

# Agenda Report

September 12, 2011

**TO:** Honorable Mayor and City Council

**FROM:** Department of Public Works

**SUBJECT: RESCIND CONTRACT AWARDED TO PRO TECH ENGINEERING CORPORATION, AND AWARD CONTRACT TO CALIFORNIA PROFESSIONAL ENGINEERING FOR THE INSTALLATION OF STREET LIGHTING ON MOUNTAIN STREET FROM CRAIG AVENUE TO MARTELO AVENUE AND OTHER LOCATIONS, FOR AN AMOUNT NOT TO EXCEED \$363,000**

## **RECOMMENDATION:**

It is recommended that the City Council:

1. Find the project proposed herein to be categorically exempt under the California Environmental Quality Act ("CEQA") in accordance with Section 15303 (Class 3) of the California Code of Regulations Title 14, Chapter 3. This exemption includes construction of small facilities or structures, including accessory structures;
2. Rescind the contract awarded to Pro Tech Engineering Corporation on May 16, 2011, in response to the Specifications for the Installation of Street Lighting on Mountain Street from Craig Avenue to Martelo Avenue and Other Locations; and
3. Accept the bid dated April 27, 2011, submitted by California Professional Engineering in response to the Specifications for the Installation of Street Lighting on Mountain Street from Craig Avenue to Martelo Avenue and Other Locations, and authorize the City Manager to enter into such contract as is required for an amount not to exceed \$363,000.

## **BACKGROUND:**

This project is part of the ongoing Capital project, *Street Lighting for Residential Streets*, which is included in the current Capital Improvement Program. To increase the safety of motorists and residents, this project consists of installing street lights on residential streets which currently do not have any mid-block lighting.

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The project was advertised on January 13, 2011, and all bids were rejected by City Council on March 21, 2011, in order to add an additional street segment. The project included the following street segments: Mountain Street from Craig Avenue to Martelo Avenue; Lakewood Place for its entire length; Carmelo Avenue from Villa Street to Lambert Drive; and Del Rey Avenue from Woodlyn Road to Washington Boulevard. Dudley Street from Paladora Avenue to Craig Avenue was added to the project through this bidding process. By rejecting the previous project and adding this portion of Dudley Street, the Department is able to complete the current list of street segments included in the Capital project.

The re-packaged project was advertised on April 6, 2011, with bids opened on April 27, 2011. On May 16, 2011, City Council authorized the City Manager to enter into contract with the Pro Tech Engineering Corporation (Pro Tech). Following the award, two original sets of contracts together with all the appurtenant forms were sent to the contractor via certified mail on May 19, 2011. As of August 8, 2011, Pro Tech's contract documents had not been approved and deemed to be complete. Section I-1.02 of the Project Specifications, entitled "Bidder's Guarantee," states that the bidder awarded the contract has fifteen (15) calendar days to meet the City requirements and enter into the contract. Section 4.08.080 of the PMC, entitled "Bidding – Security requirement," also states that a bidder is in default on their bid if they do not enter into a contract within fifteen days of award. Both sections state that upon default, the City may deposit the bid security in its treasury and, under no circumstances, shall it be returned to the defaulting bidder.

As a result of the contractor's repeated failure to provide the appropriate documents in a timely manner, the department has determined the contractor to have defaulted on the bid.

The following are the bids received on April 27, 2011:

<u>Bidder</u>	<u>Amount</u>
1. Pro Tech Engineering Corporation, Corona Del Mar	\$ 324,935.00
2. California Professional Engineering, La Puente	\$ 329,840.00
3. JFL Electric, Inc., Los Angeles	\$ 353,303.60
4. V.T. Electric, Inc., Upland	\$ 360,118.50
Engineer's Estimate	\$ 370,000.00

Based on the lowest bidder defaulting on their bid, it is recommended that California Professional Engineering be awarded a contract for this project as they are the second lowest responsive and responsible bidder. Staff contacted California Professional Engineering and they are willing to honor their bid as submitted on April 27, 2011. The proposed contract with California Professional Engineering fully complies with the Competitive Bidding and Living Wage Ordinances. The Contractor has indicated that the award of this contract will result in no new hires to his present workforce.

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The contract will be set up as follows:

Base Bid	\$ 329,840
Contingency Allowance	\$ 33,160
Contract "Not to Exceed" Amount	\$ 363,000

It is anticipated that work will begin in November 2011 and be completed in March 2011.

**COUNCIL POLICY CONSIDERATION:**

This project supports the City Council strategic goal to improve, maintain and enhance public facilities and infrastructure and to improve mobility and accessibility throughout the City. It is also consistent with the Seismic and Safety Element of the General Plan by helping to achieve and maintain an environment in which Pasadena residents can enjoy personal safety and security.

**ENVIRONMENTAL ANALYSIS:**

The City's Environmental Administrator has determined the project to be categorically exempt under CEQA in accordance with California Admin. Code Title 14 Chapter 3, Class 3, Section 15303. Class 3 consists of the construction of small facilities or structures, including accessory structures. The project is the installation of standard street lights to improve pedestrian safety and visibility. There are no changes to the street proposed other than the installation of the lights which are accessory to and will improve the safety of the street use. A Notice of Exemption for the project was filed with Los Angeles County Clerk on September 29, 2010.

**FISCAL IMPACT:**

The cost of the project, including contract, administration and inspection, is \$384,000. Funding for this action will be addressed by utilization of existing budgeted appropriations in the *Street Lighting for Residential Streets – Various Locations* (Budget Account 74411) CIP project.

It is anticipated that all costs will be spent during the current fiscal year. On-going maintenance costs, including electricity, are estimated to be \$1,000 per year and will be addressed by the utilization of existing budgeted appropriations in the Public Works Department's Street Lights and Traffic Signal program (Budget Account 101-764420).

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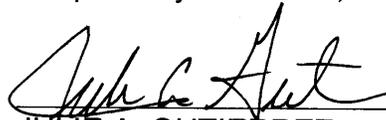
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The following table represents a contract summary.

Base Bid	\$ 329,840
Contingency Allowance	\$ 33,160
Contract Total	<u>\$ 363,000</u>
Administration/Inspection	\$ 21,000
Total Fiscal Impact	\$ 384,000

Respectfully submitted,



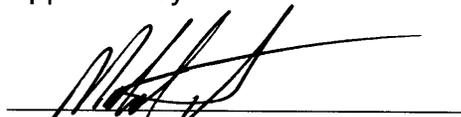
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