

RESOLUTION NO. 2014-_____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA ACCEPTING BIDS; REJECTING BIDS DECLARED NON-RESPONSIVE; AWARDING THE CONTRACT FOR THE “PHASE I – WILLOW STREET BRIDGE REPLACEMENT (WATER LINE RELOCATION) [CIP No. STL-384, FEDERAL PROJECT NO. BHLS-5203(016)]” PROJECT, INCLUDING ADDITIVE ALTERNATE BID ITEMS, TO TECHCOM INTERNATIONAL, CORPORATION IN THE AMOUNT OF \$3,520,358.40; APPROPRIATING \$534,900 OF NON-DEPARTMENTAL CIP FUNDS BASED ON UNANTICIPATED REVENUE ASSOCIATED WITH UTILITY AGREEMENT WITH CITY OF SAN DIEGO TO CIP No. STL-384; REDUCING THE BUDGET FOR CIP NO. STL-261 BY \$58,740 IN TRANSPORTATION DEVELOPMENT IMPACT FEE FUNDS (TDIF) AND APPROPRIATING THE EQUIVALENT AMOUNT TO CIP NO. STL-384; WAIVING CITY COUNCIL POLICY 574-01; AND AUTHORIZING THE EXPENDITURE OF ALL AVAILABLE CONTINGENCY FUNDS IN AN AMOUNT NOT TO EXCEED \$356,388.

WHEREAS, by Resolution 2014-140, on July 8, 2014, the City Council rejected the bid proposals received on May 21, 2014 for the Phase I – Willow Street Bridge Replacement (Water Line Relocation) [CIP No. STL-384, Federal Project No. BHLS-5203(016)] project (Project) due to various factors and directed the Director of Public Works to re-advertise the project; and

WHEREAS, City staff re-advertised the Project on July 25, 2014 and held a non-mandatory Pre-Bid Meeting on August 14, 2014 to review the project requirements and receive questions regarding the bid documents; and

WHEREAS, the Director of Public Works received and opened three (3) bids from the Project re-advertisement on August 27, 2014 as follows (listed in numerical order of responsive base bid amount):

	CONTRACTOR	BASE BID AMOUNT	ADDITIVE ALTERNATE BID ITEMS	CONTRACT AWARD AMOUNT
1	TechCom International, Corporation (responsive)	\$3,486,000	\$34,358.40*	\$3,520,358.40
2	Metro Builders & Engineers Group, Ltd. (non-responsive)	\$2,859,310	\$86,620*	\$2,945,930
3	GRFCO, Inc. (non-responsive)	\$3,595,000	\$30,000*	\$3,625,000

*Includes Additive Alternate Bid Item No's. 1, 2 and 9 only.

WHEREAS, staff thoroughly reviewed all of the bid proposals received and recommend that the apparent low bidder (Metro Builders & Engineers Group, Ltd.) and third low bidder (GRFCO, Inc.) be declared non-responsive. Staff determined that their bid proposals failed to meet the Disadvantaged Business Enterprise (DBE) Goal and did not satisfactorily demonstrate a DBE Good Faith Effort.; and

WHEREAS, staff determined the bid package submitted by TechCom International, Corporation (second low bid) was complete, with no errors or omissions; and

WHEREAS, the lowest responsive base bid amount submitted by TechCom International, Corporation is above the Engineer's estimate of \$1,910,000 by \$1,576,000 (approximately 82.51%); and

WHEREAS, based on the base bid proposal amounts received from the re-advertisement, City staff has determined that the Engineer's Estimate still underestimated the actual construction costs of the Project and that the bid proposals received reflect the "true" construction costs; and

WHEREAS, Additive Alternate Bid Items were also included in the bid proposal for the Project, but were not considered in determining the lowest responsive bidder. The Additive Alternate Bid Items to be included with the contract are for additional items related to the City of San Diego's water line betterments and maintenance of the stormwater Best Management Practices (BMP's) to overlap Phase II construction (Additive Alternate Bid Item No's. 1, 2 and 9); and

WHEREAS, City staff checked the references that TechCom International, Corporation submitted; all references checked were verified and their work has been satisfactory; and

WHEREAS, staff recommends awarding a construction contract, which includes Additive Alternate Bid Items, to TechCom International, Corporation in the amount of \$3,520,358.40; and

WHEREAS, Utility Agreements, prepared in accordance with Federal procedures, between the City and both water line utility owners (Sweetwater Authority and City of San Diego) have been executed and approved by the City and Caltrans; said agreements outline the details/responsibilities between the City and the utility owners for the Project that includes, but are not limited to, the following items: work to be done, liability of work, performance of work, and payment for work; and

WHEREAS, the City of San Diego's Utility Agreement includes their obligation to pay for their requested water line betterments in the amount of \$534,900; and

WHEREAS, in order to approve change orders as necessary to complete the project without delay, staff requests that City Council waive Council Policy No. 574-01 and increase the Director of Public Works' change order authority to \$157,370; and authorize the expenditure of all available contingency funds in an amount not to exceed \$356,388; and

WHEREAS, the following transfers and appropriations into CIP No. STL-384 are recommended to provide sufficient funds for costs associated with this project:

- \$534,900 from Non-Departmental CIP (contribution from City of San Diego)
- \$58,740 (rounded) from CIP No. STL-261 (TDIF)

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Chula Vista does hereby accept bids, reject bids, appropriate \$534,900 of Non-Departmental CIP Funds based on unanticipated revenue associated with Utility Agreement with City of San Diego to CIP No. STL-384, reduce the budget for CIP No. STL-261 by \$58,740 and appropriate the equivalent amount to CIP No. STL384, and award a public works contract, including Additive Alternate Bid Items, for the “Phase I – Willow Street Bridge Replacement (Water Line Relocation), in the City of Chula Vista California [CIP No. STL-384, Federal Project No. BHLS-5203(016)]” project to TechCom International, Corporation in the amount of \$3,520,358.40; and

BE IT FURTHER RESOLVED, that the City Council of the City of Chula Vista does hereby waive Council Policy 574-01 and authorize the Director of Public Works to approve change orders, as necessary, and expend all available contingency funds in an amount not to exceed \$356,388.

Presented by:

Approved as to form by:

Richard A. Hopkins
Director of Public Works

Glen R. Googins
City Attorney