



CITY OF SANTA BARBARA

JOINT COUNCIL AND REDEVELOPMENT AGENCY AGENDA REPORT

AGENDA DATE: December 14, 2010

TO: Mayor and Councilmembers
Chair and Boardmembers

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

SUBJECT: Contract For Construction Of The East Cabrillo Boulevard Sidewalk
Project, Phase II

RECOMMENDATION:

- A. That Council reject the apparent low bid from West Coast Public Works, Inc. (West Coast), as non-responsive due to their failure to submit a complete bid;
- B. That the Redevelopment Agency (RDA) Board authorize the expenditure of \$305,836 for the East Cabrillo Boulevard Sidewalk Project, Phase II (Project);
- C. That Council award a contract with Toro Enterprises (Toro) in their low bid amount of \$265,936 for construction of the Project, Bid No. 3613;
- D. That Council authorize the Public Works Director to execute a contract and approve expenditures up to \$39,900 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
- 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 East Cabrillo Boulevard Sidewalk Replacement Project, Phase II.

EXECUTIVE SUMMARY:

The Project lies within the State-designated East Cabrillo Boulevard Historic District. This portion of the work is the last phase of sidewalk improvements on East Cabrillo Boulevard. The Project includes approximately 1,200 linear feet of sidewalk replacement, landscape improvements, new trash and recycle receptacles, concrete benches, and new access ramps.

Staff has received eight bids for the Project and is requesting that Council authorize the Public Works Director to execute a contract with the low bidder, Toro.

DISCUSSION:

BACKGROUND

The Project site lies within the State-designated East Cabrillo Boulevard Historic District. The original sidewalk was designed and built in the 1920's. It reflects the 1924 *Traffic Street Plan Boulevard and Park System, Santa Barbara, California*, report, presented by Charles H. Cheney, Consultant in City Planning, and the Olmsted Brothers Landscape Architects. This report was, in part, the basis for the Historic District designation.

PROJECT DESCRIPTION

The RDA funded Project consists of the removal and replacement of approximately 1,200 linear feet of existing sidewalk, access ramps, landscaping improvements, concrete benches, and trash and recycling receptacles. The Project boundaries span from just west of the Milpas Street and Cabrillo Boulevard intersection to the eastern end of the Cabrillo Pavilion Arts Center (Attachment 1). The Project is the final part of the City's Cabrillo Beachway Improvement Plan and will improve safety and access for pedestrians, and beautify the historic area. The Project received final approval from the Historic Landmarks Commission on September 1, 2010.

PROJECT SCHEDULE

The Project will be scheduled prior to the main tourist season, beginning in late January or early February 2011, and will be completed by March or April 2011. Construction will take place Monday through Friday between 9 a.m. and 5 p.m. The later morning start was requested by representatives of the hotels in close proximity to the Project area.

CONTRACT BIDS

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

	BIDDER	BID AMOUNT
1.	Toro Enterprises Oxnard, CA	\$265,936.00
2.	Berry General Engineering Ventura, CA	\$300,347.40
3.	Granite Construction Santa Barbara, CA	\$328,841.00
4.	Shaw Contracting Carpinteria, CA	\$361,603.00

5.	Lash Construction, Inc. Santa Barbara, CA	\$362,535.00*
6.	Aguilera Brothers Construction Ontario, CA	\$393,010.00
7.	Mendez Concrete Oceanside, CA	\$400,174.00

**corrected bid total*

The low bid of \$265,936 submitted by Toro, is an acceptable bid that is responsive to and meets the requirements of the bid specifications.

The change order funding recommendation of \$39,900, or 15%, is typical for this type of work and size of project.

BID REJECTION

The initial apparent low bid of \$255,950 from West Coast, for construction of this Project, was deemed non-responsive based on the failure of West Coast to submit all required documentation regarding their proposal.

The Public Contract Code requires all class A general engineering contractors to complete more than 50% of the work for any project it is bidding. It was determined that the bid proposal, as submitted, did not demonstrate that this requirement was being met. Further omissions were discovered, demonstrating that all the subcontractors were not listed, and the references listed were not confirming the work that was listed.

Based on this information, staff recommends that Council reject the bid from West Coast as being non-responsive to the contract requirements.

A letter was mailed to West Coast, dated November 9, 2010, informing them of staff's recommendation to reject their bid as non-responsive (Attachment 2). West Coast submitted further correspondence that was insufficient to deem the bid as responsive (Attachment 3). At this time, West Coast has not filed a bid protest, and they have not indicated whether they will be present at this Council meeting to discuss a bid protest.

