



**SAN RAFAEL CITY COUNCIL AGENDA REPORT**

**Department: Public Works**

**Prepared by: April Miller,  
Director of Public Works**

**City Manager Approval:** \_\_\_\_\_

File No.: 16.01.293

**TOPIC: SPINNAKER POINT PARKING MODIFICATIONS PROJECT**

**SUBJECT: RESOLUTION AUTHORIZING THE CITY MANAGER TO AWARD AND EXECUTE A CONSTRUCTION AGREEMENT FOR THE SPINNAKER POINT PARKING MODIFCATIONS PROJECT, CITY PROJECT NO. 11363, TO MICHAEL PAUL COMPANY, INC. IN THE AMOUNT OF \$844,693, AND AUTHORIZING CONTINGENCY FUNDS OF \$125,307 FOR A TOTAL APPROPRIATED AMOUNT OF \$970,000**

**RECOMMENDATION:** Adopt the resolution authorizing the City Manager to award and execute a construction agreement for the Spinnaker Point Parking Modification Project to Michael Paul Company, Inc. in the amount of \$844,693 and authorizing contingency funds of \$125,307 for a total appropriated amount of \$970,000.

**BACKGROUND:**

The City has identified the opportunity to convert on-street parallel parking into angled parking along the north side of Spinnaker Point Drive, next to the Albert J. Boro Community Center. This is possible by reconfiguring the large width of the existing road, narrowing the median, and shifting the sidewalk to the north to align with the future Tiscornia Marsh Habitat Restoration project led by the Marin Audubon Society. Their project would improve the levee, restore the marsh, and provide public trail improvements. The Project concept proposes to nearly double the parking on the north side of Spinnaker Point Drive between Bahia Way and the crosswalk west of Portsmouth Cove by converting the parallel parking to angled parking. The improvements include realignment of the curb and gutter, widening of the sidewalk, a new bioretention area, median modifications, new streetlights, and two accessible parking spaces.

In addition to creating more parking spaces, the proposed project includes other features that would add public benefit. The bioretention work provides additional pervious surface area that will help with drainage. The proposed sidewalk would be wider than what exists currently, making the pedestrian path of travel more accessible, especially for those coming from the two newly proposed accessible parking spaces. New streetlights will improve visibility for both vehicles and pedestrians alike improving the overall safety of the area.

**ANALYSIS:** On July 19, 2022, the following bids were received and read aloud:

**FOR CITY CLERK ONLY**

**Council Meeting:**

**Disposition:**

**SAN RAFAEL CITY COUNCIL AGENDA REPORT / Page: 2**

<b>Business</b>	<b>Bid Total</b>
Michael Paul Company, Inc.	\$844,693
CF Contracting	\$967,197
Ghilotti Bros., Inc.	\$973,778

The construction bids have been reviewed by Public Works staff and the low bid from Michael Paul Company Inc. of \$844,693 was found to be both responsive and responsible.

On July 19 and July 21, 2022, Public Works staff received bid protests submitted by each of the two highest bidders. The bid protests alleged, in part, that the lowest bid, submitted by Michael Paul Company, Inc., listed a subcontractor who did not submit a bid to any bidding prime contractor, and requested that the bid submitted by Michael Paul Company, Inc. therefore be rejected. Michael Paul Company, Inc. submitted a response to the bid protests. City staff reviewed Michael Paul Company's bid, the bid protests, and the response to the bid protests, and determined that the bid protests had no merit. City staff finds that the lowest bid from Michael Paul Company, Inc. is still considered to be responsible and responsive.

City staff recommends awarding the construction contract to Michael Paul Company, Inc. for the amount bid and recommends the City Council authorize a construction contingency of \$125,307, approximately fifteen percent, for a total appropriated amount of \$970,000.

