

TO: James L. App, City Manager
FROM: Doug Monn, Public Works Director
SUBJECT: Library/City Hall Sulfur Spring Remediation -- Landscaping
DATE: January 18, 2011

NEEDS: For City Council to consider a contract to install landscaping around the Library/City Hall as part of the Sulfur Spring Remediation Project.

- FACTS:**
1. The San Simeon earthquake of 2003 resulted in a geo-thermal spring surfacing in the City Hall Parking lot.
 2. The earthquake and ensuing sulfur waters destroyed a portion of the established landscaping.
 3. Work to restore the parking lot landscaping is not covered by FEMA reimbursement and therefore must be performed under a separate construction contract.
 4. On July 20, 2010, City Council approved the landscaping plans and directed staff to advertise for bids. Phase 1 (Base Bid) and Phase 2 (Add Alternate) were bid with an estimated total cost of \$234,000.00. (See attached for illustration of Phase 1 and Phase 2 landscape improvements.)
 5. At the bid opening on November 4, 2010, 4 bids were received as follows:

Martinelli Landscape Construction	Phase 1	\$105,091.50	Phase 2	\$89,092.40
Reber Landscape Construction	Phase 1	\$141,453.65	Phase 2	\$60,790.30
Spieß Construction Co.	Phase 1	\$212,412.00	Phase 2	\$99,050.00
Clean Cut Landscape	Phase 1	\$225,118.45	Phase 2	\$66,727.54

**ANALYSIS &
CONCLUSION:**

The Base Bid submitted by Martinelli Landscape Construction is incomplete. Specifically, Martinelli did not include information regarding its experience with similar projects, which the bid documents required. Martinelli may have gained a competitive advantage over other bidders by omitting this information; submitting a nonresponsive bid could provide an opportunity to decide whether to provide the missing information after hearing the other bids, in effect, withdrawing its bid without forfeiting the bid security. A public agency cannot accept a nonresponsive bid. Accordingly, staff recommends that the City Council reject Martinelli's bid and award the contract to Reber Landscape Construction, which submitted the lowest responsive bid.

Reber Landscape Construction submitted a complete bid package. Reber's bid of \$202,243.95 for installation of both Phase I and Phase II is 16% (\$31,756) below the original engineer's estimate. Installation of both phases, introduction of the amended planting mix and reduction of the turf consistent with the City's landscape ordinance would result in annual savings of \$3,700 for reduced maintenance and water use.

**POLICY
REFERENCE:** Public Contract Code

**FISCAL
IMPACT:**

The following is a summary of the funding needs for this project:

Construction – Phase I	\$ 141,453.65
Construction – Phase II	60,790.30
Contingency (10%)	<u>20,224.40</u>
	\$ 222,468.35

Cost to install landscaping to be appropriated from Redevelopment Bond Proceeds to Budget No. 700-910-5452-260 for \$222,468.

OPTIONS:

- a. Adopt Resolution No. 11-xx to:
 - 1) Award only Phase 1 landscaping to be installed at the Library/City Hall to Reber Landscape Construction in the amount of \$141,453.65, and
 - 2) Appropriate \$155,599 to Account No. 700-910-5452-260.

- b. Amend Resolution No. 11-xx to:
 - 1) Award the contract to install both Phase 1 and 2 landscaping at the Library/City Hall to Reber Landscape Construction in the amount of \$202,243.95, and
 - 2) Appropriate \$222,468 to Account No. 700-910-5452-260.

- c. Amend, modify, or reject the above options.

Prepared by: Freda Berman, Project Manager

Attachments: Resolution
Landscape Phase Illustration

RESOLUTION NO. 11-xxx

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES
AWARDING THE CONTRACT TO INSTALL LANDSCAPING AROUND THE
LIBRARY/CITY HALL AS PART OF THE SULFUR SPRING REMEDIATION PROJECT

WHEREAS, the San Simeon earthquake of 2003 resulted in a geo-thermal spring surfacing in the City Hall Parking lot; and

WHEREAS, the earthquake and ensuing sulfur waters destroyed most of the established landscaping; and

WHEREAS, work to restore the parking lot landscaping is not covered by FEMA reimbursement and therefore must be performed under a separate construction contract; and

WHEREAS, on July 20, 2010, City Council approved the landscaping plans and directed staff to advertise for bids; and

WHEREAS, bid documents were prepared and advertised, and at the bid opening on November 4, 2010, four Base Bids were received ranging in price from \$105,091.50 to \$225,118.45; and

WHEREAS, the total estimated cost for both Phase 1 (Base Bid) and Phase 2 (Add Alternate) was \$234,000.00; and

WHEREAS, staff reviewed the base bid submitted by Martinelli Landscape Construction and found it to be incomplete and nonresponsive; and

WHEREAS, Reber Landscape Construction submitted a complete, responsive bid; and

WHEREAS, the funding needs for the project are \$222,468 as follows:

Construction (Phase 1)	\$141,453.65
Construction (Phase 2)	\$60,790.30
Contingency (10%)	\$20,224.40; and

WHEREAS, cost to install landscaping will be appropriated from Redevelopment Bond Proceeds to Budget No.700-910-5452-260 for \$155,599.

THEREFORE, BE IT RESOLVED AS FOLLOWS:

SECTION 1. The City Council of the City of El Paso de Robles does hereby award a contract to install Phase 1 landscaping around the Library/City Hall as part of the Sulfur Spring Remediation Project to Reber Landscape Construction in the amount of \$141,453.65, and authorizes the City Manager to execute the contract.

SECTION 2. The City Council does hereby approve a one-time budget appropriation from Redevelopment Bond Proceeds to Budget No 700-910-5452-260 in the amount of \$155,599.

PASSED AND ADOPTED by the City Council of the City of Paso Robles this 18th day of January, 2011, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Duane Picanco, Mayor

ATTEST:

Caryn Jackson, Deputy City Clerk

