



CITY COUNCIL AGENDA REPORT

MEETING DATE: FEBRUARY 17, 2009

ITEM NUMBER:

SUBJECT: LANDSCAPE IMPROVEMENTS AT FAIRVIEW PARK, 2525 PLACENTIA AVENUE, COSTA MESA, AREA "D" - CITY PROJECT NO. 08-18

DATE: FEBRUARY 5, 2009

FROM: PUBLIC SERVICES DEPARTMENT/ENGINEERING DIVISION

PRESENTATION BY: PETER NAGHAVI, DIRECTOR, DEPARTMENT OF PUBLIC SERVICES

FOR FURTHER INFORMATION CONTACT: ERNESTO MUÑOZ, CITY ENGINEER, (714) 754-5335

RECOMMENDATION:

1. Adopt plans, specifications, and working details for the Landscape Improvements Project at Fairview Park, 2525 Placentia Avenue, Costa Mesa, Area "D" - City Project No. 08-18.
2. Waive the minor irregularity in the bid submitted by Jeff Tracy, Inc. dba Land Forms Landscape Construction, and award a construction contract to Jeff Tracy, Inc. dba Land Forms Landscape Construction, 27601 Forbes Road, Suite 36, Laguna Niguel, California, 92677, in the amount of \$460,122.80 (base bid plus additive bid items AD2, AD3, AD8, AD10, AD18, and AD20 only).
3. Authorize the Mayor and the City Clerk to execute the Public Works Agreement.

BACKGROUND:

The Fairview Park Master Plan (Attachment 1) was originally approved in March 1998, revised in February 2001, and again in November 2002. The Fairview Park Master Plan divides the 208-acre park into nine planning areas that takes into account the park's topography and proposed uses. Planning Area "D", the subject of this report, is located in the upper mesa, west of Placentia Avenue. Some of the most important amenities within planning Area "D," include vernal pools, an archeological site, and an area for model airplane flying.

The implementation of the master plan is progressing steadily with the assistance of grants, and through a mitigation bank, which allows regional entities the opportunity to mitigate displaced habitats at Fairview Park. Staff is continually seeking grant opportunities and has successfully received many to date, including a grant from the California Department of Parks and Recreation in the amount of \$225,000 for improvements in planning Area "D" of Fairview Park. The scope of work approved via this grant includes the construction of a staircase from the northwest corner of the upper mesa to the lower Fairview Park, an interpretive center, decomposed granite (DG) trails, observation platforms, benches, trash cans, signage, bicycle racks, and vernal pool protection.

ANALYSIS:

The City Clerk received and opened seven bids for this project on January 26, 2009. Jeff Tracy, Inc. dba Land Forms Landscape Construction was the apparent low bidder with a base bid proposal of \$353,442.80. The Engineer's estimate was \$384,748.00, and the average of the seven

base bids received amounted to \$443,721.67. An analysis of the bids indicates that the apparent low bidder submitted a bid proposal that was 8 percent (8%) lower than the Engineer's estimate and 20 percent (20%) lower than the average base bid. The Bid Abstract is included as Attachment 2.

The base bid includes the construction of the staircase from the northwest corner of the upper mesa to the lower Fairview Park; and improvements around the vernal pools. The base bid limited the construction of pedestrian trails to be graded with existing native soils only.

The additive items within the proposal included work to be considered depending on funding availability. The addition of additive items AD2, AD3, AD8, AD10, AD18, and AD20 allows the City to maximize the grant allocation. The inclusion of the additive work will enable the construction of a permanent decomposed granite (DG) based pedestrian trail system in lieu of utilizing native materials, addition of park furniture to the scope of work, and allow for minor improvements to the concrete features of the pedestrian bridge over Placentia Avenue.

On January 30, 2009, a written protest was received from another bidder asking that the apparent low bidder's proposal be rejected due to an irregularity between the written total amount of the bid and the mathematical total amount of the bid (Attachment 3). In addition, the written protest asked to reconsider the validity of the bid bond amount, which differs from the proposed base bid amount.

City staff has reviewed the discrepancy identified and recommends that this be considered a minor irregularity and be waived by the City Council. As noted on page P-1d of the bid documents, "If the unit price and total amount are different, the unit price will control the bid." If waived by the City, this minor irregularity would not change the total price of Land Forms Landscape Construction's proposal, nor would it affect the final order of the bids received by the City Clerk.

The total of the bid proposal's mathematical amount reflects a true summation of the various items of work, which confirms that the mathematical total was the intended amount of the bid. Staff has determined that the discrepancy does not affect the contractor's total price, time, or work to be performed and corrects the bid to a lower price. The City Council has the authority to waive minor irregularities in bids, and waiving this minor irregularity does not give Land Forms Landscape Construction any advantage over the other bidders.

At the bid opening, Land Forms Landscape Construction submitted a fully executed bid bond with their proposal in the amount of 10% of the total bid amount. This bid bond has been reviewed by staff and found to be compliant with the contract documents. Therefore, the protest on this issue from the other bidder holds no merit.

The licenses and references of Jeff Tracy, Inc. dba Land Forms Landscape Construction were checked and staff has found them to be in good standing.

ALTERNATIVES CONSIDERED:

City Council may reject the bid submitted by Jeff Tracy, Inc. dba Land Forms Landscape Construction by not waiving the minor bid irregularity.

Another alternative to this Council action would be to reject all bids. If all bids were rejected, the City would need to readvertise or cancel the project. Staff believes that readvertising the project will not result in lower bids and may forfeit the State Grant for the project.

FISCAL REVIEW:

Funding for this project is available from the California Department of Parks and Recreation Land and Water Conservation Fund Program, with the matching monies from the City's Park Development Fund.

LEGAL REVIEW:

Jeff Tracy, Inc. dba Land Forms Landscape Construction 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:

The advertisement and bid opening for the Landscape Improvements at Fairview Park Area "D" – City Project No. 08-18 have been completed. Therefore, it is recommended that the City Council adopt the plans, specifications, and working details for said project; waive the minor irregularity in the bid submitted by Jeff Tracy, Inc. dba Land Forms Landscape Construction; and award the contract to the apparent low bidder Jeff Tracy, Inc. dba Land Forms Landscape Construction in the amount of \$460,122.80 (base bid plus additive bid items AD2, AD3, AD8, AD10, AD18, and AD20 only); and authorize the Mayor and the City Clerk to execute the Public Works Agreement.

ERNESTO MUÑOZ
City Engineer

PETER NAGHAVI, Director
Department of Public Services

MARC R. PUCKETT
Director of Finance

DISTRIBUTION: City Manager
 City Attorney
 City Clerk
 Staff
 File

ATTACHMENTS: 1. [Fairview Park Master Plan](#)
 2. [Bid Abstract](#)
 3. [Letter dated January 30, 2009](#)