



TOWN OF FAIRFAX

STAFF REPORT

February 23, 2015

TO: Mayor and Town Council

FROM: Garrett Toy, Town Manager ^{GT}

SUBJECT: Adoption of a resolution awarding the construction contract to Coastside Concrete for the Bank Street Parking Lot Improvement Project and allocating project contingency funds

RECOMMENDATION

- 1) Reject protest and adopt a resolution authorizing the Town Manager to award the contract to Coastside Concrete for the Bank Street Parking Lot Improvement Project in an amount not to exceed \$121,589 and allocating a project contingency reserve of \$12,000 to be used by the Town Manager to cover unforeseen project costs; and
- 2) Appropriate \$157,589 for the Bank Street Parking Lot.

DISCUSSION

In September 2014, the Council approved the reprogramming of State Park grant funds to the reconstruction of the Bank St. Parking Lot project (aka Pavilion Parking Lot). The State grant funds require the project to be completed by March 31, 2015. In November 2014, the Council approved a contract with Coastland Engineering to design the parking lot.

The Town received the following seven bids, opened on February 18, 2015 at 2:00 pm:

| <u>Bidder Name</u> | <u>Bid</u> |
|----------------------|------------|
| Coastside Concrete | 121,589 |
| Maggiora & Ghilotti | 129,129 |
| Keith J. Gale | 133,080 |
| Dryco Construction | 144,643.50 |
| Wildcat Engineering | 155,997 |
| Schaefer Engineering | 196,100 |
| CF Contracting | 234,980 |

The Town's project engineer, Coastland Engineering, has confirmed that Coastside Concrete has submitted the appropriate documentation and is the lowest responsible bidder. The project was estimated to cost \$130,000. Attached is a letter report from Coastland regarding the bids.

A protest was submitted by the second lowest bidder. Staff is recommending the Council reject the protest and award the bid to Coastside Concrete. Attached are the protest emails and staff's letter response.

AGENDA ITEM # 2

FISCAL IMPACT

At the Council's November meeting to approve the design contract, staff indicated it would prepare all the budget amendments for Council approval with the bid award. The total estimated costs of the projects are as follows:

| | |
|----------------|------------------|
| Design | \$ 24,000 |
| Construction | <u>\$121,589</u> |
| Subtotal Costs | \$145,589 |
| Contingency | <u>\$ 12,000</u> |
| Total | \$157,589 |

The sources of funding are as follows:

| | |
|------------------|--------------------|
| State Park Grant | \$74,592 |
| TAM Measure A | \$75,219 |
| Measure A Park | <u>\$10,770.69</u> |
| Total | \$160,581.69 |

Staff will only use the Measure A Park funds if required to do so to fund the project's contingency cost. This would simplify the reporting requirements for staff. The Council allocated the Measure A funds for the Pavilion parking lot and other park improvements such as stage repair. The TAM Measure A Transportation funds were originally allocated to the Parkade project in FY13-14 as matching funds for the \$300,000 Parkade grant. However, MTC delayed the funding for the Parkade grant until FY15-16. As a result, staff is recommending the Town reallocate the TAM Measure A funding to the Bank St Parking lot since it is not going to be used this year. In order to reallocate the funds, the Council must approve the project by resolution. Staff will be recommending as part of the annual budget approval that the Town allocate the TAM Measure A funds for the upcoming FY15-16 year to the Parkade project as matching funds.

ATTACHMENTS

- Resolution
- Coastland Engineering letter
- Protest emails dated 2/19/15 and 2/20/15
- Staff response letter

RESOLUTION 15-__

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FAIRFAX
AWARDING THE CONSTRUCTION CONTRACT FOR THE BANK STREET PARKING LOT
IMPROVEMENT PROJECT TO COASTSIDE CONCRETE
AND ALLOCATING PROJECT CONTINGENCY FUNDS**

WHEREAS, the Town of Fairfax has caused plans and specifications to be prepared for the improvement of a public works project entitled "Bank Street Parking Lot Improvement Project"; and

WHEREAS, the Town Clerk received bid proposals from various bidders, and opened the bids at 2:00 PM on the 18th day of February 2015; and

