



APPROVED
BY THE CITY COUNCIL

JUN 8 1994

OFFICE OF THE
CITY CLERK

1.6

DEPARTMENT OF
PUBLIC WORKS

ENGINEERING DIVISION

CITY OF SACRAMENTO
CALIFORNIA

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May 20, 1994

City Council
Sacramento, California

Honorable Members in Session:

SUBJECT: CENTER MEDIAN/LEFT TURN IMPROVEMENTS AT SIX LOCATIONS
(PN:TF11) - REJECT LOW BID AND CONTRACT AWARD

LOCATION AND COUNCIL DISTRICT: Various intersections in Sacramento
District No. 1,2,5,6, and 8.

RECOMMENDATION:

This report recommends that the City Council:

- Reject the non-responsible low bid of \$267,445 from Biondi Paving.
- Accept the low bid of \$278,666 from American Engineering and Asphalt.
- Award the contract for the Center Median/Left Turn Improvements at Six Locations to American Engineering and Asphalt.

CONTACT PERSON: N. Dee Lewis, Supervising Engineer, 264-7923

FOR COUNCIL MEETING OF: June 8, 1994

SUMMARY:

This project will modify existing medians to increase left turn lane storage capacity by removing existing median bulbs and extending the remaining portion of the median. Existing traffic signals will be modified by adjusting signal phasing and timing to reduce intersection delays.

The project will increase public safety and improve traffic flow, in accordance with City Council policy.

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This report recommends that the City council reject the low bid of \$267,445 from Biondi Paving and accept the second low bid of \$278,666 from American Engineering and Asphalt and award the contract. The low bidder did not satisfy all the requirements related to Good Faith Effort specified in City Code Title 58 and was therefor determined not to be a responsive bidder. The second low bidder also did not achieve the MBE/WBE goals, but submitted documentation that satisfied all the requirements related to Good Faith Effort specified in City Code Title 58. Award of the contract to the second low bidder is therefor recommended.

COMMITTEE/COMMISSION ACTION:

None.

BACKGROUND INFORMATION:

This project will modify existing medians to increase left turn lane storage capacity by removing existing median bulbs and extending the remaining portion of the median. Existing traffic signals will be modified by adjusting signal phasing and timing to reduce intersection delays. Construction will include curb, gutter, sidewalk, handicap ramps and new median pavement sections.

This project is part of an ongoing program to modify existing medians to accommodate increased traffic demands and to improve public safety and vehicular and pedestrian traffic flow. Listed below are the six intersection medians that will be modified under this contract:

Power Inn Road and 14th Avenue
24th Street and 47th Avenue
Florin Road and 24th Street
Elder Creek Road/47th Avenue and Stockton Boulevard
Garden Highway/Jefferson Avenue and Northgate Boulevard
Del Paso Boulevard and El Camino Avenue

On March 29, 1994, the City Council approved the plans and specifications for the Center Median/Left Turn Improvements at Six Locations. Bids were received and opened by the City Clerk on April 27, 1994. The bids received were:

Biondi Paving	\$267,445
American Engineering & Asphalt	\$278,666

* Note: There were no MBE/WBE bidders.

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The estimated project completion date is December 30, 1994.

FINANCIAL CONSIDERATIONS:

The engineer's estimated construction cost was \$226,000.

The estimated total project cost, including all planning, design and construction costs, and prior project phases is \$548,000. The current budget is \$579,999, which was approved in the 1993/94 Capital Improvement Program from Sacramento Transportation Sales Tax CIP (201). The funds available for this project amount to \$317,461, as of May 18, 1994.

POLICY CONSIDERATIONS:

The subject project promotes City Council priorities regarding neighborhood revitalization and enhancement and public safety.

This action is consistent with Title 58, Chapter 58.03.304 of the City Code concerning award of contract and Resolution No. 93-149 relating to MBE/WBE participation goals and policies adopted by the City Council on March 30, 1993.

MBE/WBE:

This project included MBE/WBE participation goals of 10.57% MBE and 9.5% WBE as required by Resolution No. 93-619 relating to MBE/WBE participation goals and policies adopted by the City Council on November 2, 1993. Award of this contract is contingent upon the responsive low bidder either meeting the project MBE/WBE participation goals or making adequate Good Faith Effort to meet the project goals. Bids submitted which meet or exceed the MBE/WBE goals may be eligible for bid price preferences up to a maximum of 7% or \$25,000, whichever is lower.

