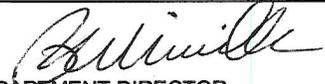


AGENDA ITEM NO.

COUNCIL MEETING 04/15/08

APPROVED BY

  
DEPARTMENT DIRECTOR

CITY MANAGER

April 15, 2008

FROM: PATRICK N. WIEMILLER, Director   
Public Works Department

BY: EFREN BAÑUELOS, Assistant Director   
Public Works Department, Capital Management Division

SUBJECT: AWARD A CONSTRUCTION CONTRACT FOR THE BASE BID IN THE AMOUNT OF \$328,248.90 TO JWT GENERAL ENGINEERING COMPANY FOR STREET IMPROVEMENTS ON BRAWLEY AVENUE BETWEEN HERNDON AVENUE AND PALO ALTO STREET (BID FILE 2772) (COUNCIL DISTRICT 2)

ADOPT THE 82<sup>ND</sup> AMENDMENT TO THE ANNUAL APPROPRIATION RESOLUTION NO. 2007-214 TO APPROPRIATE \$60,900 IN FEDERAL GRANT FUNDS FOR THE COMPLETION OF STREET IMPROVEMENTS ON BRAWLEY AVENUE BETWEEN HERNDON AVENUE AND PALO ALTO STREET

#### KEY RESULT AREA

One Fresno

#### RECOMMENDATIONS

It is recommended that the Council:

1. By-pass Tri-County Grading & Paving as non-responsive to the specifications.
2. Award a construction contract for the base bid in the amount of \$328,248.90 to JWT General Engineering Company for street improvements on Brawley Avenue between Herndon Avenue and Palo Alto Street, and authorize the Public Works Director, or his designee, to sign the contract on behalf of the City.
3. Adopt the 82<sup>nd</sup> Amendment to the Annual Appropriation Resolution No. 2007-214 to appropriate \$60,900 in Federal grant funds for the completion of street improvements on Brawley Avenue between Herndon Avenue and Palo Alto Street.

#### EXECUTIVE SUMMARY

The Public Works Department is prepared to construct improvements on Brawley Avenue between Herndon Avenue and Palo Alto Street. The project scope includes a new traffic lane and a new bike lane on the West side of Herndon Avenue, a new bus bay, new curb, gutter, and

Report to the City Council

Contract Award-JWT General Engineering Company

Street Improvements: Brawley Avenue Between Herndon Avenue and Palo Alto Street

April 15, 2008

Page 2

sidewalk, and new streetlights. Twelve bids were received at the bid opening on February 28, 2008. The apparent low bidder, Tri-County Grading & Paving, did not sign their bid bond, and was declared non-responsive. JWT General Engineering Company was determined to be the lowest responsive and responsible bidder. Staff recommends that Council award a construction contract for the base bid in the amount of \$328,248.90 to JWT General Engineering Company, and authorize the Public Works Director or his designee to sign the contract on behalf of the City.

Funding for this project is included in the FY08 budget. A grant through the Federal Surface Transportation Program (STPL) is providing 88.53% of the funding for the project, with the remaining 11.47% of the funding provided through State Proposition 111 Gas Tax and Measure C.

The attached Amendment to the Annual Appropriation Resolution provides additional funding for the contract and remaining costs to complete the project.

#### **KEY OBJECTIVE BALANCE**

Award of the construction contract best balances the Key Objectives of Customer Satisfaction, Financial Management and Employee Satisfaction. The project will contribute to Customer Satisfaction by reducing traffic congestion and improving air quality. Financial Management objectives are achieved by using available Federal grant funding and awarding the construction contract to the lowest responsive and responsible bidder. Employee Satisfaction will be derived by delivering a project that will provide improved operation, enhanced safety, and improved air quality associated with the road improvements.

The project is located within the boundaries of City Council District 2.

#### **BACKGROUND**

Public Works Department staff and design consultant Provost & Pritchard, Inc., have prepared construction contract documents for street improvements on Brawley Avenue between Herndon Avenue and Palo Alto Street. The project includes a new traffic lane and a new bike lane on the west side of Brawley Avenue, a new bus bay, new curb, gutter, and sidewalk, and new streetlights. A Notice Inviting Bids was posted on the City's website and faxed to eleven building exchanges. The advertisement date of the project was January 23, 2008. Construction contract documents were distributed to 29 prospective bidders. Twelve sealed bids were received and opened in the public bid opening on February 28, 2008. Bid proposals for the base bid received ranged from \$321,735.50 to \$493,180.