WHEREAS, Coastland Engineering has conducted the necessary examination to determine whether one of those bidders is the lowest responsible bidder, and the Town Manager has made a recommendation to the Town Council that it award the contract for the construction to the entity whose name is described below; and

WHEREAS, based on information supplied by the bidder named below and the examination conducted by Coastland Engineering, the Town Council finds said bidder to be the lowest responsible bidder for the construction of the project; and

WHEREAS, the Town is including an approximate ten (10) percent contingency to the project construction costs in the amount of twelve thousand dollars (\$12,000) to the lowest bid amount; and

WHEREAS, the Town Council wants to reallocate TAM Measure A Transportation funding from FY13-14 for the Bank Street Parking Lot project;

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Fairfax hereby awards the construction contract for the Bank Street Parking Lot Improvement Project in the amount of \$121,589 to Coastside Concrete, the lowest responsible bidder and is including an approximately ten (10) percent contingency to the project bringing the total project costs to \$133,589;

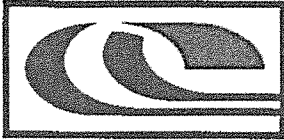
AND BE IT FURTHER RESOLVED that the Town Council of the Town of Fairfax hereby authorizes the Town Manager to do everything necessary and appropriate to execute any agreements including the reallocation of TAM Measure A funding to the project.

The foregoing resolution was duly passed and adopted at a regular meeting of the Town Council of the Town of Fairfax held in said Town on the 23rd day of February 2015, by the following vote:

AYES:
NOES:
ABSENT:

BARBARA COLER, Mayor

Attest: _____
Michele Gardner, Town Clerk



Coastland

Civil Engineering - Construction Management - Building Dept. Services

February 20, 2015

Mr. Garrett Toy
Town Manager
Town of Fairfax
142 Bolinas Road
Fairfax, CA 94930

Subject: Bank Street Parking Lot - Review of Bid Proposals

Dear Mr. Toy,

Per your request, we have reviewed the bid proposals received by the Town for the subject project. The following is a summary of our review.

The bid opening was held on February 18, 2015 at 2:00pm, and a total of 7 bids were received. The total bid cost totals ranged from \$121,589 to \$234,980. The engineer's estimate for the project was \$128,121. A summary of the bids is shown in the table below:

| Bidder | Company | Bid Total |
|--------|-----------------------|--------------|
| 1 | Coastside Concrete | \$121,589.00 |
| 2 | Maggiora Ghilotti | \$129,129.00 |
| 3 | Keith J. Gale General | \$133,080.00 |
| 4 | DryCo Construction | \$144,643.50 |
| 5 | Wildcat Engineering | \$155,997.00 |
| 6 | Schaefer Engineering | \$195,102.00 |
| 7 | CF Contracting, Inc. | \$234,980.00 |

A Bid Tabulation Summary, including the engineer's estimate and the seven contractors' bid results, are attached. The low bidder, Coastside Concrete, is 5% below the engineer's estimate. We reviewed the bid package of the low bidder to assure that all forms and required documentation for accuracy and completeness. The low bidder submitted the required executed bid bond, bidder information, subcontractor information, Experience and Financial Qualifications, Non-Collusion Affidavit form, Worker's Compensation Form, Debarment Certifications and Public Contract Code

Statements/Questionnaire. All of the documentation information submitted was complete. The low bidder has valid current contract licenses of Class A, B, and C-8. Based on Coastside Concrete's bid proposal, they have sufficient experience with sidewalk/ramp and paving projects.

Based on our review of the bid proposal, Coastside Concrete has the lowest responsive bid proposal.

