

# Agenda Report

October 18, 2021

**TO:** Honorable Mayor and City Council

**FROM:** Department of Public Works

**SUBJECT:** **CONTRACT AWARD TO CJ CONCRETE CONSTRUCTION, INC. FOR MISCELLANEOUS SIDEWALK REPAIR 2022 FOR AN AMOUNT NOT TO EXCEED \$1,000,000**

## **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) Guidelines in accordance with Title 14, Chapter 3, Article 19, Section 15301, Class 1, minor alterations of existing public facilities involving negligible or no expansion of use beyond that previously existing at the time of the lead agency's determination, and find that there are no features that distinguish this project from others in the exempt class, and therefore, there are no unusual circumstances;
2. Reject the bids received on May 12, 2021 in response to the Notice Inviting Bids for Miscellaneous Sidewalk Repair 2021 Project; and
3. i) Accept the bid dated September 16, 2021, submitted by CJ Concrete Construction, Inc. in response to the Plans and Specifications for Miscellaneous Sidewalk Repair 2022; ii) reject all other bids; and iii) authorize the City Manager to enter into a contract not to exceed \$1,000,000 which includes the base contract amount of \$842,850 and a contingency of \$157,150 to provide for any necessary change orders.

## **BACKGROUND:**

Chapter 12.04 of the Pasadena Municipal Code states that repair of damaged sidewalk is the adjacent property owner's responsibility. Currently, this ordinance is triggered when a building permit for improvements valued over \$20,000 is obtained or when a property sale requires clearance through the Presale Certification Program. Property owners may hire a contractor to repair existing damage under a Public Works permit, or pay the City (in accordance with City's adopted General Fee Schedule) to include the sidewalk repair in its upcoming concrete sidewalk repair project.

The scope of work includes, but is not limited to, removal and replacement of portions of damaged concrete improvements including sidewalk, colored sidewalk, driveway apron, and associated tree root pruning/cutting, traffic control, and miscellaneous appurtenant work at various locations citywide.

A finding of compliance with the General Plan was previously made and is shown in the Fiscal Year (FY) 2022 - 2026 Capital Improvement Program (CIP) Budget, under Miscellaneous Sidewalk Repair Program, page 2.5 of the Streets and Streetscapes section.

The Department of Public Works previously prepared plans and specifications for the Miscellaneous Sidewalk Repair 2021 Project and in accordance with Section 4.08.070 of the Pasadena Municipal Code (PMC), bids were requested and received. The project was advertised in the local paper on April 22 and April 29, 2021. In addition, the Notice Inviting Bids was published in four trade publications and listed on the City's website, which automatically generated notices to 2,044 trade vendors. Additional notifications were sent out to 115 local vendors based on the list provided by the Department of Finance. A mandatory pre-proposal meeting was conducted on May 3, 2021, with attendance by 17 prospective bidders. There were 59 contractors who obtained bid packets, six of whom were local contractors. Following advertising, bids were electronically received on May 12, 2021. Nine contractors submitted bids for the project of whom one was local.

In accordance with PMC Section 4.08.130, subsection G, the apparent lowest bid was not responsible on the ground that this bidder filed a cross-complaint for indemnity against the City in action related to a previous contract with the City. The City has been tendering its defense to the apparent lowest bidder and its insurance company. On August 16, 2021, the apparent lowest bidder dismissed its cross-complaint against the City and accepted the City's tender of defense.

As there is significant time lapse since the bid opening on May 12, 2021, the rejection of all bids will allow staff to update the project scope and to receive more current prices from interested bidders. In addition, the bid quantities will also be increased to include additional locations from payments received since the April 2021 advertising.

To re-advertise the project with updated quantities, the Department of Public Works prepared plans and specifications for the Miscellaneous Sidewalk Repair 2022 Project, and in accordance with Section 4.08.070 of the Pasadena Municipal Code (PMC), bids were requested and received. The project was re-advertised in the local paper on September 2 and September 9, 2021. In addition, the Notice Inviting Bids was published in four trade publications and listed on the City's website, which automatically generated notices to 2,096 trade vendors. Additional notifications were sent out to 118 local vendors based on the list provided by the Department of Finance. Said list is based on the commodity type(s) registered by vendors corresponding to the work specified in the project specifications, generated from registered vendors on Planet Bids. There were 34 contractors who obtained bid packets, two of whom were local contractors. Eight contractors submitted bids for the project of whom one was local; but deemed non-responsive due to incomplete bid proposal, and other irregularities material to the bid.

