TO: HONORABLE CITY COUNCIL
FROM: CITY MANAGER
DATE: DECEMBER 12, 2005
SUBJECT: APPROVAL OF A CONTRACT WITH HUNG MINH TO IN THE AMOUNT OF $328,000 FOR PARKING LOT R SUPPLEMENTAL LIGHTING PROJECT - CAPITAL IMPROVEMENT PROGRAM PROJECT PE-95030

RECOMMENDATION
Staff recommends that Council:

1. Approve and authorize the City Manager or his designee to execute the attached contract with Hung Minh To in the amount of $328,000 (Attachment A) for Parking Lot R Supplemental Lighting Project Capital Improvement Program (CIP) Project PE-95030, and

2. Authorize the City Manager or his designee to negotiate and execute one or more change orders to the contract with Hung Minh To for related, additional but unforeseen work which may develop during the project, the total value of which shall not exceed $32,800.

BACKGROUND
On March 19, 2001, Council adopted a “Resolution Adopting Engineer’s Report, Confirming the Assessment, Ordering the Work and Directing Actions with Respect Thereto” for the new University Avenue Area Off-Street Parking Assessment District (Assessment District). The Assessment District, which was formed for $49.5 million, financed the construction of two parking garages downtown as well as related design, inspection, finance and bond interest costs. The Lot R (High/Alma South) garage was completed in September 23, 2003 and the Lot S and L garage (Bryant/Lytton) was opened on November 26, 2003. The new garages provide over 900 parking spaces, which is an increase of 700 spaces over what had previously existed in the downtown area.

Funding for the construction was budgeted for in CIP project PE-95030 and paid for within the $45.9 million Assessment District. The project had surplus funds of $4,041,756 of which $3,541,756 was used to redeem a portion of outstanding bonds and another $500,000 was set aside to pay for long-term capital improvements that would someday be needed at the garages (CMR:282:04).

In addition to setting aside $500,000 for future capital improvements, $632,000 was set aside to fund near-term miscellaneous improvements. These were items that were not in the original
construction plans but were identified as needed by the Chamber of Commerce Parking Subcommittee, garage users and maintenance staff. These improvements include improved lighting for the Lot R garage, supplemental exterior entrance signage for both garages, stairwell enclosures at both garages to prevent sleeping under the stairs, pigeon abatement, increased metal framing supports to prevent vandalism to fire exit signs and additional “bang bars” that would help prevent cars from damaging ductwork and other equipment.

**DISCUSSION**

**Project Description**

The work to be performed under the contract is for installation of new lights and replacement or modification of existing lights at parking Lot R. The need for additional lights was identified from complaints from nighttime garage users who stated that the lighting was too dim. Staff checked the lighting at night and agreed that the lighting should be brighter. The new lights installed in the Lot R garage will be the same type as those in the Lot S/L garage.

A notice inviting formal bids for the project was posted at City Hall and sent to six contractors and eight builder's exchanges on June 1, 2005. The bidding period was 20 days. A pre-bid meeting was held on November 3, 2005; two bidders attended the meeting. Bids were received from 2 qualified contractors on November 15, 2005. Bids ranged from a high of $436,000 to a low bid of $328,000. Fourteen bid packages were mailed out but only two contractors responded. The contractors not bidding were either too busy or the work was either too large (or small) for their firm.

**Summary of Bid Process**

<table>
<thead>
<tr>
<th>Bid Name/Number</th>
<th>Parking Lot R Supplemental Lighting Project IFB #112048</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proposed Length of Project</td>
<td>120 days</td>
</tr>
<tr>
<td>Number of Bids Mailed to Contractors</td>
<td>6</td>
</tr>
<tr>
<td>Number of Bids Mailed to Builder’s Exchanges</td>
<td>8</td>
</tr>
<tr>
<td>Total Days to Respond to Bid</td>
<td>20</td>
</tr>
<tr>
<td>Pre-Bid Meeting?</td>
<td>Yes</td>
</tr>
<tr>
<td>Number of Company Attendees at Pre-Bid Meeting</td>
<td>2</td>
</tr>
<tr>
<td>Number of Bids Received:</td>
<td>2</td>
</tr>
<tr>
<td>Bid Price Range</td>
<td>From a low of $328,000 to a high of $436,000</td>
</tr>
</tbody>
</table>

*The Certification of Nondiscrimination is Attachment B.*

Staff has reviewed all bids submitted and recommends that the bid of $328,000 submitted by Hung Minh To be accepted and that Hung Minh To be declared the lowest responsible bidder. The bid is 9 percent above the engineer's estimate of $300,000. The change order amount of $32,800 equals 10 percent of the total contract.

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.
**RESOURCE IMPACT**
Funds for this project are included in CIP project PE-95030.

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

**TIMELINE**
The lights must be ordered and delivered which can take up to twelve weeks. Installation of the lights will be complete within 120 days after the lights are delivered to the site. The work is expected to be complete in the late spring of 2006.

**ENVIRONMENTAL REVIEW**
The building was designed with down turned beams to prevent light spillage so the new lighting will not impact the outside environment. An Environmental Impact Report was prepared as part of the PC zoning application for the garage and was certified by Council on December 20, 1999, Resolution number 7917.

**ATTACHMENTS**
Attachment A: Contract
Attachment B: Certificate of Non-Discrimination

PREPARED BY: ________________________________
KAREN BENGARD
Senior Engineer

DEPARTMENT HEAD: ________________________________
GLENN S. ROBERTS
Director of Public Works

CITY MANAGER APPROVAL: ________________________________
EMILY HARRISON
Assistant City Manager