TO: HONORABLE CITY COUNCIL
FROM: CITY MANAGER
DEPARTMENT: PUBLIC WORKS
DATE: JUNE 6, 2005
SUBJECT: REQUEST TO RESCIND AWARD OF CONTRACT WITH COAST SIDE ASSOCIATES; APPROVAL OF A BUDGET AMENDMENT ORDINANCE TOTALLING $46,800; AND AWARD OF CONTRACT WITH JMA CONSTRUCTION IN THE AMOUNT OF $344,800 FOR LUCIE STERN CENTER IMPROVEMENTS - CAPITAL IMPROVEMENT PROGRAM PROJECT PF- 01005

RECOMMENDATION
Staff recommends that Council:


2. Approve the attached Budget Amendment Ordinance (BAO) in the amount of $46,800 (Attachment B) to provide an additional appropriation for Lucie Stern Center Improvements, Capital Improvement Program Project PF – 01005 (Attachment C).

3. Approve and authorize the City Manager to execute the attached contract with JMA Construction (Attachment D) in the amount of $344,800 for Lucie Stern Center Improvements - Capital Improvement Program Project PF- 01005.

4. Authorize the City Manager or his designee to negotiate and execute one or more change orders to the contract with JMA Construction for related, additional but unforeseen work that may develop during the project, the total value of which shall not exceed $51,000.

BACKGROUND
In Fiscal Year 2004-05, $266,891 was returned to the Infrastructure Reserve for Lucie Stern Center Improvements as it was not certain that the project would be ready for construction during the year. However, design was completed and the project was bid for construction on November 16, 2004.

The work to be performed under the contract included increasing the electrical service to the building, replacement of selected electrical panels, additional electrical circuits and outlets to meet user needs, accessibility upgrades to the women’s and men’s restrooms, installation of handrails on sloping corridor ramps, providing automatic door opener at entrance to building, accessibility upgrades to the reception counter, and carpet replacement in selected areas.
A notice inviting formal bids for the Lucie Stern Center Improvements project was posted at City Hall and sent to four contractors and six builder's exchanges on October 25, 2004. The bidding period was 21 days. A pre-bid meeting was held on November 4, 2004; four bidders attended the meeting. Bids were received from four qualified contractors on November 16, 2004, as listed on the attached bid summary (Attachment E). Bids ranged from a high of $421,600 to a low bid of $304,011.

### Summary of Bid Process

<table>
<thead>
<tr>
<th>Bid Name/Number</th>
<th>Lucie Stern Community Center Improvements IFB 109422</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proposed Length of Project</td>
<td>4 months</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>6</td>
</tr>
<tr>
<td>Total Days to Respond to Bid</td>
<td>21</td>
</tr>
<tr>
<td>Pre-Bid Meeting?</td>
<td>Yes</td>
</tr>
<tr>
<td>Number of Company Attendees at Pre-Bid Meeting</td>
<td>5</td>
</tr>
<tr>
<td>Number of Bids Received:</td>
<td>4</td>
</tr>
<tr>
<td>Bid Price Range</td>
<td>$304,011 to $421,600</td>
</tr>
</tbody>
</table>

*Bid summary provided in Attachment E. The Certification of Nondiscrimination is Attachment F.

### DISCUSSION
On January 18, 2005, Council awarded a contract to Coast Side Associates along with a “just in time” BAO to cover the cost of the contract (CMR:128:05). When the City sent the contract to Coast Side Associates, it stated that its bid had expired before Council award and it would not be able to perform due to over-scheduling of work. Staff did not rebid because the second low bid was below the engineer’s estimate and in the current economic environment staff did not believe a rebid would result in a lower cost bid. The second low bid contractor, JMA Construction, has agreed to extend its original bid and start the project in September 2005 to meet the client department’s scheduling needs. No changes in scope or price have been negotiated. JMA’s bid price is $37,825 above Coast Side Associates and the contract contingency has been increased by $8,975 to maintain a 15 percent contingency. Staff therefore recommends that the base bid of $336,800 plus Add Alternate #1 of $8,000, to provide and service two temporary toilets, submitted by JMA Construction be accepted and that JMA Construction be declared the lowest responsible bidder. The bid is 17 percent below the engineer's estimate of $408,000. The change order amount of $51,000, which equals fifteen percent of the total contract, is requested due to the age of the facility and lack of adequate documentation of existing conditions which may be discovered during construction and impact the project.

Staff confirmed with the Contractor's State License Board that the contractor has an active license on file. Staff checked references supplied by the contractor for previous work performed and found no significant complaints. The Certification of Nondiscrimination is Attachment F.
**RESOURCE IMPACT**
The attached BAO will transfer $46,800 from the Infrastructure Reserve to this project. This is a one-time expense and no future year resource needs are anticipated as a result of this BAO.

**POLICY IMPLICATIONS**
This recommendation does not represent any change to existing City policies.

**ENVIRONMENTAL REVIEW**
This project is categorically exempt from California Environmental Quality Act under Section 15301 as an alteration to an existing facility, and no further environmental review is necessary.

**PROJECT REVIEW**
1. This project was initially budgeted in 2000-01.
2. This project does not contain any elements requiring review by boards or commissions.
3. This project has been coordinated between the Utilities Department, Planning Department and the Public Works Department.

**ATTACHMENTS**
Attachment A: CMR:128:05 (Award of Contract to Coastside)
Attachment B: Budget Amendment Ordinance (with BAOs Impacting Infrastructure Reserve Approved-To-Date in 2004-05)
Attachment C: CIP Description Page
Attachment D: Contract
Attachment E: Bid Summary
Attachment F: Certification of Nondiscrimination

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