

**Agenda Item: ID#17-1508**

**Date: 12/7/17**

REC'D DEC 5 '17 AM 10:11  
FRESNO CITY CLERK

# **FRESNO CITY COUNCIL**



## **Supplemental Information Packet**

**Agenda Related Item(s) – ID#17-1508**

### **Contents of Supplement: Amended Title and Amended Staff Report**

#### **Item(s)**

Reject all bids for the Cary Park Restroom Replacement Project - Bid File No. 3554 (Council District 4)

#### **Supplemental Information:**

Any agenda related public documents received and distributed to a majority of the City Council after the Agenda Packet is printed are included in Supplemental Packets. Supplemental Packets are produced as needed. The Supplemental Packet is available for public inspection in the City Clerk's Office, 2600 Fresno Street, during normal business hours (main location pursuant to the Brown Act, G.C. 54957.5(2)). In addition, Supplemental Packets are available for public review at the City Council meeting in the City Council Chambers, 2600 Fresno Street. Supplemental Packets are also available on-line on the City Clerk's website.

#### **Americans with Disabilities Act (ADA):**

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, sign language interpreters, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 621-7650. Please keep the doorways, aisles and wheelchair seating areas open and accessible. If you need assistance with seating because of a disability, please see Security.

## **REPORT TO THE CITY COUNCIL**

**December 7, 2017**

**FROM:** SCOTT L. MOZIER, PE, Director  
Public Works Department

**BY:** ROBERT N. ANDERSEN, PE, Assistant Director  
Public Works Department

L. NATHAN SANCHEZ, Project Manager  
Public Works Department, Facilities Management Division

### **SUBJECT**

..Title

Actions pertaining to Cary Park:

1. Reject all bids for the Cary Park Restroom Replacement Project - Bid File No. 3554
2. Adopt a finding of Categorical Exemption pursuant to California Environmental Quality Act Guidelines Section 15301
3. Authorize the City Manager or designee the authority to execute a cooperative purchase requirements contract, subject to the City Attorney approval, in the amount of \$194,531 with Texas Buyboard/Public Restroom Company.

..Body

### **RECOMMENDATION**

Staff recommends that Council reject all bids received September 5, 2017, for the Cary Park Restroom Replacement project and authorize the City Manager or designee to execute a cooperative purchase requirements contract, subject to the City Attorney approval, in the amount of \$194,531 with Texas Buyboard/Public Restroom Company using Bid No. 512-16 for a pre-fabricated restroom (District 4)

### **EXECUTIVE SUMMARY**

Staff recommends that Council reject all bids for the Project, Bid File 3554. The apparent lowest bid was 48.7% higher than Engineer's Estimate and would require additional appropriations. After review of all bids, and given the additional costs, as well as the subsequent delays that rebidding would create, it was determined that it would not be prudent to amend the project specifications to allow the bids to come in within the projects budget.

Therefore, in an effort to mitigate both the additional costs and subsequent project delays that a second bid would create, staff is also seeking authority to execute a cooperative purchase contract to purchase a pre-fabricated restroom. The ability to purchase a pre-fabricated restroom would allow the project to be completed using existing appropriations and would result in the bathrooms being installed by early April, 2018.

## **BACKGROUND**

On May 26, 2016, an agreement was executed with The Vernal Group for the preparation of plans and general construction contract documents to replace the restroom at Cary Park. Plans and specifications were developed and a Notice Inviting Bids was published in the Business Journal on August 31, 2017, and posted on the City's website and faxed to ten (10) building exchanges. The specifications were distributed to twenty (20) prospective bidders. One (1) sealed bid proposal was received and opened in a public bid opening on September 5, 2017, with a bid of \$391,000 for the Total Net Base Bid.

The apparent lowest bid calculated out to be 48.7% above the Engineer's Estimate for this scope of work. After review of all bids, and given the impacts to both the cost and further delays in the City's ability to deliver this project, amend the project specifications to allow the bids to come in within the projects budget would only generate further delays and do very little to reduce the costs of construction.

Therefore, it is staff's recommendation that Council reject all bids received on September 5, 2017, for the Project and authorize the procurement of a pre-fabricated restroom directly from the manufacturer via a cooperative requirement or "piggyback" contract. Purchasing has already begun the process of getting a contract in place so the restroom can be purchased within a month; if not sooner. Once the restroom has been ordered, the manufacturer will take eight to ten (8-10) weeks to fabricate the building. During this time, a local contractor will be hired via the Job Order Contracting [JOC] program to perform the demolition of the existing building and prepare the site for the new building. The City has established a JOC program that was approved by City Council on September 28, 2017. Installation of the new building should take approximately two (2) weeks once the unit arrives.

