



City of San Leandro

Meeting Date: October 6, 2014

Staff Report

File Number: 14-375 **Agenda Section:** CONSENT CALENDAR

Agenda Number: 8.F.

TO: City Council

FROM: Chris Zapata
City Manager

BY: Uchenna Udemezue
Engineering & Transportation Director

FINANCE REVIEW: David Baum
Finance Director

TITLE: Staff Report for a Resolution of Award of Construction Contract to Frisco Pro Building Services, Incorporated for the Marina Community Center Storefront Window Replacement, Project No. 2005.0060

SUMMARY AND RECOMMENDATIONS

This contract provides for the replacement of storefront windows at the Marina Community Center.

Staff recommends award of a contract to the lowest responsible bidder, Frisco Pro Building Services, Incorporated, in the amount of \$87,500 for the subject project.

BACKGROUND

This project will replace four bays of storefront windows along the frontage of the Marina Community Center (MCC) building. These windows have water leaks during periods of heavy rain and need replacement.

This is the second request for bids for this project. The first bid advertisement resulted in four bids which were rejected because they exceeded the engineer's estimate. The project was adjusted to reduce costs by adjusting contractor licensing requirements, clarifying the window specifications, and modifying the project's general conditions.

As the engineer's estimate is less than \$100,000, this project is not subject to San Leandro Local Business Preference and Participation Goals.

Analysis

Bids were opened on August 21, 2014. Four bids were received, ranging from \$87,500 to \$137,814. The low bidder was Frisco Pro Building Services, Incorporated. The low bid

amount is 6% above the engineer's estimate of \$82,696. After review of the bids, staff finds it unlikely that a lower cost can be achieved by rebidding the work without compromising the objectives of the project.

A bid protest was filed by the second low bidder, Alex Kushner General Contractor. The bid protest asserts that omission of an addenda acknowledgement, the low bidder's lack of public works experience, and that the low bidder did not list a subcontractor to complete the carpet installation, renders the low bid non-responsive. After technical and legal review of the bid and the bid protest, staff determined that the omission of the addenda acknowledgement signature was not a material defect as to render the bid non-responsive; the bidder meets the licensing and bonding requirements for the project - both of which mitigate concerns regarding experience; and bidders were not required by the specifications or by law to list subcontractors who will not perform greater than one-half of one percent of the amount of the prime contractor's bid, or if the prime contractor elects to self-perform the work. Here, Frisco Pro Builders represents that it is capable and will self-perform the carpet installation work. For these reasons, the bid protest is without merit and is rejected.

Previous Actions

On July 21, 2014, by Resolution Number 2014-087, the City Council rejects all bids for the first advertisement of the Marina Community Center (MCC) Storefront Window Replacement

Applicable General Plan Policies

This project is consistent with General Plan Goal No. 52.07 to provide for the ongoing maintenance of City-owned facilities.

Environmental Review

This project is categorically exempt from CEQA per Section 15301(c) - Existing Facilities.

Summary of Public Outreach Efforts

This project was posted on the City's website and advertised in the Daily Review on July 30, 2014. Notification of this bid opportunity was also sent to local Builder's Exchanges as well as contractors who registered with the City to be informed of bidding opportunities.

Code Compliance Review

A City of San Leandro Building Permit will be obtained for this work.

Fiscal Impacts

Total project cost is anticipated to be \$124,500; including project contingencies and City staff design and construction management costs.

Budget Authority

This project is funded by existing appropriations of Facilities Maintenance Funds in CIP accounts 687-18-135 and 687-18-007. In the FY 2012-13 adopted budget \$116,000 was appropriated in 687-18-135. To provide additional funds for construction contingency, Public Works will transfer \$8,500 from the Building Maintenance Fund for Facilities Capital Improvements 687-18-007 for a total allocation of \$124,500 in the 687-18-135 account. Currently, the balance remaining for this project is \$106,169 which allows enough funding to award the construction contract.

ATTACHMENT

- Bid Summary

PREPARED BY: Mark Goralka, Associate Engineer, Engineering and Transportation Department

BID SUMMARY



This document is a summary of bids received for the subject project and are provided only as a convenience. Listing of a particular bid is not a finding that such bid has been found to be responsive or accepted as complete by the City. An award of contract, if any, is subject to approval of the City Council and/or the City Manager. Contractors should refer to the contract documents for bidding information.