PUBLIC OUTREACH

In August 2010, RDA staff canvassed the neighborhood and spoke to property owners and businesses about the Project and its timing. Neighborhood meeting notices were sent to property owners and businesses in the Project vicinity, as well as interested parties. On September 8, 2010, RDA and Public Works staff held a neighborhood outreach meeting at the Cabrillo Pavilion Arts Center to present the Project to the public. Another neighborhood meeting will be held before construction begins to

provide the community with additional information. Prior to Project construction, notice will again be given door-to-door to inform residents about the work.

FUNDING

This Project was originally included in the RDA's Fiscal Year 2010 budget at a funding level of \$600,000.

Currently, the Project account has a balance of \$572,295. The estimated total construction cost for the Project is \$374,378, leaving an unused balance of \$197,917. Any unused Project balance will accrue back to the RDA Capital Contingency Account for future appropriations.

The following summarizes the expenditures recommended in this report:

CONSTRUCTION CONTRACT FUNDING SUMMARY

	Basic Contract	Change Funds	Total
Construction Contract	\$265,936	\$39,900	\$305,836
TOTAL RECOMMENDED AUTHORIZATION			\$305,836

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.*

Design (by City)	\$31,707
Subtotal	\$31,707
Construction Contract	\$265,936
Construction Change Order Allowance	\$39,900
Subtotal	\$305,836
Other Construction Costs (testing, etc.)	\$5,000
Construction Management/Inspection (by City Staff)	\$63,542
Subtotal	\$68,542
TOTAL PROJECT COST	\$406,085

HEALTH AND SAFETY CODE COMPLIANCE

The Project is contiguous to the Redevelopment Agency Project Area. The California Health and Safety Code, Section 33445, does allow, with the consent of the legislative body, the funding of projects on property that is publicly-owned where the project is contiguous to the project area, if the project meets certain findings. The proposed project improvements to the site will eliminate blighting 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 locals and visitors, which leads to additional public and private improvements, and thereby eliminates blight and the conditions that lead to blight.

The redevelopment of the East Cabrillo Boulevard sidewalk meets all the required findings in Section 33445 because the proposed improvements:

1. Are of benefit to the Central City Redevelopment Project Area, as they will generate additional pedestrian activity by locals and tourists and add to the attractive environment of the Project Area, thereby eliminating blight.
2. No other reasonable means of financing the improvements are available.
3. The expenditure of Redevelopment Agency funds for these improvements is consistent with the adopted 2010 – 2014 Implementation Plan.

SUSTAINABILITY IMPACT:

The Project will further the City's Sustainability Program goals by encouraging pedestrian use and getting people out of their cars, and reducing waste generation by recycling the removed materials. The landscaping specified has been selected from local native plants which use less water, therefore conserving further natural resources.

ATTACHMENTS:

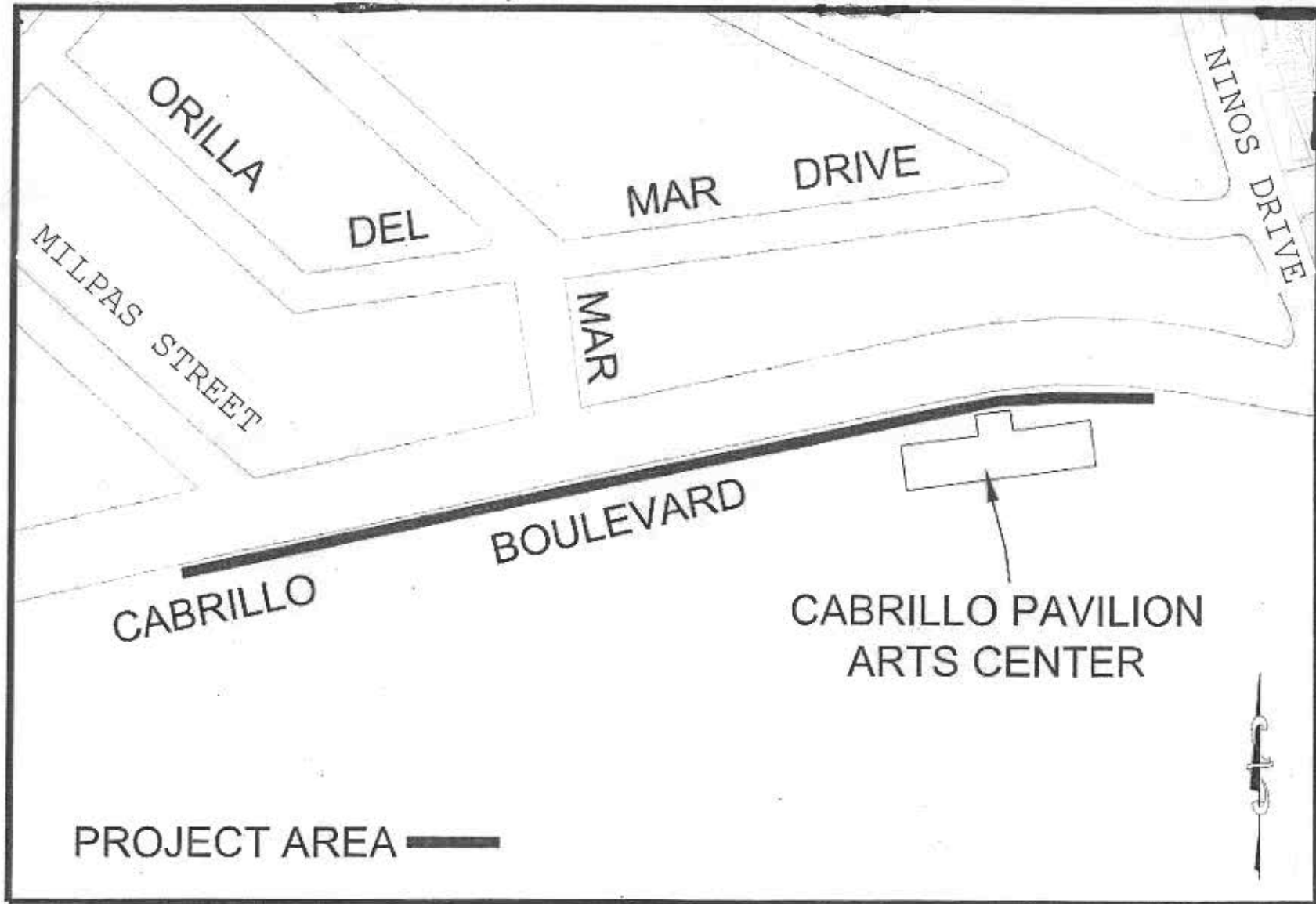
- 1) Vicinity Map
- 2) Letter to West Coast Public Works, Inc., dated November 9, 2010
- 3) Letter to West Coast Public Works, Inc., dated November 22, 2010

