



CITY COUNCIL AGENDA REPORT

MEETING DATE: January 2, 2007

ITEM NUMBER:

SUBJECT: EAST 17TH STREET /RAYMOND AVENUE FLASHING CROSSWALK - FEDERAL PROJECT NO. STPLH – 5312 (067), CITY PROJECT NO. 06-02

DATE: DECEMBER 22, 2006

FROM: PUBLIC SERVICES DEPARTMENT/ENGINEERING DIVISION

PRESENTATION BY: WILLIAM J. MORRIS, DIRECTOR OF PUBLIC SERVICES

FOR FURTHER INFORMATION CONTACT: ERNESTO MUNOZ, CITY ENGINEER, (714) 754-5343

RECOMMENDATION:

1. Adopt plans, specifications, and working details for the East 17th Street /Raymond Avenue Flashing Crosswalk Project, Federal Project No. STPLH-5312 (067), City Project No. 06-02.
2. Approve Budget Adjustment No. 07-009 (Attachment 1) in the amount of \$133,028.
3. Accept the withdrawal of the bid submitted by Inspection Engineering, Inc.
4. Award a construction contract to OAK Engineering, Inc., 1305 W. Second Street, Pomona, CA 91766, in the amount of \$133,028.
5. Authorize the Mayor and the City Clerk to execute the Public Works Agreement.

BACKGROUND:

In the spring of 2006, the Transportation Services Division was awarded a Hazard Elimination Safety (HES) grant of \$119,725 to improve pedestrian safety at the intersection of East 17th Street and Raymond Avenue. The HES grant program is administered by the California Department of Transportation (Caltrans) and covers 90% of project costs.

The scope of work for this project, in general, consists of constructing a flashing crosswalk on the west-leg of East 17th Street at the Raymond intersection to improve pedestrian accessibility and safety. The project will also include the installation of new pole mounted flashing warning lights and signs, enhancements to street lighting and constructing ADA handicap ramp improvements. The Contractor shall furnish all labor, materials, tools, equipment and incidentals necessary to perform and complete the work as shown on the plans and contract documents.

The project will be coordinated with the Roadway Rehabilitation of East 17th Street from Orange Avenue to 200' east of Santa Ana Avenue Project, City Project No. 06-03 and the East 17th Street Improvement Project, City Project No. 06-15.

ANALYSIS:

The City Clerk received and opened eight (8) bids for this project on November 1, 2006. However, Inspection Engineering, Inc., the low bidder, has requested to withdraw its bid from consideration on this project due to a clerical error made in the bidding documents. California Public Contract Code Section 5101(b) provides for criteria under which a contractor may request to have its bid withdrawn. A written mistake by the contractor on the bidding documents falls within this criteria.

The second lowest bidder, OAK Engineering, Inc., submitted a bid proposal of \$133,028. The Engineer's estimate was \$105,000. An analysis of the bids indicates that the apparent low bidder submitted a proposal that is 26.6 percent higher than the Engineer's estimate presumably due to higher construction costs. The average of the properly submitted bids received amounted to \$154,271. The Bid Abstract is included as "Attachment 2."

On November 3, 2006, the City received a letter from OAK Engineering, Inc. protesting the bid received by the City from Inspection Engineering, Inc. The letter asserted the opinion that the bid should be rejected per Title 49, Code of Federal Regulations, Part 29 (Attachment 3). However, on November 8, 2006, Inspection Engineering Inc. submitted its request to withdraw its bid due to a clerical error made in the bidding documents. As discussed above, City staff recommends accepting the withdrawal of bid by Inspection Engineering, Inc. Therefore, it is unnecessary to take further action regarding the protest submitted by OAK Engineering, Inc.

The license and references of OAK Engineering, Inc. were checked and staff has found them to be in good standing.

ALTERNATIVES CONSIDERED:

The alternative to this Council action would be to reject all the bids. If all the bids were rejected, the City would have to readvertise or cancel the project. Staff believes that readvertising the project will not result in lower bids.

FISCAL REVIEW:

In the spring of 2006 the Transportation Services Division was awarded a Hazard Elimination Safety (HES) grant of \$119,725 to improve pedestrian safety at the intersection of East 17th Street and Raymond Avenue. The HES grant will provide funding for 90 percent of project costs with the City's 10 percent share being funded from the Air Quality Improvement Fund. Budget Adjustment No. 07-009 will recognize the grant funds and appropriate the grant funds and the Air Quality Improvement Funds into the project account.

LEGAL REVIEW:

OAK Engineering, Inc. has furnished the necessary bonds and insurance, which were approved as to form by the City Attorney's office. After the award and subsequent execution of the contract, a "Notice to Proceed" will be issued.

CONCLUSION:

It is recommended that the City Council adopt plans, specifications, and working details for the East 17th Street /Raymond Avenue Flashing Crosswalk Project; approve Budget Adjustment No. 07-009 in the amount of \$133,028; accept the withdrawal of the bid submitted by Inspection Engineering, Inc.; award the contract to OAK Engineering, Inc. in the amount of \$133,028; and authorize the Mayor and the City Clerk to execute the Public Works Agreement.

ERNESTO MUNOZ
City Engineer

WILLIAM J. MORRIS
Director of Public Services

MARC R. PUCKETT
Director of Finance

ATTACHMENTS: "1" [Budget Adjustment No. 07-009](#)
 "2" [Bid Abstract](#)
 "3" [Protest Letter](#)

DISTRIBUTION: City Manager
 City Attorney
 Transportation Services Manager
 City Clerk
 Staff
 File

File Name 06-02 Award Report

Date 12-13-06

Time 9:49 a.m.