Tri-County Grading & Paving of Clovis submitted the lowest bid for the base bid in the amount of \$321,735.50. However, Tri-County Grading & Paving did not sign their bid bond which was included with their bid. Staff tentatively determined them to be non-responsive and recommended that they be by-passed. Tri-County Grading & Paving was notified of the staff determination and given the opportunity to appeal in accordance with Council Resolution 2003-139. Tri-County Grading & Paving did not appeal the staff determination.

Staff recommends that the City Council by-pass Tri-County Grading & Paving as non-responsive and award a contract for this project to JWT General Engineering Company of Clovis who submitted the lowest responsive and responsible base bid in the amount of \$328,248.90. Additive Alternates #1 and #2 for traffic signal modifications and intelligent transportation system (ITS) infrastructure at the intersection of Herndon Avenue and Brawley Avenue will not be constructed at this time, but will be incorporated into a subsequent street improvement project on Herndon Avenue. Additive Alternate #3 was eliminated by addendum during the bidding process. The total base bid amount is 22.4% below the engineer's construction estimate. The staff determination was posted on the City's website on April 7, 2008.

The City Council may:

- A. Adopt staff's recommendation, which would award a contract for the base bid in the amount of \$328,248.90 to JWT General Engineering Company for street improvements on Brawley Avenue between Herndon Avenue and Palo Alto Street. The project will be completed within 60 working days from the date of the Notice to Proceed, or
- B. Reject the bids. The bids will expire within 62 days of the bid opening, i.e., as of April 30, 2008. Re-bidding the project would be delayed until after this date.
- C. Adopt the 82<sup>nd</sup> Amendment to the Annual Appropriation Resolution No. 2007-214 to appropriate an additional \$60,900 in Federal grant funds to complete the project.

#### **FISCAL IMPACT STATEMENT**

Funding for the project is provided by a Federal Surface Transportation Program (STPL) grant, State Proposition 111 Gas Tax and Measure C. Initial funding for this project is included in the FY08 budget. The additional \$60,900 in appropriations is a rebudget of the original grant funding and will cover project costs through completion. See attached Fiscal Impact Statement and AAR.

PNW/EB/MAV/SDD/eam  
Awd Const Contr Brawley-Herndon to Palo Alto-Revised-with AAR 4-15-08

Attachments: Memo – Staff Determination  
Bid Evaluation Proposal  
Fiscal Impact Statement  
Resolution (AAR)



General Services Department

DATE: April 3, 2008

TO: ANDREW T. SOUZA, City Manager  
BRUCE RUDD, Assistant City Manager

THROUGH: KENNETH A. NERLAND, Director   
General Services Department

FROM: JANET SMITH,   
Purchasing Manager  
Purchasing Division

SUBJECT: STAFF DETERMINATION TO BY PASS THE LOW BID SUBMITTED BY TRI-COUNTY GRADING & PAVING OF CLOVIS, AS NON-RESPONSIVE TO THE SPECIFICATIONS FOR THE BRAWLEY AVENUE ROADWAY WIDENING - HERNDON TO PALO ALTO AVENUES PROJECT (Bid File No. 2772)

In accordance with resolution 2003-129, I am hereby notifying you that the apparent low bidder Tri-County Grading & Paving of Clovis may not be responsive to the specifications for the reasons indicated.

The apparent low bidder did not sign the bid bond included with their bid. The bidder submitted a bid bond which is not fully executed and unenforceable, therefore, does not meet the requirements of the specifications.

For this reason Tri-County Grading & Paving has tentatively been determined to be a non-responsive bidder. In accordance with procedures, the bidder will be given the opportunity to appeal under Resolution 2003-129.

Staff has determined that the bid from Tri-County Grading & Paving should be rejected. Staff recommends award to the next lowest responsive and responsible bidder, JWT General Engineering of Fresno.

