo Boulevard Bridge Replacement Project.

Existing non-native vegetation (including ice plant) at the top of the banks will be removed and replaced with native plants. The native plants are currently being contract-grown specifically for this Project. The revegetated banks will provide bank stabilization and improve habitat for aquatic species in the enlarged lagoon. The irrigation system is supplied from the City's reclaimed water system and will be removed once the plants are established.

Contract Bids

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

	BIDDER	BID AMOUNT
1.	Landology, Inc. Lincoln, CA	\$144,087.00
2.	Marina Landscape, Inc. Orange, CA	\$145,850.00
3.	Wildscape Restoration, Inc. Ventura, CA	\$192,656.30*
4.	Paysage, Inc. Santa Barbara, CA	\$208,497.50*
5.	Nature's Image, Inc. Lake Forest, CA	\$222,251.30

*corrected bid total

The low bid of \$144,087.00, submitted by Landology, Inc., is an acceptable bid that is responsive to and meets the requirements of the bid specifications.

The change order funding recommendation of \$14,400, or ten percent, is typical for this type of work and size of project.

BID PROTEST

On February 9, 2017, five bids were received for the Project, and Landology was the apparent low bidder. On February 15, 2017, a bid protest was filed by the second apparent low bidder, Marina Landscape, Inc. (Marina). Marina's protest asserts that Landology does not meet the three (3) year minimum qualifications set forth in Section A2.10 of the Specifications, and therefore Landology's bid should be rejected as non-responsive. From the California State License Board website, Landology's Contractor's

License was issued on August 18, 2015. In response to Marina's protest, Landology argued that although its license was issued in 2015, its personnel meet the required experience.

The City's bid specifications state:

“ Each bidder shall possess a valid Contractor's License issued by the Contractor's State License Board at the time of award. The class of license shall be applicable to the work specified in the contract. Each bidder shall also have no less than three (3) years' experience in the magnitude and character of the work bid.

It is the intention of the Owner to award a contract to a bidder who furnishes satisfactory evidence that the bidder has the requisite experience, ability, sufficient capital, facilities, and plant to enable the bidder to prosecute the work successfully and properly, and to complete it within the time specified in the contract.

This section does not specify that the business entity submitting the bid is required to have been established for three years prior to the bid opening.

After review of Landology's proposal and response to Marina's protest, staff finds that Landology has satisfactory experience to prosecute the work successfully and properly, and is therefore a responsive and responsible bidder that meets the requirements of the bid specifications. Staff recommends that Council reject the bid protest filed by Marina and proceed with award of the contract to Landology.

Community Outreach

Outreach for this Project will be coordinated with the Cabrillo Boulevard Bridge Replacement Project. Construction is anticipated to occur from April to June 2017.

Funding

The Lower Mission Creek Flood Control Project portion is funded by the SBCFCD via an existing cost sharing agreement that was approved by Council on December 14, 2010. The agreement provides that the SBCFCD's share of the construction-related cost of the Project, associated with the Federal Coastal Consistency Determination for the Lower Mission Creek Project, shall be 100 percent, and up to \$200,000. An appropriation was not completed at that time, and it is now necessary to fund and award the contract. Although the SBCFCD share is not anticipated to exceed \$200,000, the full appropriation is requested. The Laguna Flood Control portion will be funded from Streets Capital. There are sufficient funds in the Streets Capital Fund to cover the cost of the Laguna Flood Control portion of the Project.

The following summarizes the expenditures recommended in this report:

CONSTRUCTION CONTRACT FUNDING SUMMARY

	Basic Contract	Change Funds	Total
Landology, Inc.	\$144,087.00	\$14,400.00	\$158,487.00
TOTAL RECOMMENDED AUTHORIZATION			\$158,487.00

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.*

	SBCFCD SHARE	CITY SHARE	TOTAL
Design (by Contract)	\$0	\$11,888	\$11,888
City Engineering Staff Costs	\$0	\$7,869	\$7,869
<i>Design Subtotal</i>	\$0	\$19,757	\$19,757
Construction Contract (including 2-years maintenance)	\$112,388	\$31,699	\$144,087
Construction Change Order Allowance	\$11,232	\$3,168	\$14,400
Contract Grown Plants	\$29,443	\$8,288	\$37,731
Landscape Maintenance (years 3 – 5)	\$28,080	\$7,920	\$36,000
<i>Subtotal</i>	\$181,143	\$51,075	\$232,218
Construction Management/Inspection (by City Staff)	\$0	\$15,000	\$15,000
Landscape Architect	\$0	\$2,600	\$2,600
<i>Subtotal</i>	\$0	\$17,600	\$17,600
<i>Construction Subtotal</i>	\$181,143	\$68,675	\$249,818
TOTAL PROJECT COST	\$181,143	\$88,432	\$269,575

SUSTAINABILITY IMPACT:

The purpose of this Project is to restore and enhance the creek banks to a more natural condition. These enhancements are intended to improve the overall natural environment and habitat for fish species that inhabit the estuary. The Project will also improve the

aesthetics of Mission Creek Lagoon, an area highly visible to visitors of East Beach and Stearns Wharf.

All correspondence and bid materials may be found in the Council reading file.

ATTACHMENT: Project Location Map

PREPARED BY: Adam Hendel, Principal Civil Engineer/AG/sk

SUBMITTED BY: Rebecca J. Bjork, Public Works Director

APPROVED BY: City Administrator's Office



City of Santa Barbara Mission Creek Lagoon Plant Restoration Project



Project Map

