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DEPARTMENT OF
PUBLIC WORKS

ENGINEERING DIVISION

CITY OF SACRAMENTO
CALIFORNIA

January 6, 1993

927 TENTH STREET
ROOM 200
SACRAMENTO, CA
95814-2700

PH 916-264-7120
FAX 916-264-7903

CONSTRUCTION SECTION
640 BERGUT DRIVE
SUITE B
SACRAMENTO, CA
95814-0131

City Council
Sacramento, California

Honorable Members in Session:

SUBJECT: WOODLAKE PARK PHASE II (PN:LJ06) - CONTRACT AWARD

PH 916-264-5282
FAX 916-264-7276

LOCATION/COUNCIL DISTRICT: Woodlake Park Annex - Arden Way Between Canterbury Road
and Oxford Street
District No. *D*

RECOMMENDATION

It is recommended that the City Council adopt the attached Resolution that waives a minor irregularity in the bid and award the contract for the Woodlake Park Phase II project to the low bidder, Premier Gardening and Landscape.

CONTACT PERSON: N. Dee Lewis, Supervising Engineer, 264-7130

FOR COUNCIL MEETING OF: January 12, 1993

SUMMARY

This phase of the Development of Woodlake Park project will construct concrete walkways, planters, play area, a shade trellis, landscaping and related appurtenances.

On October 27, 1992, the City Council approved this project to be advertised for bids. Bids were received on November 18, 1992. The low bidder does not have the Contractor's license combination required in the project specifications, and a protest of the low bid was received by the City. Staff has determined that it would be in the best interest of the City to recommend that the C-8 specialty contractors license called for in the specifications be waived, and the contract be awarded to the low bidder, Premier Gardening and Landscape, a certified WBE.

BACKGROUND INFORMATION

This is Phase II of the Development of Woodlake Park project. This phase of the project will provide for construction of concrete walkways, planters, play area, a shade trellis, landscaping and related appurtenances.



City Council
Woodlake Park Phase II (PN:LJ06)
January 12, 1993

On October 27, 1992, the City Council approved the plans and specifications for this project. Bids were received and opened by the City Clerk on November 18, 1992. The bids received were:

Premier Gardening and Landscape	\$177,013.00
Cioli & Sons Construction	\$232,301.60
Consolidated Landscaping, Inc.	\$248,778.00
BRCO Constructors, Inc.	\$259,900.00
B.L. Cohen Landscape, Inc.	\$279,672.62
Thorcon Inc.	\$279,893.00
Lamon Construction Co, Inc.	\$309,665.00

The project specifications required a bidder to possess a Class A or a C-8 and a C-27 license. The Class A is a general engineering contractor license, the C-8 is a concrete contractor license, the C-27 is a landscaping contractor license. The low bidder, Premier Gardening and Landscape, possesses only a C-27 license and therefore does not have the contractors license combination called for in the project specifications. Subsequently, a bid protest was received by the City from Consolidated Landscaping, Inc. City staff made a request to the State Contractors License Board for a determination of the proper license classifications necessary to bid this project. The State Contractors License Board made a determination that pursuant to the provisions of Business and Professions Code Section 7059(b) the City had the prerogative to require a specialty contractor bidding on this project to hold both the C-8 and the C-27 license classifications at the time of bid, and that the City did not violate State Contractors License Law by requiring the C-8 license for this project, however, a C-27 license would have been sufficient for this project.

Upon consideration of these facts, staff has determined that it would be in the best interest of the City to waive the C-8 license requirement called for in the project specifications and award the contract to the low bidder, Premier Gardening and Landscape, a certified woman-owned business enterprise. City Code 58.304 states that the City Council may waive any informalities or minor irregularities in the bids.

Future Parks projects of this nature will require only the C-27 license pursuant to the determination reached by the State Contractors License Board. The City Attorney's office has reviewed this matter and concurs with this course of action.

The estimated project completion date is June 30, 1993.

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FINANCIAL CONSIDERATIONS

The engineer's estimated construction cost was \$248,532.

The estimated total project cost, including all planning, design and construction costs, is \$456,923. The current budget is \$439,290, which was approved in the Capital Improvement Program from the Gas Tax fund (202), the Capital Grants fund (248) and the General Fund (101). The funds available for this project amount to \$284,384, as of December 17, 1992.

POLICY CONSIDERATIONS

This action is consistent with Chapter 58, Article III, Section 58.304 of the City Code concerning award of contracts.

MBE/WBE

There were 25 planholders for this project, two of whom are certified MBE's and one is a certified WBE. Of the 7 bids received, one was from the WBE and was the low bid.

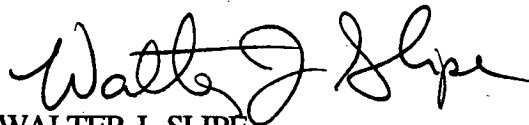
Plans and specifications were sent to twenty (20) plan rooms and construction services organizations for publication and use by the construction industry of Northern California. There are four (4) organizations on the distribution list that are directly involved with MBE/WBE contractors.

Respectfully Submitted:



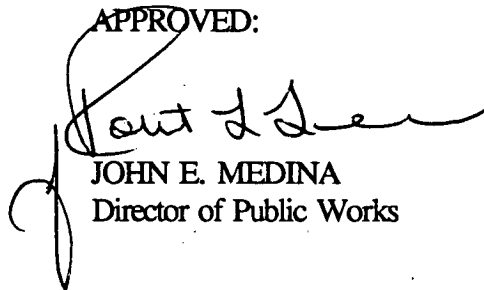
THOMAS M. FINLEY
Engineering Division Manager

RECOMMENDATION APPROVED:



WALTER J. SLIPE
City Manager

APPROVED:



JOHN E. MEDINA
Director of Public Works

FB:jd
EA5-22.I
01.0693.1

Attachment

RESOLUTION NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____

**A RESOLUTION WAIVING THE REQUIREMENT OF A C-8 LICENSE
FOR THE WOODLAKE PARK PHASE II PROJECT AND
AWARDING THE CONTRACT FOR THE PROJECT TO
PREMIER GARDENING AND LANDSCAPE
(PN:LJ06)**

WHEREAS, City staff required either a Class A or a C-8 and C-27 license for the above-referenced project;
and

WHEREAS, City staff subsequently received documentation from the State Contractor's License Board
indicating that the project did not necessarily require a C-8 license and that a C-27 license alone was sufficient; and

WHEREAS, City Code Section 58.304 allows the City Council to waive any informality or minor irregularity
in bids received; and

WHEREAS, the apparent low bidder on the project possesses a C-27 license, and all other bids received were
a minimum of 31.2% higher.

IT IS HEREBY RESOLVED BY THE COUNCIL OF THE CITY OF SACRAMENTO THAT:

1. The C-8 license requirement for the Woodlake Park Phase II project is hereby waived.
2. Any bid not reflecting a C-8 license is acceptable as the City Council determines this failure as a minor irregularity as permitted by City Code Section 58.304.

FOR CITY CLERK USE ONLY

RESOLUTION NO.: _____

DATE ADOPTED: _____

3. A contract is hereby awarded to Premier Gardening and Landscape for the Woodlake Park Phase II project.

MAYOR

ATTEST:

CITY CLERK

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EA5-22.I
01.0693

FOR CITY CLERK USE ONLY

RESOLUTION NO.: _____

DATE ADOPTED: _____