

**TO:** James L. App, City Manager  
**FROM:** Doug Monn, Public Works Director  
**SUBJECT:** North County Transportation Center Facility – Contract Award  
**DATE:** December 15, 2009

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**NEEDS:** For City Council to consider awarding a contract to install a restroom facility at the North County Transportation Center (NCTC).

- FACTS:**
1. Proposition 1B provided \$550 million in infrastructure improvement funds to be allocated to cities throughout the State of California. Of that amount, \$2.4 million is available in San Luis Obispo County for transit related projects. The grant is administered by SLOCOG.
  2. The City applied for and was successful in receiving a grant in the amount of \$158,765 to install restrooms at the NCTC.
  3. In addition to the Prop 1B grant, the City also received an American Recovery and Reinvestment Act (ARRA) grant through SLOCOG in the amount of \$65,000 to be used for this project.
  4. The total funds available are \$223,765.
  5. At the bid opening on November 12, six bids were received as follows:

Sierra Pacific Commercial Construction .....	\$155,100
JTS Construction .....	165,000
JM Reiss Associates .....	182,600
R. Burke Corporation.....	194,471
Rumex Construction Corporation .....	224,800
GLR Construction.....	261,873
  6. The City received bid protests against Sierra Pacific from JM Reiss Associates and JTS Construction. JM Reiss also protested the bid from JTS Construction. Sierra Pacific and JTS responded to the protests. The protests alleged certain deficiencies in the bids, particularly relating to the bidders' subcontractor listing.

**ANALYSIS &**

- CONCLUSION:** The City Attorney reviewed the bids and protests and has determined:
- The protests regarding the bid submitted by Sierra Pacific are well-founded, and should be sustained. The bid documents require that the bidder perform at least 60% of the work using its own forces. Sierra Pacific's bid showed that subcontractors would be performing the majority of the work. In response to the protest, Sierra Pacific stated that it had listed some subcontractors in error, and would perform more of the work itself. State law prohibits a general contractor from performing work for which it has listed a subcontractor in its bid.
  - The protests regarding JTS Construction identified only inconsequential issues that did not affect the responsiveness of that bid.

- Based on the protests and Sierra Pacific's response, we advised Sierra Pacific that staff would recommend that the City Council reject Sierra Pacific's bid as non-responsive and award the contract to JTS Construction.
- Accordingly, the City Attorney's office recommends:
  - Protests of the bid submitted by Sierra Pacific be sustained.
  - Protests of the bid submitted by JTS Construction be overturned.
  - The bid submitted by Sierra Pacific be rejected as nonresponsive.
  - The City Council accept the bid submitted by, and award the contract to, JTS Construction as the bidder submitting the lowest responsive bid.

**POLICY**

**REFERENCE:** Capital Improvement Project

**FISCAL**

**IMPACT:** There is a remaining balance of \$195,000 from the Prop 1B and ARRA grants available for this project.

**OPTIONS:**

- a. Adopt Resolution No. 09-xx upholding bid protests against the low bid from Sierra Pacific Commercial Construction, denying protests of the bid submitted by JTS Construction, and awarding the contract to the second lowest bidder, JTS Construction, in the amount of \$165,000 for construction of the NCTC Restroom Facility.
- b. Amend, modify, or reject the above option.

Prepared by: Ditas Esperanza, P.E., Capital Projects Engineer

Attachments: Resolution

RESOLUTION NO. 09-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES  
AWARDING THE CONTRACT TO INSTALL RESTROOMS AT THE  
NORTH COUNTY TRANSPORTATION CENTER

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WHEREAS, the City applied for and received a Proposition 1B grant in the amount of \$158,765 to install restrooms at the North County Transportation Center (NCTC); and

WHEREAS, the City also applied for and received an American Recovery and Reinvestment Act (ARRA) grant in the amount of \$65,000 for this project; and

WHEREAS, the project was designed, bid documents were prepared and advertised, and at the bid opening on November 12, 2009, six bids were received ranging in price from \$155,100 to \$261,873; and

WHEREAS, the City received bid protests from JM Reiss Associates and JTS Construction against the low bidder, Sierra Pacific; and

WHEREAS, JM Reiss Associates also protested the bid of the second low bidder, JTS Construction; and

WHEREAS, Sierra Pacific and JTS responded to the protests; and

WHEREAS, the City Attorney reviewed the bids, protests and responses, and determined the protests regarding the bid submitted by Sierra Pacific were well-founded and should be sustained, but that the protests regarding the JTS bid were inconsequential issues that did not affect the responsiveness of that bid; and

WHEREAS, based on review of the bids, protests and responses by staff and the City Attorney, staff recommends that City Council reject Sierra Pacific's bid as non-responsive and award the contract to the second lowest bidder, JTS Construction; and

WHEREAS, there is a remaining balance of \$195,000 from the Prop 1B and ARRA grants available for the construction phase of this project.

THEREFORE, BE IT RESOLVED AS FOLLOWS:

SECTION 1. The City Council of the City of El Paso de Robles does hereby sustain the protests against the bid submitted by Sierra Pacific Commercial Construction and reject the bid as nonresponsive.

SECTION 2. The City Council does hereby overturn the protests against the bid submitted by JTS Construction and does hereby award the contract to the second lowest bidder, JTS Construction, to install restrooms at the North County Transportation Center, and authorizes the City Manager to execute the contract..

PASSED AND ADOPTED by the City Council of the City of Paso Robles this 15th day of December 2009 by the following vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

ATTEST:

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Duane Picanco, Mayor

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Lonnie Dolan, Deputy City Clerk