Following advertising, 8 bids were received electronically on September 16, 2021. One bid was deemed non-responsive. The result is shown as follows:

Bidder	Amount (\$)
1. CJ Concrete Construction, Inc., Santa Fe Springs	\$ 842,850
2. FS Contractors, Inc., Sylmar	\$ 936,650
3. Vido Samarzich, Inc., Rancho Cucamonga	\$ 951,150
4. Gentry General Engineering Inc., Rancho Cucamonga	\$ 977,150
5. CT&T Concrete Paving, Diamond Bar	\$1,048,490
6. Toro Enterprises, Inc., Oxnard	\$1,156,375
7. Minako America Corporation, Gardena	\$1,373,775
Engineer's Estimate	\$872,000

It is recommended that CJ Concrete Construction, Inc. be awarded the contract for this project as they are the lowest responsive and responsible bidder. The proposed contract with CJ Concrete Construction, Inc. fully complies with the Competitive Bidding and Living Wage Ordinances. In addition, the proposed contract fully complies with the Prevailing Wage Law (Senate Bill 7) per Resolution 9406 adopted by the City Council on December 15, 2014.

The contractor has indicated that the award of this contract will result in no new hires to its present workforce. A Local Preference Provision to recruit Pasadena residents initially and to give them preference, if all other factors are equal, for any new positions for this project was included in the project specifications.

The City has previously contracted with CJ Concrete Construction, Inc. in 2011 for Miscellaneous Concrete Repair with a not-to-exceed amount of \$400,000. In more recent years, said contractor has performed similar concrete repair work for other comparable municipalities including cities of Orange, Long Beach, Cerritos and Norwalk, with contracts varying from \$500,000 to \$1.5 million.

This contract will be set up as follows:

Base Bid	\$ 842,850
Contingency Allowance	\$ 157,150
Contract Not-to-Exceed Amount	\$ 1,000,000

A contingency of 18 percent is allocated to this contract to construct additional concrete sidewalk improvements given private capital payments received subsequent to advertising of the project and to allow for any possible unforeseen conditions that may be encountered. It is anticipated that construction will begin in Winter 2021 and be completed Summer 2022.

#### **COUNCIL POLICY CONSIDERATION:**

The project is consistent with the City Council's goals to improve, maintain and enhance public facilities and infrastructure, and to improve mobility and accessibility throughout the

City. It also supports the Public Facilities Element of the General Plan by maintaining public facilities to enhance the quality of life of the community.

**ENVIRONMENTAL ANALYSIS:**

Pursuant to the provisions of the California Environmental Quality Act (CEQA) and the CEQA Guidelines, the project proposed herein is to be categorically exempt under the California Environmental Quality Act (CEQA) Guidelines in accordance with Title 14, Chapter 3, Article 19, Section 15301, Class 1, minor alterations of existing public facilities involving negligible or no expansion of use beyond that previously existing at the time of the lead agency's determination. There are no features that distinguish this project from others in the exempt class and, therefore, there are no unusual circumstances.

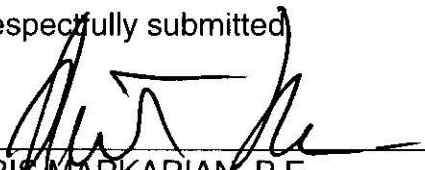
**FISCAL IMPACT:**

The total cost of this contract is \$1,000,000 and the total cost of this action will be \$1,150,000. Funding for this action will be addressed by the utilization of existing budgeted funding in the Miscellaneous Sidewalk Repair Program (73940).

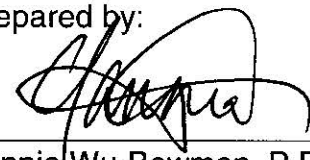
The following table represents a project summary.

Base Bid	\$ 842,850
Contingency	\$157,150
Contract Administration/Inspection	\$150,000
<b>Total Sources</b>	<b>\$1,150,000</b>

Respectfully submitted

For   
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Approved by:

  
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