**PUBLIC OUTREACH:** Public Works has engaged community members and key stakeholders to discuss neighborhood parking issues over the past several years. Public Works staff met with community groups such as neighborhood associations, the Canal Alliance, Marin Organizing Committee, and East San Rafael Working Group. Public presentations have been given at Park and Recreation Commission and City Council meetings. This project also followed the CEQA noticing guidelines for the Initial Study/Mitigated Negative Declaration (IS/MND) environmental document, which included a public hearing at the city Council on August 2, 2021. The City Council approved a resolution adopting the IS/MND for the Spinnaker Point Parking Modification Project.

The bid was publicly advertised through BidExpress. City staff also had a Notice Inviting Bids posted in the Marin IJ and sent to the Builders Exchanges.

**ENVIRONMENTAL DETERMINATION:** City Staff contracted with WRA, Inc., an environmental consultant, in May 2020 to prepare California Environmental Quality Act (CEQA) documentation for the Project as well as obtain regulatory permit approval from the Bay Conservation and Development Commission (BCDC).

**FISCAL IMPACT:** Staff proposes to appropriate construction funding for this project in the amount of \$970,000 utilizing the City's Gas Tax Fund 206.

**OPTIONS:**

1. Adopt the resolution as presented.
2. Do not award the contract and direct staff to rebid the project. If this option is chosen, rebidding will delay construction by approximately two months.
3. Do not award the contract and provide direction to staff.

**RECOMMENDED ACTION:** Adopt the resolution authorizing the City Manager to award and execute a construction agreement for the Spinnaker Point Parking Modifications Project with Michael Paul Company, Inc. in the amount of \$844,693 and authorizing contingency funds of \$125,307 for a total appropriated amount of \$970,000.

**ATTACHMENTS:**

1. Resolution

**RESOLUTION NO.**

**RESOLUTION OF THE SAN RAFAEL CITY COUNCIL AUTHORIZING THE CITY MANAGER TO AWARD AND EXECUTE A CONSTRUCTION AGREEMENT FOR THE SPINNAKER POINT PARKING MODIFICATIONS PROJECT, CITY PROJECT NO. 11363, TO MICHAEL PAUL COMPANY, INC. IN THE AMOUNT OF \$844,693, AND AUTHORIZING CONTINGENCY FUNDS OF \$125,307 FOR A TOTAL APPROPRIATED AMOUNT OF \$970,000**

**WHEREAS**, on the 19th day of July 2022, pursuant to due and legal notice published in the manner provided by law, inviting sealed electronic bids through Bidexpress.com for the work hereinafter mentioned, as more fully appears from the Proof of Publication thereof on file with the County of Marin, California, through Microsoft Teams, City of San Rafael staff did publicly open, examine, and declare all sealed electronic bids for doing the following work in said City, to wit:

**“Spinnaker Point Parking Modification Project”**

**City Project No. 11363**

in accordance with the plans and specifications therefore on file in the office of the Department of Public Works; and

**WHEREAS**, the bid of \$844,693 from Michael Paul Company, Inc. at the unit prices stated in its bid, was and is the lowest and best bid for said work and said bidder is the lowest responsible bidder; and

**WHEREAS**, staff has recommended that the project budget include a contingency amount of \$125,307.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN RAFAEL RESOLVES** as follows:

1. The plans and specifications for the “Spinnaker Point Parking Modifications Project”, City Project No. 11363 on file in the Department of Public Works, are hereby approved.
2. The City Manager is authorized and directed to execute a contract with Michael Paul Company, Inc. for the bid amount, subject to final approval as

to form by the City Attorney, and to return the bidder's bond upon the execution of the contract.

3. Funds for project totaling \$970,000, which includes the construction award amount and contingency, will be appropriated for City Project No. 11363, using \$970,000 in Gas Tax funds (Fund #206).
4. The Director of Public Works is hereby authorized to take any and all such actions and make changes as may be necessary to accomplish the purpose of this resolution.

I, **Lindsay Lara**, Clerk of the City of San Rafael, hereby certify that the foregoing Resolution was duly and regularly introduced and adopted at a regular meeting of the City Council of said City held on Monday, the 1<sup>st</sup> day of August 2022, by the following vote, to wit:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

LINDSAY LARA, City Clerk

File No.: 16.01.293