TO: HONORABLE CITY COUNCIL

FROM: CITY MANAGER DEPARTMENT: PUBLIC WORKS

DATE: MARCH 6, 2006 CMR:156:06

SUBJECT: APPROVAL OF A CONTRACT WITH SPENCON CONSTRUCTION, INC. IN THE AMOUNT OF $647,767 FOR FISCAL YEAR 2005-2006 SIDEWALK REPLACEMENT PHASE 2 – CAPITAL IMPROVEMENT PROGRAM PROJECT PO-89003

RECOMMENDATION
Staff recommends that Council:

1. Approve and authorize the City Manager or his designee to execute the attached contract with Spencon Construction, Inc. in the amount of $647,767 (Attachment A) which includes Base Bid and Add Alternate for Fiscal Year 2005-2006 Sidewalk Replacement Phase 2 – Capital Improvement Program Project PO-89003.

2. Authorize the City Manager or his designee to negotiate and execute one or more change orders to the contract with Spencon Construction, Inc. for related, additional but unforeseen work which may develop during the project, the total value of which shall not exceed $65,000.

DISCUSSION
Project Description
The work to be performed under this contract is for sidewalk, curb, gutter, asphalt pavement, and catch basin replacements, and Portland cement concrete and asphalt recycling at locations throughout the City. The project also includes the intensive-use sidewalk replacement and the tree well grate installations on downtown University Avenue as shown on Location Map 1 (Attachment B); and the construction of thirty-two curb ramps in compliance with the American with Disabilities Act (ADA). The sidewalk replacement location is shown on Location Map 2 (Attachment B). Work will be stopped during lunch hours to minimize the inconvenience to the merchants and public at downtown University Avenue. The add alternate is located at #400 University Avenue and #3600 Middlefield Road, Fire Station 4.

Bid Process
On December 21, 2005, a notice inviting formal bids for the FY 2005-2006 Sidewalk Replacement Phase 2 Project was posted at City Hall and sent to nine builder’s exchanges and eight contractors. The bidding period was forty-one days. Bids were received from four contractors on January 31, 2006, as listed on the bid summary (Attachment C).
Summary of Bid Process

<table>
<thead>
<tr>
<th>Bid Name/Number</th>
<th>2005-06 Sidewalk Replacement Phase 2/ IFB #114659</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proposed Length of Project</td>
<td>210 calendar days</td>
</tr>
<tr>
<td>Number of Bids Mailed to Contractors</td>
<td>4</td>
</tr>
<tr>
<td>Number of Bids Mailed to Builder’s Exchanges</td>
<td>9</td>
</tr>
<tr>
<td>Total Days to Respond to Bid</td>
<td>41</td>
</tr>
<tr>
<td>Pre-Bid Meeting?</td>
<td>No</td>
</tr>
<tr>
<td>Number of Company Attendees at Pre-Bid Meeting</td>
<td>NA</td>
</tr>
<tr>
<td>Number of Bids Received</td>
<td>4</td>
</tr>
<tr>
<td>Bid Price Range</td>
<td>From a low of $647,766.05 to a high of $835,251</td>
</tr>
</tbody>
</table>

The Certification of Nondiscrimination is Attachment D.

Bids ranged from a low of $647,767 to a high of $835,251. Staff has reviewed all bids submitted and recommends that the low bid of $647,767 submitted by Spencon Construction, Inc. be accepted and that Spencon Construction, Inc. be declared the lowest responsible bidder. The bid is 6.60 percent below the engineer's estimate of $693,374. The change order amount of $65,000 (which equals ten percent of the total contract) is requested for related, additional but unforeseen work which may develop during the project.

Staff checked references supplied by the contractor for previous work performed and found no significant complaints. Staff also checked with the Contractor's State License Board and found that the contractor has an active license on file.

RESOURCE IMPACT
Funds for this project are included in the FY 2005-2006 Capital Improvement Program Sidewalk Replacement Project, PO-89003.

ENVIRONMENTAL REVIEW
This project is categorically exempt from the California Environmental Quality Act (CEQA) under Section 15301(c) of the CEQA guidelines as repair, maintenance and/or minor alteration of existing facilities and no further environmental review is necessary.

ATTACHMENTS
Attachment A: Contract
Attachment B: Location Maps 1 & 2
Attachment C: Bid Summary
Attachment D: Certification of Nondiscrimination

PREPARED BY:

MICHAEL JACKSON
Deputy Director, Public Works/Operations
DEPARTMENT HEAD:

GLENN S. ROBERTS
Director of Public Works

CITY MANAGER APPROVAL:

EMILY HARRISON
Assistant City Manager