



CITY OF SANTA BARBARA

JOINT COUNCIL AND REDEVELOPMENT AGENCY AGENDA REPORT

AGENDA DATE: July 14, 2009

TO: Mayor and Councilmembers
Chair and Boardmembers

FROM: Engineering Division, Public Works Department
Housing and Redevelopment Division, Community Development
Department

SUBJECT: Contract For Construction For The West Downtown Pedestrian
Improvement Project

RECOMMENDATION:

- A. That the Redevelopment Agency (RDA) Board authorize the expenditure of \$2,852,845 for the West Downtown Pedestrian Improvement Project (Project);
- B. That Council reject the bid protest and award and authorize the Public Works Director to execute a contract with C.S. Legacy Construction, Inc. (Legacy), waiving minor irregularities, in their low bid amount of \$2,299,220, for construction of the Project, Bid No. 3481, and authorize the Public Works Director to approve expenditures up to \$230,000 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 to accept the final contract amount, with approved changes, and filing all Notices of Completion (NOC) with the County Clerk Recorder's Office;
- C. That Council authorize the Public Works Director to execute a contract with Penfield & Smith in the amount of \$50,325 for design support services during construction;
- D. That Council authorize the General Services Manager to issue a Purchase Order to Fugro in the amount of \$12,000 for material testing services and to approve expenditures of up to \$2,000 for extra services of Fugro that may result from necessary changes in the scope of work; and
- E. That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Approving and Adopting the Findings Required by Health and Safety Code Section 33445 for Funding of Capital Improvements to the West Downtown Pedestrian Improvement Project.

EXECUTIVE SUMMARY:

Staff has received seven bids for the Project and is requesting that Council authorize the Public Works Director to execute a contract with the low bidder, Legacy. Staff also recommends that Council authorize the General Services Manager to issue a Purchase Order to Fugro for material testing, and the Public Works Director to execute a contract with Penfield & Smith for design support services during construction. Direction to proceed with construction will be the last step in improving pedestrian safety and enhancing the neighborhood sense-of-place along the Westside corridors of Anapamu and Ortega Streets.

BACKGROUND:

As part of the 2003 Tax Allocation Bond Issuance, the RDA included funding for various West Downtown improvements at a level of \$4 million. Since that time, the RDA has adjusted the Project budget by the reallocation of funds, including \$250,000 to establish the Westside Community Center Parkland Improvements Project. The current total Project budget is \$3,750,000.

Based on the priorities and Project elements identified by neighborhood residents through a public outreach process, RDA staff worked with the Public Works Engineering and Transportation Divisions to develop the current scope for the Project. The goals of the Project are to improve pedestrian safety and enhance the neighborhood sense-of-place. The Project elements focus on enhancing Westside corridors along Anapamu and Ortega Streets that extend from the Highway 101 pedestrian overbridges to Chapala Street and into the City's commercial core.

Through the development phase, Staff continued efforts to engage public discussion regarding proposed design elements. The Project was vetted at onsite public outreach meetings, and underwent extensive City design review. These discussions included the proposed removal of street trees within the Project area. The Project design was reviewed by the Street Tree Advisory Committee, Parks and Recreation Commission, Historic Landmarks Commission, and received final approval from the Architectural Board of Review (ABR) in April 2009.

DISCUSSION:

The Project's primary design elements include pedestrian-oriented lighting, sidewalk replacement as needed, enhanced crosswalks, bulb outs, new street trees, and drought tolerant landscaping at Project intersections. The plan, as proposed, advances the goals identified by West Downtown residents while balancing the multiple constraints present at each intersection.

The design criteria for bulb outs included consideration of existing drainage and surface flow constraints, vehicular turning movements, and existing peak-hour bicycle lanes. Bulb outs are not proposed at two of the corners of the Ortega/De La Vina intersection due to drainage constraints. Similarly, bulb outs are not proposed at certain locations at the Anapamu/De La Vina intersection due to drainage constraints, vehicular turning movements, and existing peak-hour bike lanes. Bulb outs are not proposed at one corner of the Anapamu/Chapala intersection because of the Metropolitan Transit District bus turning movements and existing peak hour bike lanes. In addition, the ABR asked that the design team address concerns regarding intersection symmetry and consistency, primarily as it relates to the bulb outs. This was accomplished to their satisfaction.

In an effort to reduce costs and Project delays, the design of necessary water infrastructure relocations associated with certain Project design elements was executed as a separate purchase order. These relocations are currently under construction.

CONTRACT BIDS

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

	BIDDER	BID AMOUNT
1.	C.S. Legacy Construction, Inc. Chino	\$2,299,220.00*
2.	Granite Construction Watsonville	\$2,466,991.00
3.	Lash Construction Santa Barbara	\$2,511,209.48*
4.	V. Lopez & Sons Santa Maria	\$2,558,938.82*
5.	Elevation General Engineering Santa Maria	\$2,840,390.25*
6.	Berry General Engineering Ventura	\$2,938,039.45
7.	R. Burke Corporation San Luis Obispo	\$3,883,926.50

*corrected bid total

The low bid of \$2,299,220, submitted by Legacy, is an acceptable bid that is responsive to and meets the requirements of the bid specifications.