PREPARED BY: Joshua Haggmark, Principal Civil Engineer/TC/mj
Brian J. Bosse, Housing and Redevelopment Manager/PB

SUBMITTED BY: Christine F. Andersen, Public Works Director
Paul Casey, Community Development Director

APPROVED BY: City Administrator's Office

EAST CABRILLO BOULEVARD SIDEWALK REPLACEMENT PROJECT PHASE II





City of Santa Barbara

Public Works Department

Attachment 2

www.SantaBarbaraCA.gov

November 9, 2010

Main Office

630 Garden Street
P.O. Box 1990
Santa Barbara, CA
93102-1990

Administration

Tel: 805.564.5377
Fax: 805.897.2613

Engineering

Tel: 805.564.5363
Fax: 805.564.5467

Facilities

Tel: 805.564.5415
Fax: 805.897.2577

Street Maintenance

Tel: 805.564.5413
Fax: 805.897.1991

Transportation

Tel: 805.564.5385
Fax: 805.564.5487

Water Resources

Tel: 805.564.5387
Fax: 805.897.2613

Mr. Haim J. Mazal, President
West Coast Public Works, Inc.
20058 Ventura Boulevard, #318
Woodland Hills, CA 91364
Phone: (818) 206-9990
Fax: (818) 206-4423

**SUBJECT: Bid Rejection for East Cabrillo Boulevard Sidewalk Phase II,
Bid No. 3613**

Dear Mr. Mazal:

The City of Santa Barbara reviewed bids from nine contractors, with a bids ranging from \$256,050 to \$400,174. West Coast Public Works, Inc. appeared to have submitted the lowest bid. City Engineering staff has reviewed the bids for East Cabrillo Boulevard Sidewalk Phase II submitted by West Coast Public Works, Inc., and the other bidders. As a result of this review, staff has determined your bid to be non-responsive. This determination was made for the following reasons:

Subcontractors

Electrical subcontractor –

A portion of the work on this project includes electrical work to be performed by a licensed electrical subcontractor. No electrical subcontractors were listed on your bid. The CCPC California Public Contracting Code requires all subcontractors to be listed at the time of the bid. In a subsequent phone discussion with David Levy, it was confirmed that a licensed electrical contractor is not employed with West Coast Public Works, Inc.

