

RESOLUTION NO. 2014-_____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA ACCEPTING BIDS, WAIVING THE ERROR IN THE LOW BID FROM ATP GENERAL ENGINEERING CONTRACTORS AS IMMATERIAL, AWARDING THE CONTRACT FOR THE "PAVEMENT MAJOR REHABILITATION FY12/13 (OVERLAY) (STM373)" PROJECT TO ATP GENERAL ENGINEERING CONTRACTORS IN THE AMOUNT OF \$2,917,695.50, APPROPRIATING \$50,406 TO THE SUPPLIES AND SERVICES CATEGORY WITHIN THE PROPOSITION 1B HIGHWAY SAFETY FUND, APPROPRIATING \$478,610 TO CIP STM373 OF PROPOSITION 1B HIGHWAY SAFETY FUND'S FISCAL YEAR 2013-14 BUDGET BASED ON UNANTICIPATED REVENUES, REDUCING THE STM372 AND STM379 CIP BUDGETS BY \$470,000 AND \$322,410 RESPECTIVELY IN TRANSNET FUNDS AND APPROPRIATING THE EQUIVALENT AMOUNTS TO STM373, WAIVING CITY COUNCIL POLICY 574-01 AND AUTHORIZING THE EXPENDITURE OF ALL AVAILABLE CONTINGENCY FUNDS IN AN AMOUNT NOT TO EXCEED \$437,654.33 (4/5 VOTE REQUIRED)

WHEREAS, City staff prepared specifications for the "Pavement Major Rehabilitation FY12/13 (Overlay) (STM373)" and advertised the project on January 10, 2014; and

WHEREAS, on January 29, 2014, the Director of Public Works Engineering received six (6) sealed bids for the project as follows:

	CONTRACTOR	SUBMITTAL RESULTS	TOTAL SUBMITTED
1	ATP General Engineering Contractors – Chula Vista, CA	All requirements met. \$164.00 mathematical error. Actual bid total is \$2,917,883.00.	\$2,917,719.00
2	SRM Contracting and Paving Co. – San Diego, CA	All requirements met	\$3,081,306.00
3	TC Construction Co., Inc. – Santee, CA	All requirements met	\$3,147,315.00
4	PAL General Engineering Contractors – San Diego, CA	All requirements met	\$3,158,928.00

	CONTRACTOR	SUBMITTAL RESULTS	TOTAL SUBMITTED
5	Hazard Construction – San Diego, CA	All requirements met	\$3,383,940.00
6	Portillo Concrete, Inc. – Lemon Grove, CA	All requirements met	\$3,381,473.00

WHEREAS, the apparent low bid submitted by ATP General Engineering Contractors (“ATP”) is below the Engineer’s estimate of \$4,070,687 by \$1,152,968 (or approximately 28.32% below the Engineer’s estimate); and

WHEREAS, a mathematical error was made by ATP in Line Item 12 in that the product of the unit number and the unit price was \$164.00 lower than the actual product; and

WHEREAS, staff has determined that this error was immaterial, would not have afforded ATP a competitive advantage over other bidders, and would not have provided them with justification for withdrawing their bid; and

WHEREAS, in addition to the error being immaterial, had the mathematical calculation had been performed correctly, ATP’s bid would still be the lowest by more than \$160,000; and

WHEREAS, the total “Pavement Major Rehabilitation FY12/13 (Overlay) (STM373)” project is anticipated to cost \$3,793,004.16 including \$437,654.33 for contingencies, staff time, material testing and other cost; and

WHEREAS, the following transfers and appropriations into STM373 are recommended in order to provide sufficient funds for construction costs associated with this project;

- \$478,610 from Proposition 1B
- \$470,000 from STM372 (TransNet)
- \$322,410 from STM379 (TransNet); and

WHEREAS, staff has verified the references and the work performed by the contractor on previous City projects and has found their work to be satisfactory; and

WHEREAS, under Council Policy No. 574-01, the Director of Public Works may approve a contract increase up to \$168,884.78, based upon the base contract amount. It is recommended that the Director of Public Works be authorized to approve change orders, as necessary, up to the maximum 15% contingency amount of \$437,654.33, which is an increase of \$268,769.55 over Policy No. 574-01 in order to continue the project without delay.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Chula Vista does find, having considered the evidence presented in the documents and testimony at the hearing, that the error in the bid from ATP General Engineering Contractors is immaterial and that it is in the public interest to waive the error and accept the bid.

BE IT FURTHER RESOLVED that the City Council of the City of Chula Vista does hereby appropriate \$50,406 to the Supplies and Services Category within the Proposition 1B Highway Safety Fund, appropriate \$478,610 to CIP STM373 of Proposition 1B Highway Safety Fund's Fiscal Year 2013-14 budget based on unanticipated revenues, reduce the STM372 and STM379 CIP budgets by \$470,000 and \$322,410 respectively in TransNet funds and appropriate the equivalent amounts to STM373

BE IT FURTHER RESOLVED that the City Council of the City of Chula Vista does hereby accept bids, waive the error in the low bid from ATP General Engineering Contractors as immaterial, award the contract for the "Pavement Major Rehabilitation FY12/13 (Overlay) (STM373)" project to ATP General Engineering Contractors in the amount of \$2,917,695.50, waive City Council Policy 574-01 and authorize the Director of Public Works to spend all available contingency funds in an amount not to exceed \$437,654.33.

Presented by:

Approved as to form by:

Richard A. Hopkins
Director of Public Works

Glen R. Googins
City Attorney