

RESOLUTION NO. 3533-2012

RESOLUTION OF THE FORT BRAGG CITY COUNCIL AWARDING THE CONTRACT FOR THE 2011 SAFE ROUTES TO SCHOOL (SRTS) PROJECT, CITY PROJECT 2011-02 TO MENDOCINO CONSTRUCTION SERVICES, INC. AND APPROVING BUDGET ADJUSTMENT NO. 2012-23 AMENDING THE FY 2011/12 BUDGET TO APPROPRIATE \$173,514 FROM FUND 250 TO FUND 129 AND AUTHORIZING CITY MANAGER TO EXECUTE CONTRACT (AMOUNT NOT TO EXCEED \$349,913; ACCOUNT NO. 129-4930-0731)

WHEREAS, the City of Fort Bragg was awarded a Safe Routes to School (SRTS) grant for completion of improvements near the Middle School, Redwood School and Dana Gray School; and

WHEREAS, the City received authorization through Caltrans Local Assistance on September 7, 2011 to construct the 2011 Safe Routes to School (SRTS) Project, City Project 2011-02 ; and

WHEREAS, in accordance with California Public Contract Code 20164 and other applicable laws, the project was advertised for bid on February 23, March 1 and March 8, 2012 with bids due on March 16, 2012; and

WHEREAS, following issuance of addendums the bid due date was modified to March 19, 2012; and

WHEREAS, a non-mandatory pre-bid meeting was held on March 7, 2012 and various components of the project were discussed in detail, specifically Disadvantage Business Enterprise (DBE) requirements for this project; and

WHEREAS, six (6) bids were received from qualified contractors with the apparent low bid coming from Rege Construction in the amount of \$319,732; second lowest bid from Akeff Construction Services, Inc. in the amount of \$321,141.71 and the third lowest from Mendocino Construction Services, Inc. in the amount of \$349,913; and

WHEREAS, while Rege Construction and Akeff Construction Services, Inc. submitted the two lowest bids, staff determined, with the assistance of Caltrans special DBE staff, that they did not meet the DBE requirements and did not meet the good faith effort criteria as required by SRTS grant funding for this project; and

WHEREAS, based upon the determination that DBE goals and good faith effort required by the bid documents were not met by either Rege Construction or Akeff Construction Services, Inc., staff has recommended that their bids should be deemed non responsive; and

WHEREAS, the third lowest bidder, Mendocino Construction Services (MCS) did not fully meet the established DBE goal for this project, but did meet the good faith effort requirements as defined by Caltrans; and

WHEREAS, the Project has received a NEPA "categorical exclusion" under 23 CFR 771.117(c): activity (c) (3), Section 6004 on July 21, 2010; and

WHEREAS, funds in the amount of \$186,579 are authorized through the SRTS Cycle 2 grant program, but are insufficient to fully fund the entire project; and

WHEREAS, staff has identified that Special Street Sales Tax Fund 250 can be utilized for specific street components of this project and recommend authorization to use of \$163,514 for such components thus allowing for completion of the entire SRTS project as bid; and

WHEREAS, staff further recommends use of additional \$10,000 Special Street Sales Tax Fund 250 for a contingency in the event of any changes to the project scope that may require additional work by the contractor; and

WHEREAS, based on all the evidence presented, the City Council finds as follows:

1. Rege Construction and Akeff Construction Services, Inc. bids as submitted with DBE data does not meet the requirements of the bid documents and are considered non-responsive.
2. Mendocino Construction Services bid does meet the requirements of the project bid documents and is considered responsive.
3. Sufficient funds are available through the Safe Routes to School grant and Street Sales Tax funds to fully construct the project as advertised and bid.
4. Mendocino Construction Services having the proper license to complete the Project and based upon previous experience in completing similar projects is a responsible bidder.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Fort Bragg does hereby award the contract for the 2011 Safe Routes to School (SRTS) project, City Project 2011-02 to Mendocino Construction Services, Inc. and authorize City Manager to execute contract (Amount not to exceed \$349,913; Account no. 129-4930-0731) and

BE IT FURTHER RESOLVED that the City Council of the City of Fort Bragg does hereby approve Budget Adjustment No. 2012-23 amending the FY 2011/12 Budget to appropriate \$173,514 from Fund 250 to Fund 129 to cover the cost of this contract and contingency.

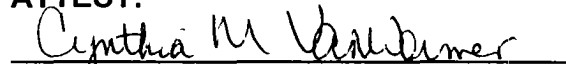
The above and foregoing Resolution was introduced by Councilmember Courtney, seconded by Councilmember Hammerstrom, and passed and adopted at a regular meeting of the City Council of the City of Fort Bragg held on the 23rd day of April, 2012, by the following vote:

AYES: Councilmembers Courtney, Deitz, Gjerde, Hammerstrom, and Mayor Turner.
NOES: None.
ABSENT: None.
ABSTAIN: None.



DAVE TURNER,
Mayor

ATTEST:


Cynthia M. VanWormer, CMC
City Clerk