

Agenda Report

TO: CITY COUNCIL

June 28, 1999

FROM: City Manager

SUBJECT: Contract Award – Union Street Modifications
from Garfield Avenue to 50 Meters West
for an Amount Not to Exceed \$87,300.00

RECOMMENDATION:

It is recommended that the City Council:

1. Accept the bid dated June 9, 1999 submitted by Palp Inc., dba Excel Paving Company in response to the specifications for the Union Street Modifications from Garfield Avenue to 50 Meters West for an Amount Not to Exceed \$87,300.00, reject all other bids received, and authorize the City Manager to enter into such contract as is required.
2. Acknowledge the project to be categorically exempt under the California Environmental Quality Act (CEQA) in accordance with Article 19, Section 15301 (Class 1), subsection (c) of the Resources Agency of California Guidelines (minor alteration involving negligible, expansion of use beyond that previously existing) and authorize the City Manager to execute and the City Clerk to file a Notice of Exemption for the project with the Los Angeles County Clerk.

BACKGROUND:

The subject project is included in the approved Capital Improvement Program. The Department of Public Works and Transportation prepared the plans and specifications and bids have been requested and received.

This project provides for the realignment of the northwest corner of Union Street and Garfield Avenue to reduce the severity of the curves through the intersection. The work consists of the removal of existing concrete and brick sidewalk, concrete and asphalt pavement and reinforced concrete culvert; construction of concrete curb, gutter, pavement, raised island and sidewalk, including inlaid brick; modifications of storm drains, street lights, traffic signals, and striping; and miscellaneous appurtenant work.

A finding of compliance with the General Plan was previously made and is shown on the project's page in the FY 2000-2004 Capital Improvement Program.

Under the State Guidelines for the Implementation of the California Environmental Quality Act (CEQA), this project is categorically exempt since the work consists of minor alteration involving negligible expansion of use beyond that previously existing. Therefore, it is recommended that a Notice of Exemption be filed with the Los Angeles County Clerk.

The project was advertised in The Journal News on May 19, 1999. In addition, the Notice Inviting Bids was published in five trade publications and letters were sent to 18 minority organizations informing them the project was advertised and requesting bids. A total of 13 bid packets were obtained by contractors. Three of the contractors were protected class owned firms, none of which submitted a bid for the project.

Following advertising, bids were received on June 9, 1999 and are as follows:

<u>Bidder</u>	<u>Amount</u>
1. Palp Inc., dba Excel Paving Company, Long Beach	\$79,324.00
2. Los Angeles Engineering Inc., Rosemead	81,172.00
3. E.C. Construction, South El Monte	88,460.20
4. Tyner Paving Company, Los Angeles	93,506.25
Engineer's Estimate	\$77,100.00

An addendum was issued to the bidders of record to correct an error in the Bidder's Proposal. Although the error was minor and readily apparent to experienced contractors, the addendum was issued to avoid the potential for confusion before and after bid opening. An addendum is forwarded to every bidder of which the City has a record; however, the City did not have a record of Pulp Inc., dba Excel Paving Company, and therefore, they were not sent an addendum. However, Pulp Inc., dba Excel Paving Company recognized the error and submitted a correct bid.

Failure to acknowledge receipt of an addendum is a technical defect which can result in the bid being found non-responsive. However, this addendum was issued only to correct a minor obvious error, which the low bidder was able to identify without the addendum. The fact that the low bidder did not receive an addendum is not the low bidder's fault, and as a result, failure to acknowledge this addendum in this case is considered a technical defect that should be waived. The bid submitted is in accord with the addendum. Therefore, Palp Inc., dba Excel Paving Company is the lowest responsive and responsible bidder, and it is recommended that the technical defect be waived and that they be awarded the contract for this project.

The proposed contract with Pulp Inc., dba Excel Paving Company fully complies with the Affirmative Action in Contracting Ordinance and the rules and regulations promulgated thereunder. The contractor selection process fully complied with this ordinance and its rules and regulations. The Contractor has indicated that the award of this contract will result in no new hires for the firm.

The contract for this project will be set up as follows:

Base Bid	\$79,324.00
Contingency Allowance	<u>7,976.00</u>
Contract "Not to Exceed" Amount	\$87,300.00

Construction on this project will begin in August, 1999 with completion in October, 1999.

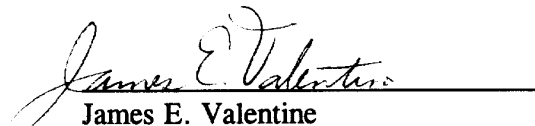
FISCAL IMPACT:

Funds for this project are available in Budget Account No. 73918, Union - Garfield Modification.

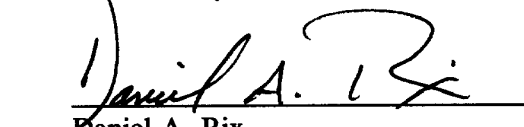
Respectfully submitted,


CYNTHIA J. KURTZ
City Manager

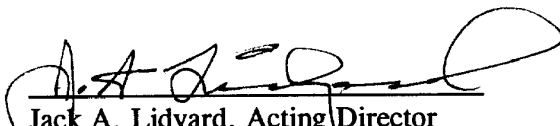
Prepared by:


James E. Valentine
Principal Engineer

Reviewed by:


Daniel A. Rix
City Engineer

Approved by:


Jack A. Lidyard, Acting Director
Public Works and Transportation