

**MOORPARK CITY COUNCIL
AGENDA REPORT**

TO: The Honorable City Council

FROM: Allen M. Walter, Parks and Landscape Superintendent *AW*

DATE: August 26, 2010 (CC Meeting of September 1, 2010)

SUBJECT: Consider Rejection of Lowest Bidder, MACCOR Construction, and Approve Selection and Award of Contract to Second Lowest Bidder, Bottenfield Construction, for Glenwood Park Restroom Construction

SUMMARY

At the December 16, 2009, City Council meeting, Council approved staff's recommendation to proceed with a conventional design and construction plan of restrooms at Glenwood Park. Council also authorized the City Manager to execute an agreement with Martinez Architects for the architectural design services and PICON, Inc. (Phil Vein) for pre-construction coordination, construction, and closeout services.

At the June 16, 2010, City Council meeting, the Council authorized solicitation of bids for construction of the new restroom facility. The Council is now being asked to award a contract to the second lowest qualified bidder.

DISCUSSION

On August 3, 2010, the City Clerk received and opened sealed bids for the Glenwood Restroom Project. Five (5) sealed bids were received by the City within the prescribed submission time period. All bidder proposals received met the bid requirements to attend the pre-construction conference and to include bid bonds or cashiers checks in the proposal submittal.

The submitted construction bids are as follows:

Bid Order	Bidder	Total Bid Price
1	MACCOR Construction	\$193,000
2	Bottenfield Construction	\$238,910
3	Malibu Pacific Tennis Court, Inc.	\$249,940
4	Public Works Construction	\$258,850
5	SBS Corporation	\$264,376

The City satisfied competitive bid requirements by using the standard bid process. Construction cost proposals were accepted from single general contractors that could inclusively provide restroom building construction, site work, and all utilities. Managing all of the work with a single general contractor lessens any construction conflicts and the potential for change orders.

After the City accepted the bid proposals, the lowest recorded bidder was MACCOR Construction with a bid of \$193,000. After a review of MACCOR Construction's bid proposal documents, it was found that MACCOR was not responsive to the licensing requirements or the reference requirements of the bid documents.

Licensing Requirements

The review of MACCOR Construction bid documents revealed that MACCOR Construction, California State Contractor License number 912642 is a Class B General Building Contractor License for structure work. This License does not allow for work within the City right-of-way. The selected contractor must access the right-of-way (Harvester Street) for restroom sewer connection.

The Glenwood Restroom plans, page C.1, note #26, denotes work within the City right-of-way requiring approval from the City and Ventura County Waterworks District #1. The City requires Class A, C-36 or C-42 licensed contractor or subcontractor to work in the right-of-way. The Ventura County Waterworks District #1 will not issue a permit without a Class A, C-36 or C-42 license to a contractor or subcontractor to work in the right-of-way. MACCOR Construction's License did not fulfill this requirement, and their subcontractor list does not include a contractor with the Class A License.

MACCOR Construction's Class B License does not allow for C-27, landscape and irrigation work, and no C-27 subcontractor was listed to perform this work (per Technical Specifications, Section 02810, Part 1, subsection 1.02 E).

Reference Requirements

Bidder qualifications required MACCOR Construction to provide at least three (3) references from owner contracted public projects, with a value of \$500,000 or more and one similar Public Project in which the bidder was the entity submitting the proposal. The references included in the bid by MACCOR did not include the references required by the bid documents. For that reason, City staff is recommending that the City Council reject the MACCOR bid as non-responsive to the bid documents.

If the City rejects the MACCOR Construction bid, then the next lowest bidder may be selected. Bottenfield Construction is the next lowest bidder at \$238,910, which exceeds MACCOR's bid by \$45,910. The comparison is as follows:

Glenwood Park Restroom Estimated Total		
Description	MACCOR	Bottenfield
Construction and Site Work	\$193,000	\$238,910
Architect and Project Coordination Services	\$ 41,200	\$ 41,200
Permits and Fees (Water, Sewer, CIC)	\$ 22,200	\$ 22,200
Project 10% Contingency	\$ 29,000	\$ 29,000
Estimated Restroom Construction Total:	\$285,400	\$331,310

The Bottenfield Construction proposal documents were reviewed for bidder qualifications and compliance. All of the documents complied with the Project Manual and Specification requirements and appropriate California State Contractors licenses for both prime contractor and subcontractors. Bottenfield Construction listed public sector projects at several school districts with contracts over \$500,000. Bottenfield Construction has submitted a responsive bid.