Landscaper/Arborist –

The work also includes landscaping work, specifically, arborist work. No landscaping subcontractor was listed on your bid. During a recent phone conversation, it was stated that a Landscaper/Arborist would be hired in the event that such expertise would be required

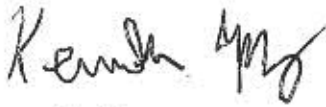
The bid documents stated that:

- A2.10 Qualifications of bidders. In order to bid on this project all bidders must possess a minimum of three years qualifying experience. A review of your qualifying experience indicates less than the required three years of experience.
- Contract Code Section 4106 in part, Fifty-one percent Work Rule. "If a prime contractor fails to specify a subcontractor or if a prime contractor specifies more than one subcontractor for the same portion of work to be performed under the contract in excess of one-half of 1 percent of the prime contractor's total bid, the prime contractor agrees that he or she is fully qualified to perform that portion himself or herself, and that the prime contractor shall perform that portion himself or herself." It appears the total value of the work performed by subcontractors would exceed fifty-one percent of the bid amount.
- References. Three references were required as part of the bid. The three references submitted did not provide a positive reference nor were we able to elicit a positive reference from the additional reference submitted.

For the above reasons, the bid submitted by West Coast Public Works, Inc., has been considered to be non-responsive.

If you have any questions related to this please contact me at (805) 560-7568.

Sincerely,



Kenneth Young
Project Engineer

cc: Joshua Haggmark, Principal Civil Engineer
Lawrence Jackson, Supervising Civil Engineer ↵



City of Santa Barbara

Public Works Department

Attachment 3

www.SantaBarbaraCA.gov

November 22, 2010

Main Office

630 Garden Street
P.O. Box 1990
Santa Barbara, CA
93102-1990

Administration

Tel: 805.564.5377
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Transportation

Tel: 805.564.5385
Fax: 805.564.5467

Water Resources

Tel: 805.564.5387
Fax: 805.897.2613

Mr. Haim J. Mazal, President
West Coast Public Works, Inc.
20058 Ventura Boulevard, #318
Woodland Hills, CA 91364

SUBJECT: Rejection of West Coast Public Works, Inc.'s bid submitted for
East Cabrillo Boulevard Sidewalk - Phase II Project

Dear Mr. Mazal:

The bid opening for the East Cabrillo Boulevard Sidewalk - Phase II Project, was October 28, 2010, and West Coast Public Works, Inc.'s (West Coast) appeared to be the lowest bidder. A review of the bid documents revealed that West Coast had not (1) listed subcontractors for either the electrical work or the landscaping work, (2) was not performing the minimum 51% of the work, and (3) did not have the required three years of experience in the magnitude and character of the work to be performed.

In a letter to West Coast dated November 9, 2010, Mr. Ken Young, Project Engineer, informed West Coast Public Works, Inc. that their bid was found to be non-responsive and was rejected for the reasons listed above. In a subsequent conversation on November 11, 2010, with West Coast's staff, Mr. Young reiterated West Coast had five business days in which to respond to the rejection letter.

On November 15, 2010, West Coast faxed information to Mr. Young. This communication contained the following information:

- Information relating to their subcontractors,
- Additional reference material,
- A statement regarding Mr. Levy's experience,
- A proposal for electrical work dated October 28, 2010, for \$65,000, and
- A cover sheet.

Staff reviewed the submitted material and found that it did not provide the information necessary to forestall a rejection of West Coast's bid, nor did it provide information necessary to establish the three year experience requirement. An arborist's proposal was not provided. The electrical subcontractor listed a \$65,000 bid, dated October 28, 2010, yet the proposal did not cover all bid electrical items. The addition of the subcontract work further illustrated West Coast would not be performing fifty-one percent of the work.

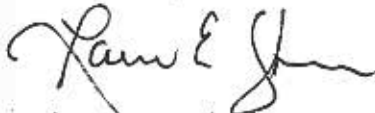
Rejection of West Coast Public Works, Inc.'s bid submitted for East Cabrillo
Boulevard Sidewalk - Phase II Project
November 22, 2010
Page 2 of 2

Therefore, upon reviewing your original and additionally submitted information, we have determined that your bid remains non-responsive for the following reasons:

- A Portion of the work on this project includes electrical work to be performed by a licensed electrical subcontractor. We received the proposal dated October 28, 2010, from Ultimate Construction & Electrical Inc. It did not include the contingency bid items, and the value of the work is above the one-half of one percent as specified in the California Public Contract Code Section 4106. The proposal was for \$65,000 where as West Coast's total proposed electrical bid was \$2,900.
- There was no proposal from a landscaper dated prior to the bid opening.
- Under Section A2.10 of the bid documents, it is required that the bidder have three years of experience in the magnitude and character of work. We have not found sufficient evidence that West Coast has met the three year experience requirement.

We will be recommending rejection of your bid at the December 14, 2010, Santa Barbara City Council meeting, and to accept the bid of the next lowest bidder. Please reference the specification for your rights as a bidder.

Sincerely,



Lawrence Jackson
Supervising Civil Engineer

KY/mj

cc: Joshua Haggmark, Principal Civil Engineer
Lawrence Jackson, Supervising Civil Engineer