Approve Bypass Recommendation  
Of the Purchasing Manager

Disapprove

CITY MANAGER

  
\_\_\_\_\_  
City Manager or Designee      4/8/08  
Date

**EVALUATION OF BID PROPOSALS**

FOR: BRAWLEY AVENUE WIDENING – PALO ALTO TO HERNDON AVENUES

Bid File No. 2772  
Bid Opening: February 28, 2008

<b>BIDDERS'S</b>	<b>BID AMOUNT</b>	
1. Tri-County Grading & Paving 95 W Shaw Ave. #101 Clovis, CA 93612 (NON-RESPONSIVE)	BASE BID ADD ALT 1 ADD ALT 2 ADD ALT 3	\$321,735.50 \$ 64,260.00 \$207,343.16 \$ 3,240.00
2. JWT General Engineering 1549 Menlo Clovis, CA 93612	BASE BID ADD ALT 1 ADD ALT 2 ADD ALT 3	\$328,248.90 \$ 65,450.00 \$196,201.35 \$ 5,000.00
3. Dave Christian Construction Co., Inc. 2233 S Minnewawa Fresno, CA 93727	BASE BID ADD ALT 1 ADD ALT 2 ADD ALT 3	\$330,964.10 \$ 38,639.00 \$211,718.00 \$ 12,540.00
4. American Paving Co. P.O. Box 4348 Fresno, CA 93744	BASE BID ADD ALT 1 ADD ALT 2 ADD ALT 3	\$337,237.60 \$ 47,960.00 \$284,370.00 \$ 1,320.00
5. Yarbs Enterprise 11339 S Peach Fresno, CA 93725	BASE BID ADD ALT 1 ADD ALT 2 ADD ALT 3	\$337,567.00 \$ 60,260.00 \$210,356.00 \$ 3,150.00
6. Emmett's Excavation, Inc. 1477 Menlo Ave. Clovis, CA 93611	BASE BID ADD ALT 1 ADD ALT 2 ADD ALT 3	\$377,453.00 \$ 44,000.00 \$221,346.50 \$ 1,100.00
7. Garcia Paving Company, Inc. 2951 S Elm Fresno, CA 93706	BASE BID ADD ALT 1 ADD ALT 2 ADD ALT 3	\$402,269.18 \$ 62,500.00 \$225,212.38 \$ 3,200.00
8. Henderson Construction Company 2100 N Winery #104 Fresno, CA 93703	BASE BID ADD ALT 1 ADD ALT 2 ADD ALT 3	\$413,041.00 \$ 47,000.00 \$201,996.00 \$ 0.0
9. Lockwood General Engineer 10533 W Goshen Ave Visalia, CA 93291	BASE BID ADD ALT 1 ADD ALT 2 ADD ALT 3	\$425,997.04 \$ 42,577.00 \$266,861.49 \$ 13,818.00

**EVALUATION OF BID PROPOSALS**

FOR: BRAWLEY AVENUE WIDENING – PALO ALTO TO HERNDON AVENUES

Bid File No. 2772  
Bid Opening: February 28, 2008

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10	Seal Rite Paving & Grading 959 Clovis Ave Clovis, CA 93612	BASE BID ADD ALT 1 ADD ALT 2 ADD ALT 3	\$438,573.94 \$ 65,340.00 \$227,534.04 \$ 3,348.00
11.	Central Valley Asphalt 23494 Rd. 196 Lindsay, CA 93247	BASE BID ADD ALT 1 ADD ALT 2 ADD ALT 3	\$463,551.40 \$ 42,700.00 \$417,044.89 \$ 12,768.00
12.	Bush Engineering, Inc. 518 N Redington Street Hanford, CA 93230	BASE BID ADD ALT 1 ADD ALT 2 ADD ALT 3	\$493,180.00 \$ 48,000.00 \$242,267.00 \$ 15,000.00

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Each bidder has agreed to allow the City sixty-two (62) days from date bids are opened to accept or reject their bid proposal. Purchasing requests that you complete the following sections and return this bid evaluation to the Purchasing Division at the latest by Wednesday, April, 2, 2008, 5:00 P.M.

The Engineer's Estimate for this expenditure is \$423,135.00. The contract price is 22.4% below the Engineer's Estimate.

**BACKGROUND OF PROJECT** :The project will consist of the following elements:

- Construction of one additional travel lane on the West side of Brawley Avenue, between Palo Alto Street and Herndon Avenue.
- Installation of curb, gutter, and sidewalk on the West side of Brawley Avenue.
- Construction of new bus bay on the West side of Brawley Avenue.
- Installation of new streetlights on the West side of Brawley Avenue.

