

TO: James L. App, City Manager
FROM: Doug Monn, Public Works Director
SUBJECT: Supplemental Staff Report – Carnegie Library Repair and Retrofitting
DATE: December 18, 2007

NEEDS: For the City Council to receive and file the attached correspondence pertaining to the award of bid for the Carnegie Library.

- FACTS:**
1. On December 7, 2007, the City received a letter from Larry Wysong in response to correspondence issued by the City regarding award of the contract for rehabilitation of the City's Carnegie Library. A copy of this letter is attached to this staff report.
 2. The letter was received by the City after the staff report recommending award of bid had been incorporated into the agenda for the December 18 meeting.
 3. The letter from Wysong Construction sets forth the contractor's response to the City's concerns regarding his failure to prosecute the work diligently at Centennial Park and to respond to Staff's concerns about the schedule or quality of the work.
 4. The response to Mr. Wysong from the City, is also attached.

**ANALYSIS &
CONCLUSION:**

The Carnegie Library rehabilitation is a significant project for the City. On-time performance of the work is particularly important on this project because failure to meet the construction schedule prescribed under the approved FEMA Project Worksheet could affect the City's ability to obtain reimbursement of its costs in a timely manner. The inability of the City to request and receive regular payments based on completed work as set forth in the planned construction schedule could affect the General Fund.

The recommendation regarding award of this contract, set forth in the original staff report, is unchanged.

POLICY

REFERENCE: The City's Fiscal Neutrality Policy

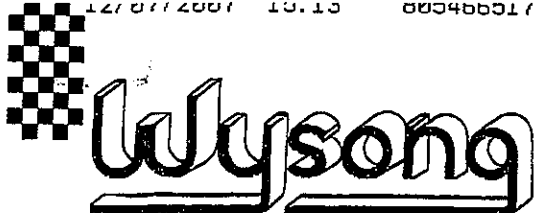
FISCAL

IMPACT: As the project is being funded initially from the General Fund, any reimbursements by FEMA that are delayed because work is not completed in accordance with the planned construction schedule and/or schedule of values would affect the General Fund.

- OPTIONS:**
- a. Receive and file the letter from Wysong Construction and the City Attorney's response, or
 - b. Amend, modify, or reject the above option.

Attachments (2)

- 1) Letter from Wysong Construction dated December 7, 2007
- 2) Response from Doug Monn



C O N S T R U C T I O N

8720-B EL CAMINO REAL • ATASCADERO, CA 93422 • (805) 466-1038 • FAX (805) 466-5178 • LIC. # 471850

Doug
I faxed a copy to

December 7, 2007

Linda.

City of Paso Robles
1000 Spring Street
Paso Robles, Ca. 93446

Att: Doug Monn
Re: Carnegie Library Earthwork Damage Repairs

Dear Doug,

I am in receipt of your letters dated December 4th and December 6th. I have previously addressed the issue of my experience as well as that of my subcontractors in my letters dated October 24th and November 5th. While the experience of myself as well as my subcontractors does not meet all the requirements of the bid documents, it does exceed that of the other two bidders on the project. You state the Marie Bauer and Georgia Brown school projects are not registered historic structures and not relevant to your project. The Carnegie Library project in San Luis Obispo, as well as the Printery Building certainly are relevant to this project.

You also state that the City reserves the right to reject proposals from bidders who have previously failed to perform properly or to complete contracts of any nature on time. If the city were to only accept bids from bidder's that have completed every project on time they would have to reject all bidders as I don't feel there is a contractor that has completed every project on time, especially when one considers the huge amount of work that has been going on in the county the last few years which has put a huge strain on the availability of manpower and resources in the industry. I am fairly confident that I could provide further documentation for this if need be.