Sincerely,



Heidi Utterback, PE
Associate Principal

Cc: Paul Wade
file

Town of Fairfax
Bank Street Parking Lot Improvements Project
Bid Opening - Wednesday, February 18, 2015 at 2:00 PM

| Item No. | Item Description | Estimated Quantity | Unit of Measure | Engineer's Estimate | | Coastside Concrete | | Maggiara & Ghilotti | | Keith J. Gale General Engineering, Inc. | |
|-------------------|---------------------------------|--------------------|-----------------|---------------------|---------------------|--------------------|---------------------|---------------------|---------------------|---|---------------------|
| | | | | Unit Cost | Item Total | Unit Cost | Item Total | Unit Cost | Item Total | Unit Cost | Item Total |
| 1 | Traffic Control | 1 | L.S. | \$4,000.00 | \$4,000.00 | \$5,000.00 | \$5,000.00 | \$700.00 | \$700.00 | \$4,500.00 | \$4,500.00 |
| 2 | Earthwork | 381 | C.Y. | \$70.00 | \$26,670.00 | \$50.00 | \$19,050.00 | \$50.00 | \$19,050.00 | \$70.00 | \$26,670.00 |
| 3 | Asphalt Concrete | 210 | Tons | \$120.00 | \$25,200.00 | \$185.00 | \$38,850.00 | \$145.00 | \$30,450.00 | \$145.00 | \$30,450.00 |
| 4 | Aggregate Base | 272 | C.Y. | \$60.00 | \$16,320.00 | \$50.00 | \$13,600.00 | \$90.00 | \$24,480.00 | \$66.00 | \$17,952.00 |
| 5 | Asphalt Concrete Dike | 133 | L.F. | \$30.00 | \$3,990.00 | \$13.00 | \$1,729.00 | \$18.00 | \$2,394.00 | \$34.00 | \$4,522.00 |
| 6 | Asphalt Concrete (Misc. Areas) | 200 | S.F. | \$7.00 | \$1,400.00 | \$15.00 | \$3,000.00 | \$12.00 | \$2,400.00 | \$11.03 | \$2,206.00 |
| 7 | Cobble Stone | 90 | S.F. | \$30.00 | \$2,700.00 | \$25.00 | \$2,250.00 | \$30.00 | \$2,700.00 | \$24.00 | \$2,160.00 |
| 8 | Minor Concrete, Valley Gutter | 27 | S.F. | \$25.00 | \$675.00 | \$25.00 | \$675.00 | \$38.00 | \$1,026.00 | \$59.00 | \$1,593.00 |
| 9 | Minor Concrete, Concrete Pad | 460 | S.F. | \$25.00 | \$11,500.00 | \$12.00 | \$5,520.00 | \$17.00 | \$7,820.00 | \$13.00 | \$5,980.00 |
| 10 | Minor Concrete, Sidewalk | 365 | S.F. | \$20.00 | \$7,300.00 | \$12.00 | \$4,380.00 | \$17.00 | \$6,205.00 | \$11.50 | \$4,197.50 |
| 11 | Minor Concrete, Curb & Gutter | 48 | L.F. | \$60.00 | \$2,880.00 | \$50.00 | \$2,400.00 | \$58.00 | \$2,784.00 | \$95.00 | \$4,560.00 |
| 12 | Minor Concrete, Retaining Wall | 4 | C.Y. | \$1,500.00 | \$6,000.00 | \$1,000.00 | \$4,000.00 | \$1,400.00 | \$5,600.00 | \$1,086.25 | \$4,345.00 |
| 13 | Minor Concrete, Retaining Curb | 2 | C.Y. | \$1,500.00 | \$3,000.00 | \$1,000.00 | \$2,000.00 | \$1,400.00 | \$2,800.00 | \$1,300.00 | \$2,600.00 |
| 14 | Handrails | 42 | L.F. | \$100.00 | \$4,200.00 | \$150.00 | \$6,300.00 | \$130.00 | \$5,460.00 | \$300.00 | \$12,600.00 |
| 15 | Relocate Roadside Sign | 1 | E.A. | \$200.00 | \$200.00 | \$250.00 | \$250.00 | \$300.00 | \$300.00 | \$398.00 | \$398.00 |
| 16 | Remove Roadside Sign | 1 | E.A. | \$100.00 | \$100.00 | \$200.00 | \$200.00 | \$100.00 | \$100.00 | \$134.50 | \$134.50 |
| 17 | Roadside Sign, R100B | 1 | E.A. | \$350.00 | \$350.00 | \$500.00 | \$500.00 | \$300.00 | \$300.00 | \$404.00 | \$404.00 |
| 18 | Roadside Sign, R99c & R7-8b | 1 | E.A. | \$400.00 | \$400.00 | \$500.00 | \$500.00 | \$250.00 | \$250.00 | \$337.00 | \$337.00 |
| 19 | Thermoplastic 4" White Line | 760 | LF | \$3.00 | \$2,280.00 | \$2.00 | \$1,520.00 | \$1.25 | \$950.00 | \$1.70 | \$1,292.00 |
| 20 | Thermoplastic Pavement Markings | 102 | S.F. | \$10.00 | \$1,020.00 | \$10.00 | \$1,020.00 | \$5.50 | \$561.00 | \$7.50 | \$765.00 |
| 21 | Painted Pavement Markings | 6 | S.F. | \$9.00 | \$54.00 | \$20.00 | \$120.00 | \$2.00 | \$12.00 | \$3.00 | \$18.00 |
| 22 | Painted ISA Symbol | 23 | S.F. | \$9.00 | \$207.00 | \$25.00 | \$575.00 | \$1.00 | \$23.00 | \$2.00 | \$46.00 |
| 23 | Parking Bumpers (Wheel Stop) | 21 | Each | \$75.00 | \$1,575.00 | \$150.00 | \$3,150.00 | \$45.00 | \$945.00 | \$50.00 | \$1,050.00 |
| 24 | Mobilization | 1 | L.S. | \$6,100.00 | \$6,100.00 | \$5,000.00 | \$5,000.00 | \$11,819.00 | \$11,819.00 | \$4,300.00 | \$4,300.00 |
| Total Cost | | | | | \$128,121.00 | | \$121,589.00 | | \$129,129.00 | | \$133,080.00 |

