



REPORT TO CITY COUNCIL

Approved by:



Department Director



Arnoldo Rodriguez, City Manager

Council Meeting of: May 15, 2019

Agenda Number: B-7

SUBJECT: Consideration of a Minute Order Rejecting All Bids for Sunset Avenue Sidewalk and Safety Improvements Pine Street to Double Tree Way, City Project No. R-66, Federal Project No. HSIPL 5157 (111)

RECOMMENDATION:

Staff recommends that the City Council (Council) approves:

1. Rejecting all bids for Sunset Avenue Sidewalks and Safety Improvements Pine Street to Double Tree Way, City Project No. R-66, Federal Project No. HSIPL 5157 (111) and re-advertise project.

SUMMARY:

In April 30, 2019, the City received four bids for the Project. Staff has determined that the bids must be rejected, and the project be re-advertised in accordance with government code 20166.

DISCUSSION:

The proposed project will provide concrete improvements for portions of Sunset Avenue between Pine Street and Schnoor within the City of Madera. The work in general consists of furnishing all labor, materials, and equipment necessary to perform all operations for installing ADA compliant sidewalk, drive approaches, and curb ramps along Sunset Avenue from Schnoor Ave to Double Tree Way and Installation of Pedestrian Median Refuge from Pine Street to Willis Ave.

SITUATION:

On February 21, 2018 Council Meeting, The City Council approved Program Supplement Agreement (PSA) No. F058 between the City and the State of California Department of Transportation. As part of the PSA, the City is required to administered and implement the Disadvantaged Business Enterprise (DBE) Implementation Agreement. The DBE Implementation Agreement relates to DBE

goals set in accordance with California Department of Transportation Exhibit 9D DBE Contract Goal Methodology. Staff determined a 9% DBE goal for this project, therefore it was incorporated as part of the plans and specifications. The contractor is required to submit a Construction Contract DBE Commitment Form (Exhibit 15-G) and Good Faith Effort Form (Exhibit 15-H) no later than the third business day after bid opening as required by the specification. Failure of an agency to follow the DBE Methodology could result in the withdrawal of all or a portion of the federal and/or state funds which for this project equate to \$ 310,590.00.

The "Notice Inviting Bids" for the project was duly noticed in the Madera Tribune Newspaper on March 30th and April 6th of 2019. The construction and bidding documents (specifications) were distributed to Builders Exchanges in Fresno, Modesto, and Visalia. The bid documents were also made available to the Kern-Minority Contractors Association in Bakersfield. The plans and specifications were also posted on EBidBoard.com, a projects online listing service for contractors accessible from the City's website as well as to other contractors that regularly access EBidBoard's website directly.

On April 30, 2019, the City received four bids. All bids were checked for accuracy with the bidding requirements of the specifications and for validity of licenses and bid security. In addition, the three lowest bidders were required to submit additional bid documents required within three days of bid opening to be considered responsive. Any bidder that wishes to be considered if the three lowest bidders should be found nonresponsive, has the option of also submitting the additional documents.

Staff has determined that all bids should be rejected for reasons stated below, and the project should be re-advertised, in accordance with California Public Contract Code Section 20166. The non-qualified bidders and bids received are listed below:

Phase 1 Construction	\$ 384,905.00*
Machado and Sons Construction, Inc	\$ 465,968.00
Witbro, Inc. DBA Seal Rite Paving and Grading	\$ 470,486.00**
JT2, Inc. DBA Todd Companies	\$ 529,644.00**
Engineers Opinion of Cost	\$ 337,000.00

*The low bidder failed to meet the Good Faith Effort (GFE) requirements relating to seeking DBE contractors to perform portions of the work.

**The two contractors failed to submit Construction Contract DBE Commitment Form (Exhibit 15-G) and Good Faith Effort Form (Exhibit 15-H).

The second through fourth bidder are substantially higher than the Engineer's Estimate and significantly higher than available budget for this project. Staff does not recommend awarding the project to the second bidder given that the gap price difference is substantially higher.

FINANCIAL IMPACT:

There is no fiscal impact to the City's General Fund.

Funding for the project is programmed in Fiscal Year 2018/19 including Highway Safety Improvement Program (HSIP) funding in account number 41705080, Local Transportation Fund (LTF) funding in account number 42005330 and Measure T Environmental/Bike/Pedestrian Enhancement funding account number 41570000.

CONSISTENCY WITH THE VISION MADERA 2025 PLAN:

Strategy 101.6 - Ensure infrastructure can sustain population growth in the development of the General Plan.

Strategy 121 - Develop a city-wide multi-modal transportation plan to ensure safe, affordable and convenient transportation modes for residents and businesses within Madera.

ALTERNATIVES:

1. Award project to second bidder who provided a bid substantially higher than the Engineer's Estimate and project's budget. This option will require additional funds be identified to meet budget shortfall.
2. Provide Staff with additional feedback.

ATTACHMENTS:

1. Project Maps

ATTACHMENT NO. 1

PROJECT MAP

