

STAFF REPORT



ITEM NO. **14**

CITY OF OCEANSIDE

DATE: December 13, 2006
TO: Honorable Mayor and City Councilmembers
FROM: Public Works Department
SUBJECT: **AWARD OF CONTRACT FOR THE FY 2006-07 CITYWIDE SIDEWALK REPAIR PROJECT**

SYNOPSIS

Staff recommends that the City Council award a contract in the amount of \$176,714 to Charles Doherty Concrete of Oceanside for the FY 2006-07 Citywide Sidewalk Repair project and authorize the City Manager to execute the agreement upon receipt of all supporting documents and conduct a Bid Protest Hearing.

BACKGROUND

On October 4, 2006, the City Council approved the plans and specifications and authorized a call for bids. Notices inviting sealed bids were sent to Oceanside contractors and were also advertised in local papers and trade journals in accordance with City's standard bidding procedures.

ANALYSIS

The proposed improvements will remove and replace broken concrete sidewalk, curb and gutter, driveway approaches, and cross gutters throughout the City. On November 13, 2006, the following six (6) bids were received and opened:

Charles Doherty Concrete	\$176,714.00
Built Pacific Inc.	190,235.00
Tri-Group Construction and Development Inc.	224,855.00
Falcon Construction	256,185.00
D. G. Yeager	264,301.70
Romero General Construction	338,016.00

The engineer's estimate of cost is \$200,000. The lowest qualified bidder is Charles Doherty Concrete of Oceanside. Their credentials have been researched and meet the City's requirements. The bid was reviewed and was found to be within market expectations.

On November 14, 2006, staff received a letter of protest from Built Pacific, Inc., - copy attached - the second low bidder, alleging that Charles Doherty Concrete, the lowest bidder had failed to follow the public bid procedure. Staff has reviewed the pertinent sections of the California Public Contract Code and has found the bid submitted by Charles Doherty Concrete to be a valid bid. On November 16, 2006, in a letter to Built Pacific, Inc., staff notified them of its finding and invited their representative to attend the December 13, 2006 City Council meeting and address any concerns they may have regarding this matter. Staff does not consider the Bid Protest to have any merit.

FISCAL IMPACT

The FY 2006-07 Capital Improvement Program appropriation for the Citywide Sidewalk Repair FY 2006-07 (213.755248) was approved by Council in the amount of \$300,000. A carry forward of funds from FY 2005-06 in the amount of \$61,105 was added to the \$300,000 in new funds for a total of \$361,105 available for this project. Therefore, sufficient funds are available to complete the construction.

INSURANCE REQUIREMENTS

The City's standard insurance requirements will be met.

COMMISSION OR COMMITTEE REPORT

Does not apply.

CITY ATTORNEY'S ANALYSIS

The bid documents were previously reviewed by the City Attorney and approved as to form.

The contract must be awarded to the lowest responsible bidder. The Public Contract Code defines "responsible bidder" as a bidder who has demonstrated the attributes of trustworthiness as well as quality, fitness, capacity and experience to satisfactorily perform a public works contract. The City Council also has discretion to reject all bids and re-advertise.

RECOMMENDATION

Staff recommends that the City Council award a contract in the amount of \$176,714 to Charles Doherty Concrete of Oceanside for the FY 2006-07 Citywide Sidewalk Repair project and authorize the City Manager to execute the agreement upon receipt of all supporting documents and conduct a Bid Protest Hearing.

PREPARED BY:



Peter Biniiaz
Project Manager

SUBMITTED BY:



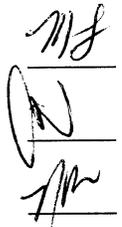
Barry E. Martin
Interim City Manager

REVIEWED BY:

Michelle Skaggs-Lawrence, Assistant to the City Manager

Peter A. Weiss, Public Works Director

Nita McKay, Financial Services Director



BUILT PACIFIC, INC.

State Board Contractors License A-827275

November 14, 2006

NOTICE OF PROTEST

City of Oceanside
Public Works Department
Engineering Division
300 North Coast Highway
Oceanside, CA 92054

Attention: Peter Biniiaz

SUBJECT: Citywide Sidewalk Repair FY2006-07, 213.755248 Project

Dear Mr. Biniiaz:

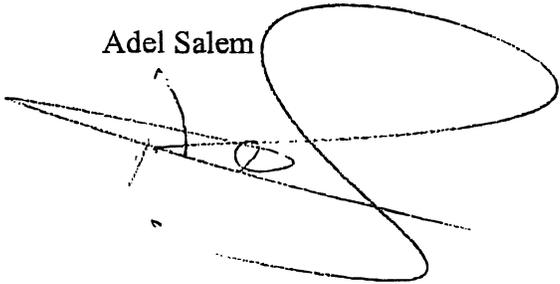
This will serve as a notice of protest for the above subject. The appearance low bidder failed to follow the public bid procedure, as he did not assign a value to line **Item no.1-Traffic Control on the bid schedule.**

For the reason above, we request to not to award the project to the appearance low bidder and award to Built Pacific, the second lowest bidder.

If you have any questions, please call us at our office telephone no. 858-546-0053.

Sincerely,

Adel Salem

A large, stylized handwritten signature in black ink, appearing to be 'Adel Salem', written over the printed name.