The change order funding recommendation of \$230,000, or 10%, is typical for this type of work and size of project.

BID PROTEST

On June 10, 2009, a written bid protest was filed by the second apparent low bidder, Granite Construction Company (Granite). Granite asserted that bidder instructions were not followed because (i) the proposal submitted by Legacy was removed from the bound documents, (ii) Legacy's qualifying experience should be carefully reviewed as this Project is expected to be a "show case," and (iii) Legacy had not submitted a complete list of firms that will subcontract the work, such as the brick crosswalk work.

Legacy's removal of its proposal from the bound bid documents is considered a minor bid irregularity. This determination of minor bid irregularity is consistent with decisions previously made in similar situations such as the contract for construction for the Fire Station No. 1 Seismic Renovation Project on April 22, 2008. Staff recommends that Council waive minor bid irregularities. Staff has reviewed Legacy's qualifying experience and is confident that Legacy meets the requirements to perform this contract work. Through additional information submitted by Legacy, staff has confirmed that Legacy is capable of self-performing work that is not subcontracted. Legacy will self-perform the brick crosswalk work, which is permissible per its contractor's license.

Staff has contacted Granite regarding its intent to submit evidence supporting its bid protest at the Council meeting. Granite has not responded to staff's inquiries. Staff recommends that Council reject Granite's bid protest and award the contract to Legacy.

CONSTRUCTION PHASE CONTRACT SERVICES

Material testing and certification services will be required continuously throughout the contract period. Staff has negotiated an acceptable proposal with Fugro to provide testing services for \$12,000 and requests authorization of \$2,000 for extra services that may result from necessary changes in the scope of work. The firm is a local material testing laboratory that has successfully provided services of similar scope to the City on past projects.

Penfield & Smith was the civil engineering firm in the design phase of the Project and has been asked to provide design support services during construction. Staff has negotiated an acceptable proposal with Penfield & Smith to provide these support services for \$50,325.

FUNDING

This Project is funded by RDA Bond Funds. There are sufficient funds in the Project account to cover the cost of the proposed construction contract.

The following summarizes the expenditures recommended in this report:

CONSTRUCTION CONTRACT FUNDING SUMMARY

	Basic Contract	Change Funds	Total
C.S. Legacy	\$2,299,220	\$230,000	\$2,529,220
Fugro Material Testing	\$12,000	\$2,000	\$14,000
Penfield & Smith - Design Support Services	\$50,325		\$50,325
TOTAL RECOMMENDED AUTHORIZATION			\$2,593,545

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

ESTIMATED TOTAL PROJECT COST

Design by Contract	\$323,773
Design by City Staff	\$97,808
Soils Testing for Design	\$11,950
Other Design Costs - City staff and Environmental Assessment	\$68,220
Subtotal	\$501,751
Construction Contract	\$2,299,220
Construction Change Order Allowance	\$230,000
Construction of Water Infrastructure Relocation Work	\$121,581
Subtotal	\$2,650,801
Construction Support Services Contract	\$50,325
Materials Testing	\$14,000
Construction Management/Inspection (by City staff)	\$247,800
Other Construction Costs (permits, monitoring, special supplies)	\$11,500
Subtotal	\$323,625
TOTAL PROJECT COST	\$3,476,177

The following summarizes all project costs included in the current RDA authorization request:

CURRENT RDA AUTHORIZATION REQUEST

Construction Contract	\$2,299,220
Construction Change Order Allowance	\$230,000
Other Construction Costs (listed in table above)	\$323,625
TOTAL CURRENT RDA AUTHORIZATION REQUEST	\$2,852,845

SUSTAINABILITY IMPACT:

This Project incorporates environmentally responsible design and construction techniques that encourage pedestrian travel, specifies the use of recycled content in the concrete, requires 100% recycling of concrete and asphalt demolition debris, and incorporates the use of reclaimed water and drought tolerant landscaping.

HEALTH AND SAFETY CODE SECTION 33445:

California Community Redevelopment Law Section 33445 does allow, with the consent of the legislative body, the funding of projects on property that is publicly-owned if the project meets certain findings. This Project meets all the required findings in Health and Safety Code Section 33445 because the proposed improvements are on publicly-owned land, and are of benefit to the Central City Redevelopment Project Area, by generating additional pedestrian activity by residents and tourists, and add to the safety and attractive environment of the Project area. No other reasonable means of financing the improvements are available. In addition, the improvements to the site will eliminate blight conditions inside the Project area by encouraging pedestrian activity in and around the site. An increase in these activities improves the vitality of the Project area by encouraging economic activity by local residents and visitors, which leads to additional public and private improvements, and thereby eliminates blight and the conditions that lead to blight.

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APPROVED BY: City Administrator's Office