

RESOLUTION NO. 08-197

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES
AWARDING THE CONTRACT TO WIDEN SOUTH VINE STREET FOR CLASS II BIKE LANES
AND AMENDING THE CIP BUDGET TO MEET THE PROJECT NEEDS

WHEREAS, South Vine, from First Street to Highway 46 is identified as a collector street in the City's Circulation Element; and

WHEREAS, the existing road is a narrow two-lane roadway that parallels Highway 101 on the east and County residential area to the west, and the existing pavement is severely deteriorated and in need of replacement; and

WHEREAS, repair of South Vine Street and installation of bike lanes was listed in 2007 as one of the City's goals; and

WHEREAS, bid documents were prepared with a Base Bid and the following bid additions: minor landscaping (vines at fence on west side); flush concrete curbs to delineate bike lanes (in lieu of stripes); traffic calming bands (at six locations); keeping road open during construction; and

WHEREAS, the bid documents state that the contract will be awarded, if at all, to the low bidder based on prices for all items, including the additional items described above; and

WHEREAS, on November 13, 2008 eight bids were received with the Basis of Bid Award amount ranging from \$2,170,000.21 to \$3,437,490; and

WHEREAS, on November 17, 2008, the City received a Bid Protest from Papich Construction against the apparent low bidder, Rockwood General Contractors; and

WHEREAS, Rockwood General Contractors filed a protest against Papich Construction on November 20, 2008; and

WHEREAS, the City Attorney's office reviewed the Bid Protests and recommends that the Council reject Papich's protest, waive immaterial defects in Rockwood's bid, and award the contract to Rockwood. The defects include the following: Rockwood did not provide information the City collects to evaluate the availability of DBE subcontractors and did not list all material suppliers. These defects would not enable Rockwood to withdraw its bid and do not give the bidder any other competitive advantage. Accordingly, the City can waive those defects and accept the bid. In light of this decision, the City does not need to address Rockwood's protest of Papich's bid; and

WHEREAS, staff has reviewed the Bid Documents submitted by Rockwood General Contractors and determined it to be a responsive and responsible bid; and

WHEREAS, Rockwood's Basis of Bid Award amount, \$2,170,000.21 (Base Bid plus Additive Bids), is summarized as follows:

Base Bid	\$ 1,849,613.71
Landscaping	143,920.00
Flush concrete curbs to delineate bike (in lieu of stripes) lanes	141,358.50
Traffic calming bands	21,888.00
Keeping road open during construction	13,220.00;

and

WHEREAS, funding in the amount of \$2,741,886 is available for this project as follows:

2007-08 Transit Enhancement Act (TEA)	\$ 600,000
2008-09 Transit Enhancement Act (TEA)	786,000
Urban State Highway Account (USHA)	150,000
Proposition 1B (Phase 1; the City has already received this grant)	474,713
Proposition 1B (Phase 2)	438,765
Proposition 42 (the City has already received \$73,102.49 of this grant)	292,408;

and

WHEREAS, due to the funding resources available, staff recommends that City Council award the contract to Rockwood General Contractors, including all the Additive Bid items except landscaping, for an adjusted contract amount of \$2,026,080.21; and

WHEREAS, a total budget of \$2,742,000 is needed for the project as follows:

Design Services	\$ 140,000.00
Construction Contract	2,026,080.20
Construction Support	250,000.00
Contingency	325,919.79.

THEREFORE, BE IT RESOLVED AS FOLLOWS:

SECTION 1. The City Council of the City of Paso Robles does hereby appropriate a budget of \$2,741,886 to Budget No. 111.910.5452.540 (using all grants as detailed above).

SECTION 2. The City Council does hereby

- A. Deny the bid protest filed by Papich Construction;
- B. Waive the immaterial defects in Rockwood Contractors' bid; and
- C. Award a construction contract to widen South Vine Street to install Class II bike lanes to Rockwood General Contractors in an amount not to exceed \$2,026,080.21, and authorize the City Manager to execute the contract upon receipt of the bonds and evidence of insurance required by the contract documents.

PASSED AND ADOPTED by the City Council of the City of Paso Robles this 16th day of December 2008 by the following vote:

AYES: Gilman, Hamon, Steinbeck, Strong and Picanco

NOES:

ABSTAIN:

ABSENT:

Duane Picanco, Mayor

ATTEST:

Cathy M. David, Deputy City Clerk