

# Agenda Report

February 29, 2016

**TO:** Honorable Mayor and City Council

**FROM:** Department of Public Works

**SUBJECT: RESCISSION OF CONTRACT AWARD TO THE NAZERIAN GROUP AND REJECTION OF ALL BIDS FOR RESTROOM REPLACEMENT AT CENTRAL PARK**

**RECOMMENDATION:**

It is recommended that the City Council:

1. Rescind the City Council's November 16, 2015 action authorizing award of a contract to The Nazerian Group for the Restroom Replacement at Central Park; and
2. Reject all bids received on October 14, 2015, in response to the Project Specifications for the Restroom Replacement at Central Park.

**BACKGROUND:**

On November 16, 2015, the Department of Public Works presented a recommendation to the City Council to award a contract to The Nazerian Group for Restroom Replacement at Central Park. Following the award, staff became aware that The Nazerian Group failed to meet the requirements of the Local Subcontracting Provision. The documents provided by The Nazerian Group did not demonstrate a good faith effort to solicit local Pasadena businesses for subcontracting work prior to the bid opening deadline as required by the Supplementary Conditions of the Project Specifications, Section II.B. Therefore, The Nazerian Group's bid is deemed non-responsive.

In order to determine whether the City Council is required to reject all bids in this particular case, ample time was allowed for Public Works and City legal staff to make a thorough review of the circumstances and for the City Attorney's office to render a legal opinion. Based on that review, it is recommended that the City Council rescind its November 16, 2015 contract award, reject all bids received October 14, 2015, and the Public Works Department will rebid the project.

The project consists of the construction of a new restroom building at Central Park with vandal-resistant, Americans with Disabilities Act (ADA) compliant fixtures, and site improvements including concrete walks and amenities. The design features durable concrete masonry construction, enhanced ventilation, and energy efficient lighting.

The scope of work provides for demolition of the existing restroom building constructed in the 1930s, removal of existing concrete paving, and installation of a new irrigation pump and control system. A finding of compliance with the General Plan was previously made and is shown on page 9.7 of the FY 2016 Capital Improvement Program budget, Central Park – Implementation Master Plan. Public comment regarding the Central Park restroom was gathered through the Recreation and Parks Commission, the Central Park Committee and the Conditional Use Permit process.

The Department of Public Works prepared plans and specifications for the project and in accordance with Section 4.08.070 of the Pasadena Municipal Code, bids were requested and received. The project was advertised in the *Pasadena Journal* on September 24, 2015. In addition, the Notice Inviting Bids was published in five trade publications and listed on the City's website, which generated notices to 94 local vendors. Twenty-five contractors obtained bid packets, eleven of whom submitted bids for the project.

Based on The Nazerian Group's bid being non-responsive, the Department of Public Works recommends that the award be rescinded, that all bids received be rejected and the project rebid. It is anticipated that the project can be re-advertised in March of 2016, with construction beginning in August 2015 and completed in January of 2017.

**COUNCIL POLICY CONSIDERATION:**

The project is consistent with the City Council's goals to improve, maintain and enhance public facilities and infrastructure, and support and promote the local economy. It also supports the Public Facilities and Land Use Elements of the General Plan.

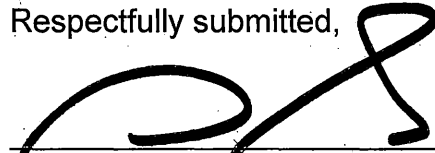
**ENVIRONMENTAL ANALYSIS:**

There is no environmental impact associated with this action.

**FISCAL IMPACT:**

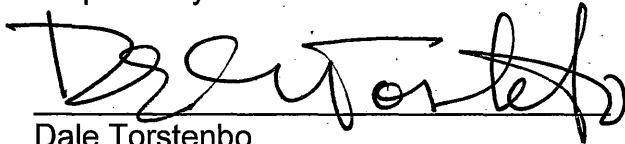
There is no fiscal impact associated with this action.

Respectfully submitted,



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