

RESOLUTION NO. 2014-_____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA WAIVING IRREGULARITIES, ACCEPTING BIDS AND AWARDING LANDSCAPE MAINTENANCE CONTRACTS BETWEEN THE CITY AND BRICKMAN GROUP FOR LANDSCAPE MAINTENANCE SERVICES FOR BID GROUP 1 OPEN SPACE DISTRICTS 1, 17 AND 20 (ZONE 7) IN THE AMOUNT OF \$181,728; BID GROUP 7 TELEGRAPH CANYON ROAD I-805 TO LA FITNESS AND OTAY RANCH VILLAGE 1 WEST SOUTH SLOPES (CFD 99-2) IN THE AMOUNT OF \$140,241; APPROPRIATING FUNDS THEREFOR AS SPECIFIED IN THE BODY OF THIS RESOLUTION; AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE CONTRACT

WHEREAS the City has 42 Open Space Districts and Maintenance Community Facility Districts (collectively the “Districts”) and levies an annual assessment on property owners within each district to provide funding for maintenance of common area spaces; and

WHEREAS the City contracts with landscape firms to provide landscape maintenance services for the Districts; and

WHEREAS in five Districts, the landscape maintenance contracts have lapsed; and

WHEREAS on August 15, 2014, City staff issued a Request for Proposals for landscape maintenance services for common area spaces within five Districts; and

WHEREAS in the Request for Proposal, the common area spaces within the five Districts were broken into two groups (“Bid Groups”) as follows: Group 1 – OSDs 1, 17, and 20 Zone 7; and Group 7 – Telegraph Canyon Road I-805 to LA Fitness and Otay Ranch Village 1 West (South Slopes); and

WHEREAS a mandatory pre-bid meeting was held on August 20, 2014, to review and clarify bid requirements and to emphasize that the bids would be evaluated and contracts awarded by Bid Group to the lowest responsible and responsive bidder for each Bid Group; and

WHEREAS City staff received bids from three landscape maintenance companies and held a public bid opening on September 2, 2014; and

WHEREAS the following bids were received for Groups 1 and 7:

Name of Contractor	Amount of Bid
Brickman Group	\$321,969.00
Aztec Landscaping, Inc.	\$346,509.96
Blue Skies Landscape, Inc.	\$358,059.71

WHEREAS in reviewing the bids, staff determined that some of the documents provided by staff in the bid documents were in conflict with each other. This created an ambiguity in how costs were to be allocated within a Bid Group. Staff expected the costs to be allocated within a Bid Group in one manner; however, the way the bid documents were written, a bidder could have allocated these costs differently. Staff expected bidders to allocate costs for 40 hours, weekly, of irrigation systems maintenance within Bid Group 1 by 23% to District 1 and 77% to District 20 Zone 7. The Brickman Group, however, allocated the 40 hours of irrigation systems weekly maintenance costs within Bid Group 1 by dividing the costs equally among Districts 1, 17, and 20 Zone 7. When the costs were reallocated in the manner staff expected, there was no net change in the dollar amount and Brickman Group Bid was still the lowest bid (\$18,399 less than the second lowest bidder) for that Group. As the bid documents stated that the contract would be awarded to the lowest, responsible bidder by Bid Group, the Brickman Group, regardless of the manner of its allocation of the costs, was the lowest bidder by Bid Group. Even with this error, Brickman Group's corrected bid of \$181,728 is \$18,339 lower than the second lowest bidder. Therefore, the staff recommends waiving the bid irregularity and awarding the contract for Group 1 to Brickman Group in the amount of \$181,728;

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 Brickman Group 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 \$15,000 to the Open Space District 1 Supplies and Services Category from the Open Space District 1 Fund for landscape maintenance services.

BE IT FURTHER RESOLVED that the City Council of the City of Chula Vista does hereby accept the bid, waive the error in the low bid from Brickman Group as immaterial, award a landscape maintenance contract to Brickman Group for Open Space District Groups 1 and 7 in the amount of \$321,969, and authorize the City Manager or his designee to execute the contract.

Presented by

Approved as to form by

Richard A. Hopkins
Director of Public Works

Glen R. Googins
City Attorney