

**TO:** James L. App, City Manager  
**FROM:** Doug Monn, Public Works Director  
**SUBJECT:** Carnegie Library Repair and Retrofitting  
**DATE:** September 18, 2007

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**NEEDS:** For the City Council consider rejecting all bids received and re-advertising the contract to repair and retrofit the Carnegie Library.

- FACTS:**
1. On December 22, 2003, the City was subjected to a 6.5 magnitude earthquake which caused moderate damage to the City's Carnegie Library.
  2. The construction/repair/retrofit contract was advertised for bid, and at the bid opening on July 5, 2007, three bids were received:

Newton Construction	\$ 2,060,000
Giampolini & Co.	2,119,366
Solpac Inc. dba Soltek Pacific	2,320,000
  3. Contractors were required to also submit a unit price Bid Schedule on July 10, 2007. Only two contractors responded:

Newton Construction	\$ 2,060,000
Giampolini & Co.	2,157,730.60
  4. In addition to using FEMA funds to repair the Carnegie Library, the City will also use Federal grant funds to improve disabled access not covered by FEMA. As a condition of receiving those funds the City is required to include standard federal provisions for Disadvantaged Business Enterprises (DBEs) to participate in the project. In order to qualify for award of the contract, bidders must comply with the DBE requirements, either by showing that at least 2% of the work associated with the construction contract will be performed by DBE firms or by documenting "good faith efforts" to obtain the specified level of DBE participation.
  5. The bid from Newton Construction did not satisfy the DBE program requirements and was therefore non-responsive.
  6. The bid documents also required the contractor to list a specified contractor to perform the Polyester Resin Center Core Drilling of the building or an approved alternate. The second bidder, Giampolini and Company, did not list the specified subcontractor or make a timely application for an approved alternate, and therefore its bid was non-responsive.
  7. The third bidder, Solpac Inc., did not submit a unit price Bid Schedule and is therefore non-responsive.

**ANALYSIS & CONCLUSION:** As all three bids received were non-responsive. It is recommended that the City Council reject all bids and authorize staff to re-advertise.

**POLICY**

**REFERENCE:** Capital Improvement Project

**FISCAL**

**IMPACT:** The fiscal impact is limited to the cost of bid advertising and reproduction of plans, estimated at \$3,500. Once a responsive bid is received, staff will be requesting appropriation for the project.

- OPTIONS:**
- a. Adopt Resolution No. 07-xx rejecting all bids received for the repair and retrofit of the Carnegie Library, and re-advertise.
  - b. Amend, modify, or reject the above option.

Attachments (1)

- 1) Resolution

RESOLUTION NO. 07-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES  
REJECTING ALL BIDS RECEIVED  
TO REPAIR AND RETROFIT THE CITY'S CARNEGIE LIBRARY  
AND AUTHORIZING RE-ADVERTISEMENT FOR BIDS

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WHEREAS, on December 22, 2003, the City was subjected to a 6.5 magnitude earthquake which caused moderate damage to the City's Carnegie Library; and

WHEREAS, the construction/repair/retrofit contract was advertised for bid, and at the bid opening on July 5, 2007, three bids were received ranging in price from \$2,060,000 to \$2,320,000; and

WHEREAS, contractors were required to also submit a unit price Bid Schedule on July 10, 2007 and two of the contractors responded as follows: Newton Construction – \$2,060,000, and Giampolini & Co. – 2,157,730.60; and

WHEREAS, as a condition of receiving federal funds for this project the City included standard federal provisions requiring bidders to meet goals for Disadvantaged Business Enterprises (DBEs) in order to participate in the project (bidders had to show that at least 2% of their construction contract would be performed by DBE firms or, if the bidder did not meet the 2% goal, that the bidder had made a good faith effort to obtain the specified level of DBE participation); and

WHEREAS, the bid from Newton Construction did not satisfy the DBE program requirements and did not show a good faith effort to solicit DBE subcontractors, and therefore was a non-responsive bid; and

WHEREAS, the bid from Giampolini and Company did not meet the requirement that the contractor list a specified contractor to perform the Polyester Resin Center Core Drilling or an approved alternate. Giampolini and Company did not list the specified subcontractor or make a timely application for an approved alternate, and therefore its bid was non-responsive; and

WHEREAS, the third bidder, Solpac Inc., did not submit the required unit price information, and therefore was a non-responsive bid; and

WHEREAS, as all three bids received were non-responsive, staff recommends that all bids be rejected and the project be re-advertised.

THEREFORE, BE IT RESOLVED AS FOLLOWS:

SECTION 1. The City Council of the City of El Paso de Robles does hereby reject all bids received for repairing and retrofitting the City's Carnegie Library.

SECTION 2. The City Council does hereby authorize staff to re-advertise the project for bids.

PASSED AND ADOPTED by the City Council of the City of Paso Robles this 18th day of September 2007 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

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Frank R. Mecham, Mayor

ATTEST:

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Deborah D. Robinson, Deputy City Clerk