Town of Fairfax
Bank Street Parking Lot Improvements Project
Bid Opening - Wednesday, February 18, 2015 at 2:00 PM

| Item No. | Item Description | Estimated Quantity | Unit of Measure | DryCo. Construction, Inc. | | Wildcat Engineering | | Schaefer Engineering | | CF Contracting, Inc. | |
|-------------------|---------------------------------|--------------------|-----------------|---------------------------|---------------------|---------------------|---------------------|----------------------|---------------------|----------------------|---------------------|
| | | | | Unit Cost | Item Total | Unit Cost | Item Total | Unit Cost | Item Total | Unit Cost | Item Total |
| 1 | Traffic Control | 1 | L.S. | \$3,750.00 | \$3,750.00 | \$3,000.00 | \$3,000.00 | \$10,000.00 | \$10,000.00 | \$25,000.00 | \$25,000.00 |
| 2 | Earthwork | 381 | C.Y. | \$134.50 | \$51,244.50 | \$60.00 | \$22,860.00 | \$109.00 | \$41,529.00 | \$65.00 | \$24,765.00 |
| 3 | Asphalt Concrete | 210 | Tons | \$135.00 | \$28,350.00 | \$300.00 | \$63,000.00 | \$180.00 | \$37,800.00 | \$350.00 | \$73,500.00 |
| 4 | Aggregate Base | 272 | C.Y. | \$60.00 | \$16,320.00 | \$50.00 | \$13,600.00 | \$166.00 | \$45,152.00 | \$65.00 | \$17,680.00 |
| 5 | Asphalt Concrete Dike | 133 | L.F. | \$15.00 | \$1,995.00 | \$30.00 | \$3,990.00 | \$80.00 | \$10,640.00 | \$50.00 | \$6,650.00 |
| 6 | Asphalt Concrete (Misc. Areas) | 200 | S.F. | \$10.50 | \$2,100.00 | \$10.00 | \$2,000.00 | \$18.00 | \$3,600.00 | \$10.00 | \$2,000.00 |
| 7 | Cobble Stone | 90 | S.F. | \$32.00 | \$2,880.00 | \$30.00 | \$2,700.00 | \$35.00 | \$3,150.00 | \$50.00 | \$4,500.00 |
| 8 | Minor Concrete, Valley Gutter | 27 | S.F. | \$45.00 | \$1,215.00 | \$50.00 | \$1,350.00 | \$100.00 | \$2,700.00 | \$100.00 | \$2,700.00 |
| 9 | Minor Concrete, Concrete Pad | 460 | S.F. | \$6.00 | \$2,760.00 | \$18.00 | \$8,280.00 | \$18.00 | \$8,280.00 | \$20.00 | \$9,200.00 |
| 10 | Minor Concrete, Sidewalk | 365 | S.F. | \$12.00 | \$4,380.00 | \$16.20 | \$5,913.00 | \$18.00 | \$6,570.00 | \$15.00 | \$5,475.00 |
| 11 | Minor Concrete, Curb & Gutter | 48 | L.F. | \$32.00 | \$1,536.00 | \$91.00 | \$4,368.00 | \$50.00 | \$2,400.00 | \$100.00 | \$4,800.00 |
| 12 | Minor Concrete, Retaining Wall | 4 | C.Y. | \$410.00 | \$1,640.00 | \$1,300.00 | \$5,200.00 | \$800.00 | \$3,200.00 | \$3,000.00 | \$12,000.00 |