There were 10 planholders for this project, one of which was a WBE. There were no MBE planholders. Two bids were received for this project. There were no bids submitted by MBE/WBE firms.

The low bidder, Biondi Paving, did not achieve the 10.57% MBE and 9.5% WBE goals set for the project. The low bidder achieved \$25,550 (9.6%) MBE and \$11,000 (4.1%) WBE participation. The low bidder also listed a University of California certified WBE for \$43,246 in concrete work which represents 16.2% of the bid, however, this participation cannot be credited towards meeting the project goals. Current City policy requires that firms must be City of Sacramento MBE/WBE certified

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prior to bid opening in order to be eligible for credit towards meeting the project MBE/WBE goals.

The low bidder submitted documentation of Good Faith Effort that did not satisfy all the requirements related to Good Faith Effort required by Title 58 of the City Code. The attached Table A summarizes the Good Faith Effort made by the low bidder, Biondi Paving.

The second low bidder, American Engineering and Asphalt, also did not achieve the project MBE/WBE participation goals. The second low bidder, however, submitted documentation of Good Faith Effort that satisfies all the requirements of Title 58 of the City Code related to Good Faith Effort. Table B summarize the Good Faith Effort made by American Engineering and Asphalt, the second low bidder. Staff therefor recommends that the low bid be rejected and award of the contract be made to the second low bidder, American Engineering and Asphalt. The City's Office of Minority, Women and Small Business (OMWSB) has reviewed this matter and concurs with these recommendations. The City Attorneys Office has reviewed this report.

The table below lists the City Certified MBE/WBE participation achieved by the bidders as identified in their bids:

Project goals:

MBE 10.5%

WBE 9.5%

Contractor	M/WBE Status	Bid Amount	MBE		WBE		Good Faith Effort Documentation Submitted
			\$	%	\$	%	
Biondi Paving	No	\$267,550	\$25,550	9.6	\$11,000	*4.1	Yes
American Engineering & Asphalt	No	\$278,666	\$20,000	7.2	\$26,000	9.3	Yes

*Note: Biondi Paving listed S & Z Construction as a WBE for concrete work at \$43,246 which represents 16.2% of the bid. S & Z Construction is not a City certified WBE and therefore cannot be used towards meeting the project WBE goals. According to current City policy, all MBE/WBEs listed in a bid towards meeting project MBE/WBE goals must be city certified at time of bid opening.

Plans and specifications were sent to seven (7) plan rooms and construction services

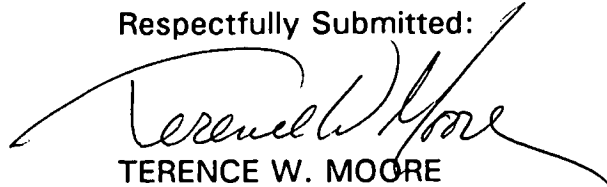
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organizations for publication and use by the construction industry of Northern California. There are four (4) organizations on the distribution list that are directly involved with outreach to MBE/WBE contractors.

Other MBE/WBE outreach efforts for this project included:

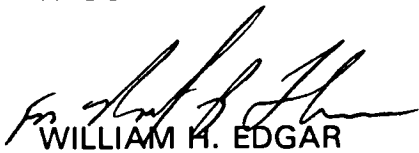
- Advertisement of the project on the City of Sacramento Construction Project Bid Line (916) 392-4758.
- Free access to review the project plans and specifications at the City of Sacramento Planroom at Engineering Division offices at 927 10th Street.
- Provide notice of this project to three minority chambers of commerce and three minority and women community organizations directly involved with outreach to MBE/WBEs.

Respectfully Submitted:



TERENCE W. MOORE
Engineering Division Manager

RECOMMENDATION APPROVED:



WILLIAM H. EDGAR
City Manager

APPROVED:



MICHAEL KASHIWAGI
Deputy Director of Public Works

FB:dt
EA8-07.1
05.2094.1

Attachment

Table A

CENTER MEDIAN/LEFT-TURN IMPROVEMENTS AT SIX LOCATIONS (PN:TF11)

City Code Title 58, lists ten Good Faith Effort actions towards meeting the project MBE/WBE participation goals a bidder who fails to meet the goals is required to take. The following table lists the Good Faith Effort requirements of City Code Title 58 and summarizes the efforts made by Biondi Paving, the low bidder.