It is anticipated that procuring the restroom via piggyback and utilizing the JOC program for the associated demolition and concrete work will result in a \$96,000 savings, versus awarding to the current low bidder. In addition, the piggy back method and the JOC program will save at least three (3) months as compared to re-bidding a traditional contract. Staff anticipates the new restroom will be installed and ready for public use by April 2018.

## **ENVIRONMENTAL FINDINGS**

Staff has performed a preliminary environmental assessment of this project and has determined that it falls within the Class 1 Categorical Exemption set forth in CEQA Guidelines, Section 15301, as this contract is for the installation of prefabricated restroom at Cary Park. Furthermore, none of the exceptions to the Categorical Exemptions set forth in the CEQA Guidelines, Section 15300.2 apply to this project.

## **LOCAL PREFERENCE**

Local preference was not implemented because staff is requesting to reject all bids and is using a cooperative purchase requirements contract.

## **FISCAL IMPACT**

Implementation of the staff recommendation will have no impact upon the City's General Fund as staff is requesting Council reject all bids and authorize the City Manager or designee the authority to execute a cooperative purchase requirements contract, subject to the City Attorney approval, in the amount of \$194,531 with Texas Buyboard/Public restroom Company Bid No. 512-16 for a pre-fabricated restroom. There are sufficient appropriations to fund this project through the cooperative purchase agreement and JOC program.

Attachment: Bid Evaluation

**EVALUATION OF BID  
PROPOSALS**

Page 1

**FOR: CARY PARK RESTROOM REPLACEMENT**

Bid File No. 3554  
Bid Opening: 9/5/17

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**BIDDERS**

**TOTAL BID AMOUNT**

1. Siotos Construction Inc.  
1327 Paris Way  
Livermore, CA 94550

\$391,000.00<sup>①</sup>

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Each bidder has agreed to allow the City sixty-four (64) days from date bids are opened to accept or reject their bid proposal. Purchasing requests that you complete the following sections and return this bid evaluation to the Purchasing Unit at the latest by Tuesday, September 19, 2017, 5:00 P.M.

The Engineer's Estimate for this expenditure is \$ 263,000. The contract price is 48.7 % above/below the Engineer's Estimate. If the overage is greater than 10% or only one bid was received, give explanation:

Only one bid was submitted with a considerable mark-up on all of the bid items. The pre-fabricated building manufacturer specified in the plans and specs did not submit cost to the prospective bidders because of their unusual high amount of orders at this time. The lowest bidder used an "or equal" who's cost are considerably more than the model specified.

BACKGROUND OF PROJECT (To be completed by Evaluating Department/Division. Explain need for project/equipment):

DEPARTMENT CONCLUSIONS AND RECOMMENDATION:

☐ Award a contract in the amount of \$ \_\_\_\_\_  
to \_\_\_\_\_

**EVALUATION OF BID**  
**PROPOSALS**

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FOR: **CARY PARK RESTROOM REPLACEMENT**


Bid File No. 3554  
Bid Opening: 9/5/17

as the lowest responsive and responsible bidder.

Remarks:

☒ Reject all bids. Reason: Lowest bid is 48.7% more than the engineers estimate and well above the budget for this project.

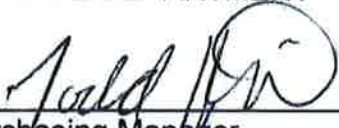
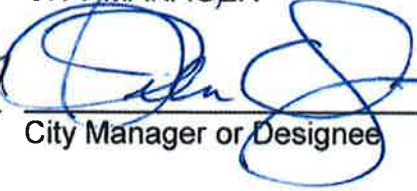

Department Head Approval

  
\_\_\_\_\_  
Title Director  
Date 9/21/17

☒ Approve Dept. Recommendation ☒ Approve Finance/Purchasing Recommendation  
☐ Disapprove ☐ Disapprove  
☐ See Attachment

FINANCE DEPARTMENT

CITY MANAGER

  
\_\_\_\_\_  
Purchasing Manager Date 9/25/17  
  
\_\_\_\_\_  
City Manager or Designee Date 9/26/17  
  
\_\_\_\_\_  
Finance Director Date 9/25/17