| 13 | Minor Concrete, Retaining Curb | 2 | C.Y. | \$385.00 | \$770.00 | \$1,300.00 | \$2,600.00 | \$800.00 | \$1,600.00 | \$1,000.00 | \$2,000.00 |
| 14 | Handrails | 42 | L.F. | \$125.00 | \$5,250.00 | \$238.10 | \$10,000.00 | \$120.00 | \$5,040.00 | \$200.00 | \$8,400.00 |
| 15 | Relocate Roadside Sign | 1 | E.A. | \$150.00 | \$150.00 | \$360.00 | \$360.00 | \$300.00 | \$300.00 | \$500.00 | \$500.00 |
| 16 | Remove Roadside Sign | 1 | E.A. | \$50.00 | \$50.00 | \$120.00 | \$120.00 | \$100.00 | \$100.00 | \$200.00 | \$200.00 |
| 17 | Roadside Sign, R100B | 1 | E.A. | \$150.00 | \$150.00 | \$360.00 | \$360.00 | \$300.00 | \$300.00 | \$1,000.00 | \$1,000.00 |
| 18 | Roadside Sign, R99c & R7-8b | 1 | E.A. | \$150.00 | \$150.00 | \$300.00 | \$300.00 | \$250.00 | \$250.00 | \$1,000.00 | \$1,000.00 |
| 19 | Thermoplastic 4" White Line | 760 | L.F. | \$4.15 | \$3,154.00 | \$1.50 | \$1,140.00 | \$1.25 | \$950.00 | \$10.00 | \$7,600.00 |
| 20 | Thermoplastic Pavement Markings | 102 | S.F. | \$12.00 | \$1,224.00 | \$6.50 | \$663.00 | \$5.50 | \$561.00 | \$10.00 | \$1,020.00 |
| 21 | Painted Pavement Markings | 6 | S.F. | \$100.00 | \$600.00 | \$2.50 | \$15.00 | \$2.00 | \$12.00 | \$25.00 | \$150.00 |
| 22 | Painted ISA Symbol | 23 | S.F. | \$30.00 | \$690.00 | \$1.00 | \$23.00 | \$1.00 | \$23.00 | \$30.00 | \$690.00 |
| 23 | Parking Bumpers (Wheel Stop) | 21 | Each | \$85.00 | \$1,785.00 | \$55.00 | \$1,155.00 | \$45.00 | \$945.00 | \$150.00 | \$3,150.00 |
| 24 | Mobilization | 1 | L.S. | \$12,500.00 | \$12,500.00 | \$3,000.00 | \$3,000.00 | \$10,000.00 | \$10,000.00 | \$21,000.00 | \$21,000.00 |
| Total Cost | | | | | \$144,643.50 | | \$155,997.00 | | \$195,102.00 | | \$234,980.00 |

From: Kevin Bechtel [mailto:kevin@maggiora-ghilotti.com]

Sent: Thursday, February 19, 2015 12:23 PM

To: Garrett Toy

Cc: Heidi Utterback; Paul Wade; Michele Gardner; coastsideconcrete@att.net; jack@kjgge.net

Subject: Bank Street Parking Lot Improvements - Protest of Low Bid

Project: Bank Street Parking Lot Improvements

Location: Fairfax, CA

Owner: Town of Fairfax

Bid Date: Wednesday 02/18/15 at 2:00 PM

To: Town of Fairfax, Attn: Mr. Garrett Toy, Town Manager and Public Works Director

Dear Mr. Toy,

Please consider this email as our protest of the low bid announced yesterday for the Bank Street Parking Lot Project.

