



APPROVED
BY THE CITY COUNCIL

OCT 1 1998

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DEPARTMENT OF
PUBLIC WORKS

CITY OF SACRAMENTO
CALIFORNIA

OFFICE OF THE
CITY CLERK

927 10TH STREET
SACRAMENTO, CA
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TECHNICAL SERVICES
DIVISION

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September 17, 1998

City Council
Sacramento, California

Honorable Members In Session:

SUBJECT: APPROVAL OF BID PROTEST FEE AND HEARING EXAMINERS

LOCATION AND COUNCIL DISTRICT:

Citywide.

RECOMMENDATION:

It is recommended that City Council approve the attached resolution establishing the bid protest fee and approving the individuals listed as the panel of Bid Protest Hearing Examiners.

CONTACT PERSON: Gregory P. Hovious, Contract Officer, 264-8278

FOR COUNCIL MEETING OF: October 1, 1998

SUMMARY:

When bid protests are filed on formally bid public projects, Title 58 of the Sacramento City Code requires the payment of a fee and the selection of a hearing examiner from a panel appointed by City Council. This report proposes the bid protest fee and the panel of hearing examiners be established by City Council.

COMMITTEE/COMMISSION ACTION:

None.

BACKGROUND INFORMATION:

On April 14, 1998 City Council approved the Bid Protest Fee and Hearing Officer Ordinance of Title 58. Title 58 provides, in relevant part:

58.10.1004 Submission of Bid Protest to City

. . . At the time a bid protest is filed, the protesting bidder shall also deposit with the City Clerk a bid protest fee in an amount established by resolution of the City Council.

58.10.1007 Hearing of Bid Protest by a Hearing Examiner

- (a) A bid protest shall be heard by a hearing examiner selected by City staff on a rotating basis from a panel of hearing examiners appointed by the City Council. Hearing examiners shall serve at the pleasure of the City Council. A hearing examiner may not be a City employee at the time of the hearing.

The bid protest fee is used to pay the costs of a hearing and a hearing examiner. It is recommended that the amount of the fee be set at \$250, based upon the City Clerk's fee schedule for administrative hearings.

In May 1998, A Request for Qualifications was sent out seeking hearing examiners. Four responses were received. Staff has determined all four to be qualified and recommends these four be appointed as the panel for a two-year term. The proposed panel consists of the following individuals:

- George Tinseth, Retired General Contractor, with over 40 years experience in public construction
- Aaron Swickard, Licensed General Contractor, Certified Cost Consultant
- Virginia Acosta-Bisasno, Certified Mediator and Construction Contract Compliance
- Lawrence Solorio, Certified Mediator and Construction Contract Compliance

FINANCIAL CONSIDERATIONS:

Hearings are held on an ad-hoc basis. The cost of each hearing will be paid for by the protesting party.

ENVIRONMENTAL CONSIDERATIONS:

This action does not constitute a project for purposes of CEQA and, therefore, no environmental review is required.

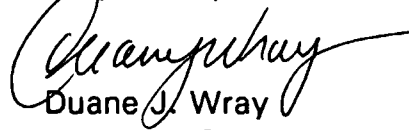
POLICY CONSIDERATIONS:

The appointment of hearing examiners, by resolution, is consistent with existing policies and procedures. The recommendations stated on this report are also consistent with City Council policies and stated priorities related to revitalization and preservations of neighborhoods.

MBE/WBE EFFORTS:

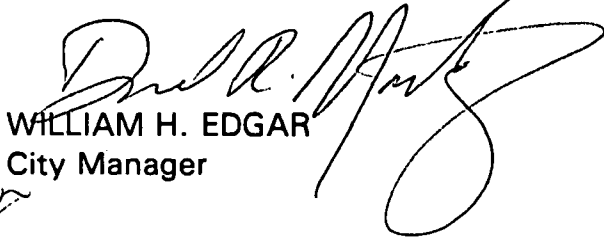
All known certified MBE/WBE's were solicited. No responses were received.

Respectfully submitted,



Duane J. Wray
Technical Services Manager

RECOMMENDATION APPROVED:



WHE

WILLIAM H. EDGAR
City Manager

Approved:



Michael Kashiwagi
Director of Public Works

GH:eaj
S:ts/ta/bid protest

APPROVED
BY THE CITY COUNCIL

OCT 1 1998

OFFICE OF THE
CITY CLERK

RESOLUTION NO. 98-491

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____

**A RESOLUTION ESTABLISHING BID PROTEST FEE AND
APPOINTING A PANEL OF BID PROTEST HEARING
EXAMINERS**

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SACRAMENTO that:

WHEREAS, Section 58.10.1004 of the Sacramento City Code requires a person filing a bid protest to deposit with the City Clerk a bid protest fee in an amount established by resolution of the City Council, which fee shall be used to pay the costs of a hearing and hearing examiner for the bid protest; and

WHEREAS, Section 58.10.1007(a) of the Sacramento City Code requires bid protests to be heard by a hearing examiner selected from a panel of hearing examiners appointed by the City Council.

NOW, THEREFORE, be it resolved by the Council of the City of Sacramento that:

1. The amount of the bid protest fee required under Sacramento City Code Section 58.10.1004 shall be \$250.
2. The following persons are appointed as hearing examiners to hear bid protests pursuant to Sacramento City Code Section 58.10.1007:

George Tinseth, Retired General Contractor
 Aaron Swickard, Licensed General Contractor, Certified Cost Consultant
 Virginia Acosta, Certified Mediator and Construction Contract Compliance
 Lawrence Solorio, Certified Mediator and Construction Contract Compliance

MAYOR

ATTEST:

CITY CLERK

FOR CITY CLERK USE ONLY

RESOLUTION NO.: _____

DATE ADOPTED: _____ 4