



# City of Chula Vista

## Staff Report

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**File#:** 15-0003, **Item#:** 17.

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CONSIDERATION OF WAIVING A MINOR MATHEMATICAL ERROR IN THE BID RECEIVED FOR THE "REPLACEMENT OF CURB AND GUTTER CITYWIDE FISCAL YEAR 2014/2015" (Continued from February 17, 2015)

RESOLUTION NO. 2015-055 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA WAIVING A MINOR MATHEMATICAL ERROR; ACCEPTING BIDS; AWARDING A CONTRACT FOR THE "REPLACEMENT OF CURB AND GUTTER CITYWIDE FISCAL YEAR 2014/2015, IN THE CITY OF CHULA VISTA, CALIFORNIA CIP#STL402" PROJECT TO JUST CONSTRUCTION, INC. IN THE AMOUNT OF \$165,686.50; AND AUTHORIZING THE EXPENDITURE OF ALL AVAILABLE CONTINGENCY FUNDS IN AN AMOUNT NOT TO EXCEED \$15,313.50

### RECOMMENDED ACTION

Council conduct the public hearing and adopt the resolution.

### SUMMARY

On January 7, 2015, the Director of Public Works received three (3) sealed bids for the "Replacement of Curb and Gutter Citywide FY2014-2015 in the City of Chula Vista, California CIP#STL402" Project. The project will remove and replace curb, gutter, sidewalk, and driveways displaced by street trees at various locations within the City as listed in Attachment 1. The proposed resolution, if approved, would waive a minor mathematical error, accept bids, award a public works contract to Just Construction, Inc., in the amount of \$165,686.50 and authorize the expenditure of all available contingency funds in the amount not to exceed \$15,313.50.

### ENVIRONMENTAL REVIEW

The Development Services Director has reviewed the proposed project for compliance with the California Environmental Quality Act (CEQA) and has determined that the project qualifies for a Class 1(c) categorical exemption pursuant to Section 15301 (Existing Facilities) of the State CEQA Guidelines. Thus, no further environmental review is necessary.

### BOARD/COMMISSION RECOMMENDATION

Not applicable.

### DISCUSSION

Design staff prepared the sidewalk repair and replacement project bid documents and advertised the project on December 19, 2014.

On January 7, 2014, the Director of Public Works received three (3) bids as follows:

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CONTRACTOR	BID
1. Just Construction, Inc. - San Diego, CA	<b>\$165,686.50*</b>
	(\$163,912.00 Bid Opening)
2. PAL General Engineering, Inc. - San Diego, CA	\$168,349.50
3. Carolino and Sons Engineering, Corp. - National City, CA	\$212,212.00

*\*The submitted bid proposal contained mathematical errors that did not affect the unit price, but affected the total bid amount. Corrections of bid totals did not change the outcome and ranking of the bids.*

Staff's review of the low bid by Just Construction, Inc. found a mathematical error in the submitted bid amount. The corrected bid amount is \$165,686.50, which is an increase of \$1,774.50 from the submitted bid. This correction did not change the ranking order of the bids or affect the unit price of the bid items.

Just Construction, Inc. submitted a letter dated January 9, 2015, as shown in Attachment 2, acknowledging their mathematical error and confirming the corrected bid amount of \$165,686.50. This low bid is below the Engineer's estimate of \$167,198 by \$1,511.50 (approximately 1%). Just Construction, Inc. is a currently active licensed Class A General Engineering Contractor (License No. 968910) and has performed similar work in the City with satisfactory performance. Aside from the mathematical error discussed above, it has been determined that the bid package is complete, with no other errors or omissions.

Staff recommends waiving the minor mathematical error and awarding a construction contract to Just Construction, Inc. in the amount of \$165,686.50.

#### Wage Statement

The contractors who bid on this project are not required to pay prevailing wages to persons employed by them for the work performed under this project. However, a "Notice to Contractors" was sent to various trade publications in order to encourage disadvantaged business enterprises (DBEs) to bid on the project.

#### Disclosure Statement

Attachment 3 is a copy of the Contractor's Disclosure Statement.

#### **DECISION-MAKER CONFLICT**

Staff has reviewed the decision contemplated by this action and has determined that it solely concerns the repair, replacement or maintenance of existing streets, sewer, storm drainage or similar facilities and, as such, the financial effect of the decision on real property is presumed to be not material, pursuant to California Code of Regulations Title 2, sections 18704.2(b)(2). Consequently, this item does not present a conflict under the Political Reform Act (Cal. Gov't Code § 87100, et seq.). Staff is not independently aware, and has not been informed by any **City Council** member, of any other fact that may constitute a basis for a decision maker conflict of interest in this matter.

#### **LINK TO STRATEGIC GOALS**

The City's Strategic Plan has five major goals: Operational Excellence, Economic Vitality, Healthy Community, Strong and Secure Neighborhoods and a Connected Community. The Replacement of

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Curb and Gutter Citywide FY2014-2015 STL402 project supports the Strong & Secure Neighborhoods goal as it provides and maintains curb, gutter, and sidewalk throughout the City in excellent condition, vital to the quality of life for the residents. Well maintained curb, gutter, and sidewalk infrastructure improves safety to pedestrians as well as creates appealing communities to live, work, and play.

#### **CURRENT YEAR FISCAL IMPACT**

Funds for this project were included in the Fiscal Year 2014-2015 budget; no additional appropriations are necessary. The table below summarizes the project costs and the funding sources:

<b>FUNDS REQUIRED FOR CONSTRUCTION</b>	
A. Contract Amount	\$165,686.50
B. Contract Contingency	\$15,313.50
C. Construction Inspection Staff	\$20,000.00
<b>TOTAL FUNDS REQUIRED FOR CONSTRUCTION</b>	<b>\$201,000.00</b>
<b>Funding Source</b>	
STL402 - Gas Tax Fund	\$101,000.00
Street Maintenance Operating Budget-General Fund	\$100,000.00
<b>Total Funding</b>	<b>\$201,000.00</b>

#### **ONGOING FISCAL IMPACT**

Upon completion of the project and one-year contractor maintenance period, the improvements will require only routine maintenance of the street facilities.

#### **ATTACHMENTS**

1. List of Locations
2. Bid Correction Letter
3. Disclosure Statement

*Staff Contact: Patrick Moneda, Acting Senior Civil Engineer*