The basis of our protest is that the apparent low bidder, Coastside Concrete & Construction, Inc. (Coastside), did not list a subcontractor to perform the AC Paving on the project. The AC paving is a major part of the project, with a value (bid items #3 and #6) of roughly \$42,000.

It has been noted in previous seasons that Coastside does not self-perform AC paving, but appears to subcontract that work to other contractors.

We need know that Coastside will perform his own paving on the project, and will not circumvent contract law by renting out paving equipment and crews to perform the AC Paving.

Your review and response in this matter is appreciated.

Thank you.

Kevin Bechtel

Maggiora & Ghilotti, Inc.

555 DuBois St. San Rafael, Ca. 94901

Tel: (415) 459-8640 Fax: (415) 459-2065

email: kevin@maggiora-ghilotti.com

Cc: Coastside Concrete & Construction, Inc., via email: coastsideconcrete@att.net

Keith J. Gale General Engineering, Inc., via email: jack@kjgge.net

Coastland Civil Engineering, via email: utterback@coastlandcivil.com

From: Kevin Bechtel [mailto:kevin@maggiora-ghilotti.com]
Sent: Friday, February 20, 2015 10:04 AM
To: Garrett Toy
Cc: Heidi Utterback; Paul Wade; Michele Gardner; jack@kjgge.net
Subject: RE: Bank Street Parking Lot Improvements - Protest of Low Bid

Dear Mr. Toy,

The Town of Fairfax would need to hold Coastside Concrete accountable to perform the paving with their own forces and equipment. Otherwise the Town would be liable for fines and/or penalties of \$10,000 and other disciplinary actions imposed by the State Licensing Board to the owner and contractor for violations of contract code.

Contractors rely on the owners (in this case the Town of Fairfax) to enforce these fair business requirements to ensure a fair competition between the contractors during the bidding process, improved quality of workmanship, and payment of prevailing wages. I am sure that other contractors and suppliers will be monitoring the Town for compliance.

Your Designation of Subcontractors form stipulates contractors to list all subcontractors that will work, labor, or render service on the project. To that effect, I would think that the other contractors listed a surveyor, as most do not have an in house licensed Land Surveyor that is required by specification to perform the construction staking on the project. Coastside did not list a surveyor for the project. Your diligence in upholding fair business requirements in the construction of your projects is appreciated by all.

Sincerely,

Kevin Bechtel
Maggiora & Ghilotti, Inc.
555 DuBois St. San Rafael, Ca. 94901
Tel: (415) 459-8640 Fax: (415) 459-2065
email: kevin@maggiora-ghilotti.com



TOWN OF FAIRFAX

142 BOLINAS ROAD, FAIRFAX, CALIFORNIA 94930
(415) 453-1584 / FAX (415) 453-1618

February 20, 2015

Via Email

Kevin Bechtel
Maggiora & Ghilotti, Inc.
555 DuBois St.
San Rafael, CA 94901

RE: Protest Letter for Bank St. Parking Lot

Mr. Bechtel:

The Town has received your protest that the apparent low bidder, Coastside Concrete (Coastside), did not list a subcontractor to perform the AC Paving on the project. In a subsequent email, you also indicate Coastside also did not list a surveyor as a subcontractor.

Coastside has advised the Town that the only subcontractors on the job are those listed in their bid proposal, and that Coastside will be performing all other work required by the contract. For that reason, staff will be recommending to the Town Council that your protest be denied.

As is the case with all public works contracts entered into by the Town, if the Town learns that a prime contractor is violating the Subcontracting Fair Practices Act, the Town will avail itself of the remedies available to it pursuant to Sections 4110 and 4111 of the Act.

The Town Council will consider the bid award at a special meeting scheduled for February 23rd at 6:00pm in the Women's Club, 46 Park Rd, Fairfax.

Sincerely,

GARRETT TOY
Town Manager/Public Works Director

Cc via email: Coastside Concrete
Coastland Engineering
Town Attorney