FISCAL IMPACT

Glenwood Park is within Park Improvement Zone III. The estimated cost of the project included in the City's FY 2009/10 Capital Improvement Budget is \$246,696. If Bottenfield's bid is accepted, the project cost will exceed the budget by \$84,614.

If the City Council awards the contract to Bottenfield, the additional \$84,614 needed to complete the project is within Park Improvement Zone III revenues (developer fees). At the end of FY 2009/10, Zone III had a fund balance of \$353,413, sufficient to cover the additional cost.

STAFF RECOMMENDATION

Reject the bid of MACCOR Construction as non-responsive on the licensing and reference requirements, award the contract to the next lowest qualified bidder, Bottenfield Construction, and authorize the City Manager to execute an Agreement with Bottenfield Construction for the Glenwood Park Restroom construction, subject to final language approval of the City Manager and City Attorney.

Attachment A: Agenda Report authorizing bid process

**MOORPARK CITY COUNCIL
AGENDA REPORT**

TO: The Honorable City Council

FROM: Allen M. Walter, Landscape/Parks Maintenance Superintendent

DATE: May 4, 2010 (Meeting of June 16, 2010)

SUBJECT: Consider Glenwood Park Restroom Construction Plans and Specifications

SUMMARY

At the December 16, 2009, City Council meeting, Council approved staff's recommendation to proceed with a conventional design and construction plan of restrooms at Glenwood Park. Council also authorized the City Manager to execute an agreement with Martinez Architects, Inc. for the architectural design services and PICON, Inc. for pre-construction coordination, construction, and closeout services.

Martinez Architects and PICON have developed a construction design and specifications for the Glenwood Park restrooms. The Council is now being asked to approve construction designs and specifications, and authorize solicitation of bids for construction of the new restroom facility.

DISCUSSION

The City's Fiscal Year 2009/10 Capital Improvement Budget includes \$260,000 for construction of a public restroom at Glenwood Park. With a ten percent (10%) contingency, the restroom project total estimate is \$323,080.

Martinez Architects and PICON have prepared the construction design and specifications for a 380 square foot restroom at Glenwood Park. Construction and required amenities will adhere to the Americans with Disabilities Act (ADA) requirements. The restroom will contain City park restroom standard amenities. The women's restroom contains two toilets (one ADA accessible), the men's has one toilet (ADA accessible) and one urinal, plus sinks and hand dryers. The storage area was eliminated to reduce construction cost and will not affect use or function of the restroom.

The City has completed the soils test and the civil engineering and utility plans for the restroom at Glenwood Park. The City electrical contractor has provided provisions to protect the shared power source conduit added to the power electronic marquee sign and the proposed restroom. Measures are in place to prevent long-term interruption of the marquee sign during construction and conversion of the shared conduit power source. The estimated construction period will be 75 days, excluding weekends and holidays, following issuance of the "Notice to Proceed."

FISCAL IMPACT

Glenwood Park is within Park Improvement Zone III; therefore, the restroom project is funded by Zone III revenues (developer fees). The project cost estimate is \$323,080 as seen in the table below.

As a reminder, this fund is projected to have a positive fund balance of about \$258,000 on June 30, 2010. The total budget allocation for Zone III in FY 2010/11 is about \$336,000. If all is built in FY 2010/11, this fund is projected to have a negative fund balance of approximately \$75,000 on June 30, 2011. We have not projected receipt of any developer fee revenues for FY 2010/11 for Zone III and don't anticipate any for about three years.

Glenwood Park Restroom Cost Estimates	
Description	Cost Estimate
Construction and Site Work	\$230,680
Architect and Project Coordination Services	\$ 41,200
Permits and Fees (Water, Sewer, CIC)	\$ 22,200
Project 10% Contingency	\$ 29,000
Total	\$323,080

The City will satisfy competitive bid requirements by using the standard bid process. Construction cost proposals will only be accepted from single general contractors that can inclusively provide restroom building construction, site work, and all utilities.

With the City Council's approval of construction designs and specifications, staff will proceed with bid solicitation for Glenwood Park restroom construction. After receiving construction bids, staff will return to the Council to award a construction contract to the lowest qualified bidder. At that point, staff will present a recommendation, and possibly a loan request, from another fund.

STAFF RECOMMENDATION

Approve the design and specifications for restrooms at Glenwood Park and authorize bid process.