#	Good Faith Efforts Required per City Code Title 58.	Low Bidders Actions	
		Y/N	Description
1	Attend prebid meeting scheduled for this project.	N	Prebid meeting - April 11, 1994*
2	Identify work items to be performed by MBE/WBEs	Y	Trucking, Traffic Control, Concrete, Electrical, Equipment Rental, Photographs.
3	Advertise solicitation of sub-bids from MBE/WBEs	N	
4	Send written solicitation for sub-bids to MBE/WBEs	N	Bidder did not make written solicitations. Bidder stated 10 firms were solicited by phone to submit quotes for sub-bids materials and trucking services. Three of these firms were City certified MBE/WBEs. Two of the firms were identified by staff as Caltrans certified. One firm is majority-owned. The ownership ethnicity/gender of the four other solicited firms, was not identified by the bidder in his Good faith Effort Document.
5	Follow up written solicitations with direct contact	N	Bidder did not make written solicitations.
6	Provide interested MBE/WBEs with information about plans and specifications	N	Bidder did not make written solicitations. Bidder indicated one firm (not City certified) requested and was provided information about plans and specifications.
7	Request assistance for identifying available MBE/WBEs from organizations directly involved with outreach to MBE/WBEs	**	2 organizations contacted for assistance.
8	Negotiate in good faith with MBE/WBEs and not unjustifiably reject sub-bids from MBE/WBEs	Y	Bidder listed in his bid all five firms that submitted sub-bid or material quotes of which 3 are City certified MBE/WBEs.
9	Assist MBE/WBEs in obtaining bonds, credit, or insurance.	N/A	No assistance was requested by any MBE/WBE firms.
10	Bidder's efforts could reasonably be expected to produce a level of participation sufficient to meet goals	N	The low bidder did not take all Good Faith Effort actions required in the bid specifications.

* Biondi Paving stated in their Good Faith Effort documentation that they attended a prebid conference on March 22, 1994, for the Bartley Cavanaugh Golf Course Clubhouse project.

** City policies require that bidders contact a minimum of 5 MBE/WBE assistance organizations. Bidder did not meet this minimum requirement.

Table B

CENTER MEDIAN/LEFT-TURN IMPROVEMENTS AT SIX LOCATIONS (PN:TF11)

City Code Title 58, lists ten Good Faith Effort actions towards meeting the project MBE/WBE participation goals a bidder who fails to meet the goals is required to take. The following table lists the Good Faith Effort requirements of City Code Title 58 and summarizes the efforts made by American Engineering and Asphalt, the second low bidder.

#	Good Faith Efforts Required per City Code Title 58.	Low Bidders Actions	
		Y/N	Description
1	Attended prebid meeting scheduled for this project.	Y	Prebid meeting - April 11, 1994
2	Identify work items to be performed by MBE/WBEs	Y	Trucking, Concrete, Electrical, Asphalt and Aggregate Materials, Saw Cutting.
3	Advertise solicitation of sub-bids from MBE/WBEs	Y	Daily Construction Service, April 18, 1994.
4	Send written solicitation for sub-bids to MBE/WBEs	Y	12 written solicitations made. 5 of 12 written solicitations were sent to City certified MBE/WBEs. Ethnicity/Gender of other firms solicited was not identified in Good Faith Effort documentation.
5	Follow up written solicitations with direct contact	Y	Log submitted indicating follow-up was made to all firms solicited.
6	Provide interested MBE/WBEs with information about plans and specifications	Y	Access to plans and specifications offered in written solicitations.
7	Request assistance for identifying available MBE/WBEs from organizations directly involved with outreach to MBE/WBEs	Y	7 organizations contacted for assistance.
8	Negotiate in good faith with MBE/WBEs and not unjustifiably reject sub-bids from MBE/WBEs	Y	No low bids from MBE/WBEs were rejected.
9	Assist MBE/WBEs in obtaining bonds, credit, or insurance	*N/A	
10	Bidder's efforts could reasonably be expected to produce a level of participation sufficient to meet goals.	Y	The low bidder took all Good Faith Effort actions required in the bid specifications.

* No assistance was requested by any MBE/WBE firms to obtain bonds, credit or insurance.