PROJECT TITLE: MCC Storefront Window Replacement
PROJECT NO.: 2005.0060
BID NO.: 14-15.003

BID OPENING		ENGINEER'S ESTIMATE		Frisco Pro Building Service, Inc.		Alex Kushner General Contractor		Arcana Building Solutions		
DATE: Thursday, August 21, 2014 TIME: 3:00 p.m. LOCATION: City Clerk's Office		Date Approved: 7/24/2014 Prepared by: M. Goralka		1263 Silver Avenue San Francisco, CA 94134 Phone: (415) 412-6613 Fax: (415) 449-6000		1935 Republic Avenue San Leandro, CA 94577 Phone: (415) 756-0945 Fax: (415) 358-5769		1750 Meridian Avenue, #5244 San Jose, CA 95150 Phone: (408) 706-6139 Fax: (408) 706-5577		
ITEM NO.	ITEM	QUANTITY	UNIT COST	ITEM COST	UNIT COST	ITEM COST	UNIT COST	ITEM COST	UNIT COST	ITEM COST
9	All work shown on plans or required by specifications	1 LS	\$82,696.00	\$82,696.00	\$87,500.00	\$87,500.00	\$100,000.00	\$100,000.00	\$119,430.00	\$119,430.00
TOTAL BASE BID:				\$82,696.00	\$87,500.00		\$100,000.00		\$119,430.00	
SUBCONTRACTORS:				None		S & H Concrete Bob Smith Glass & Aluminum Lincoln Glass		M D Glass, Inc. Conklin Bros., Inc.		
SECURITIES:				10% Bid Bond		10% Bid Bond		10% Bid Bond		
				** Acknowledgement for Addendum #1 Not Received		** Addendum #1 Received		** Addendum #1 Received		

NOTES

Reviewed by: *Mark Goralka* **Date:** 8/29/14
 Mark Goralka, Project Manager

Reviewed by: *Nick Thom* **Date:** 8/29/14
 Nick Thom, Senior Engineer

BID SUMMARY



This document is a summary of bids received for the subject project and are provided only as a convenience. Listing of a particular bid is not a finding that such bid has been found to be responsive or accepted as complete by the City. An award of contract, if any, is subject to approval of the City Council and/or the City Manager. Contractors should refer to the contract documents for bidding information.

PROJECT TITLE: MCC Storefront Window Replacement
 PROJECT NO.: 2005.0060
 BID NO.: 14-15.003

BID OPENING		ENGINEER'S ESTIMATE		Gamma Builders, Inc.		ACR Glazing Contractors, Inc.		
DATE: Thursday, August 21, 2014 TIME: 3:00 p.m. LOCATION: City Clerk's Office		Date Approved: 7/24/2014 Prepared by: M. Goralka		2967 Michelson Drive, Suite G-710 Irvine, CA 92612 Phone: (949) 525-8835 Fax: (949) 271-4655		8124 Capwell Drive Oakland, CA 94621 Phone: (510) 430-2977 Fax: (510) 430-2885		
ITEM NO.	ITEM	QUANTITY	UNIT COST	ITEM COST	UNIT COST	ITEM COST	UNIT COST	ITEM COST
9	All work shown on plans or required by specifications	1 LS	\$82,696.00	\$82,696.00	\$128,300.00	\$128,300.00	\$137,814.00	\$137,814.00
TOTAL BASE BID:				\$82,696.00	\$128,300.00		\$137,814.00	
SUBCONTRACTORS:					Tal Naor Lincoln Glass & Mirror		None	
SECURITIES:					10% Bid Bond		10% Bid Bond	
NOTES:					** Addendum #1 Received		** Addendum #1 Received	

Reviewed by: *Mark Goralka*
 Mark Goralka, Project Manager

Reviewed by: *Nick Thom*
 Nick Thom, Senior Engineer

Date: 8/25/14

Date: 8/25/14



City of San Leandro

Meeting Date: October 6, 2014

Resolution - Council

File Number: 14-376

Agenda Section: CONSENT CALENDAR

Agenda Number:

TO: City Council

FROM: Chris Zapata
City Manager

BY: Uchenna Udemezue
Engineering & Transportation Director

FINANCE REVIEW: David Baum
Finance Director

TITLE: RESOLUTION Awarding Construction Contract to Frisco Pro Building Services, Incorporated for Marina Community Center (MCC) Storefront Window Replacement, Project No. 2005.0060 (replaces leaking storefront windows by the front entry of the MCC at a cost of \$87,500 using existing appropriation of Facilities Maintenance Funds in CIP accounts 687-18-135 and 687-18-007)

WHEREAS, the City of San Leandro did, on August 21, 2014, publicly open, examine and declare all sealed proposals or bids for doing the work described in the bid documents for the subject project; and

WHEREAS, said proposals were submitted to the Engineering and Transportation Director who has found that the proposal hereinafter mentioned is the lowest responsive bid by a responsible bidder for doing said work.

NOW, THEREFORE, the City Council of the City of San Leandro does RESOLVE as follows:

That said City Council hereby rejects all of said proposals or bids except that herein mentioned; hereby waives any irregularities in the proposal or bid of the lowest responsible bidder; and hereby awards the contract for doing said work to the lowest responsible bidder therefore, to wit Frisco Pro Building Services, Incorporated, in the amount of \$87,500.

BE IT FURTHER RESOLVED:

That if the above named contractor is unable to execute the contract, then the City Manager is authorized to award this contract to the next lowest responsive bid by a responsible bidder, execute all documents to effect the award, and take all actions necessary to recover any bid security from the low bidder necessary to make the City whole in its acceptance of the lowest bid.