Your letter of December 4th makes a great deal of mention to the Centennial Park Pool project, which I performed for the City of Paso Robles in 2005 and the beginning of 2006. I would be the first to admit that we did struggle somewhat with the timely completion of that project as we were extremely busy at that time. All of our subcontractors were very busy as well which had a huge impact on the completion of the project. I have reviewed all the correspondence files for that project and would like to make the following points. First off the city delayed the beginning of a few portions of the project in order to allow use of the facility. We did this in the spirit of cooperation which in fact did cost Wysong Construction money, yet we asked for no added compensation. A big item of contention on that project was the concrete hockey court. The concrete cracked a great deal in the months after completion due to design issues which had nothing to do with Wysong Construction. The city in fact even brought in Earth Systems to determine the cause of the cracks. We worked diligently with all parties involved to find a solution. Wysong Construction actually performed all the repairs at no cost to the City, nor was there any time extension given to perform the work. The second item that caused a huge delay and problem was the slide. The slide that was called out

was designed to use in a pool that was five feet deep when there is 12" of free board above the pool deck. The pool at Centennial Park is only 4'6" therefore causing a huge problem. This problem was more compounded by the fact that the pool manufacturer was from Canada. It took over 3 months to get a solution. The slide was modified and the location was moved. Wysong Construction was not responsible for this problem, or the fact that it took so long to find a solution. If my memory serves me correct we were over \$100,000 low on that project, which saved the taxpayers in the City of Paso Robles a substantial amount of money. The Centennial Park project was completed and the quality of the end product did meet or exceed the project specifications.

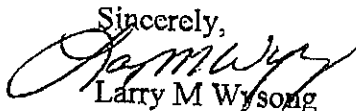
I might also mention that we have also completed Niblick Road Bridge Amenities as well as a project at the Paso Robles Train Station for the City of Paso Robles, Both jobs were done on time and turned out to be successful for Wysong Construction as well as the City of Paso Robles.

I am not going to get into the issues with the County Board of Education a great deal as this does not pertain to this project much. It mainly stems over the timely completion of one project which occurred at around the same time as Centennial Park. The delay was caused by design issues as well as all the subcontractors and my crews being too busy at that time. A point that might be worth mentioning is that a great deal of the delay on that project was caused by an electrical subcontractor that is another prime bidder on this project.

Since this time we have work hard at solving difficulties that have happened in the past. We have very recently completed the Recreation Center for the City of Atascadero which is a 6.1 million project that was done on time and in budget. I would urge you to call Jim Lewis, assistant city manger that acted as the construction administrator should you have any questions about our performance on that project. We are also near completion of the Science Wing Remodel at Cuesta College in San Luis Obispo. This is a 7.4 million dollar project that is getting done on time and in budget. Feel free to contact Ted Fox from Lundgren Management should you have any questions about our performance on that project. His number is 547-1027. You could also contact Mr. Ed Maduli from Cuesta College as well for questions regarding our performance.

In closing I would like to state the following: I feel that I am a responsive as well as responsible bidder for this project. We strive to maintain a high quality project that is done on time and in budget. Wysong Construction has completed many projects over the last 22 years, most of which has great success. I view the Paso Robles Carnegie Library as a monumental project and would look forward to performing it. I would also look forward to working with the City of Paso Robles in a manner that would hopefully prove very successful for all parties involved. Feel free to call should you have any questions. I would also be more than happy to meet with you in person to discuss any issues or questions that you might have.

Sincerely,



Larry M Wysong

Cc Greg Abel



CITY OF EL PASO DE ROBLES

"The Pass of the Oaks"

December 13, 2007

VIA FAX: (805) 466-5176

Hard copy to follow

Wysong Construction
Attn: Larry M. Wysong
8720 El Camino Real
Atascadero, CA 93422

Re: City of Paso Robles – Carnegie Library Earthquake Damage Repair,
Project No. DWP 07-01B

Dear Mr. Wysong:

The City acknowledges receipt of your letter dated December 7, 2007. Nothing in that letter resolves the City's concerns arising from its prior experience with Wysong. The recommendation to Council regarding the determination that Wysong is not a responsible bidder and that the contract should be awarded to Newton Construction is unchanged.

Sincerely,

Doug Monn
Public Works Director

cc: Freda Berman
Ditas Esperanza
Linda Beck