**EVALUATION OF BID PROPOSALS**

FOR: BRAWLEY AVENUE WIDENING – PALO ALTO TO HERNDON AVENUES

Bid File No. 2772  
Bid Opening: February 28, 2008

**DEPARTMENT CONCLUSIONS AND RECOMMENDATION:**

Award a construction contract in the amount of \$ 328,248.90  
to JWT General Engineering Company  
as the lowest responsive and responsible bidder.

Remarks: The apparent low bidder, TRI-County Grading and Paving, failed to sign their bid bond and was therefore considered non-responsive.

The award of the contract is based on bids received for the base bid only. The Additive Alternates #1 and #2 will not be awarded, and are not included in contract price. Additive Alternate #3 was eliminated by addendum during the bidding process.

Reject all bids. Reason:

Department Head Approval

*[Signature]*

Title : Public Works Director

Date 4/2/2008

- Approve Dept. Recommendation       Approve GSD/Purchasing Recommendation
- Disapprove       Disapprove
- See Attachment

GENERAL SERVICES DEPARTMENT

CITY MANAGER

*Janet Smith* 4/3/08  
Purchasing Manager      Date

*[Signature]* 4/2/08  
City Manager or Designee      Date

*K. Herland* 4/3/08  
Director      Date

## FISCAL IMPACT STATEMENT

PROGRAM: Street Improvements On Brawley Avenue Between  
Herndon Avenue and Palo Alto Street  
Project ID: PW00150  
Fund: 22048  
Org: 189901  
KRA: 0101001000

<u>RECOMMENDATION</u>	<u>TOTAL OR CURRENT</u>	<u>ANNUALIZED COST</u>
Direct Cost	\$ <u>328,248.90</u>	_____
Indirect Cost *	\$ <u>139,487.00</u>	_____
TOTAL COST	_____	_____
Additional Revenue or Savings Generated	_____	_____
Net City Cost	_____	_____
Amount Budgeted (If none budgeted, identify source)	\$ <u>467,735.90</u>	_____

\* Indirect costs are comprised of the following:

Project Management and Closeout	\$ 17,052.00
Construction Management & Inspection	\$ 104,264.00
Laboratory Testing/Geotechnical Services	\$ 1,720.00
Contract Contingencies	\$ <u>16,451.00</u>
	\$ 139,487.00

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO ADOPTING THE 82<sup>nd</sup> AMENDMENT TO THE ANNUAL APPROPRIATION RESOLUTION NO. 2007-214 TO APPROPRIATE \$60,900 IN FEDERAL GRANT FUNDS FOR THE COMPLETION OF STREET IMPROVEMENTS ON BRAWLEY AVENUE BETWEEN HERNDON AVENUE AND PALO ALTO STREET

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FRESNO:

THAT PART III of the Annual Appropriation Resolution No. 2007-214 be and is hereby amended as follows:

	<u>Increase/(Decrease)</u>
TO: PUBLIC WORKS DEPARTMENT	
Federal Grants Public Works	\$ 60,900

THAT account titles and numbers requiring adjustment by this Resolution are as follows:

Federal Grants Public Works

Revenues:

Account: 33114 Federal Reimbursement	\$ 60,900
Fund: 22048	
Org Unit: 189901	

Total Revenues	<u>\$ 60,900</u>
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Appropriations:

Account: 51101 Permanent Salaries	\$ 26,700
57507 Contract Construction	18,000
59117 Overhead	<u>16,200</u>
Fund: 22048	
Org Unit: 189901	
Project ID: PW00150	
KRA: 0101001000	

Total Appropriations	<u>\$ 60,900</u>
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THAT the purpose is to appropriate \$60,900 in Federal Grant Funds for street improvements on Brawley between Herndon and Palo Alto.

**CLERK'S CERTIFICATION**

STATE OF CALIFORNIA }  
COUNTY OF FRESNO } ss.  
CITY OF FRESNO }

I, REBECCA E. KLISCH, City Clerk of the City of Fresno, certify that the foregoing Resolution was adopted by the Council of the City of Fresno, California, at a regular meeting thereof, held on the \_\_\_\_\_ Day of \_\_\_\_\_, 2008

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

Mayor Approval: \_\_\_\_\_, 2008  
Mayor Approval/No Return: \_\_\_\_\_, 2008  
Mayor Veto: \_\_\_\_\_, 2008  
Council Override Veto: \_\_\_\_\_, 2008

\_\_\_\_\_  
REBECCA E. KLISCH  
City Clerk