



Staff Report

July 20, 2020 Council Meeting

NE 3rd Avenue Bridge Seismic Retrofit Consideration of Bids

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INTRODUCTION:

The existing 3rd Avenue bridge is a two span structure approximately 225 feet long, carrying four lanes of traffic over the Washougal River. The bridge provides a critical link between the Cities of Camas and Washougal.

The City commissioned a seismic evaluation of the structure in 2006 and a supplementary evaluation in 2017. The evaluations concluded that the bridge is seismically deficient and recommended replacement of the bridge bearings and modifications to the end abutments. Staff determined that performing the seismic retrofit work in conjunction with other needed repairs identified in a 2016 WSDOT bridge inspection would be the most cost efficient and expedient way to bring the bridge in compliance with current design standards.

SUMMARY:

At the June 29, 2020 bid opening for the project, the City received four bids. All four bids received exceeded the Engineer's Estimate for the project. The Bid Tabulations are attached for reference.

As noted on the Bid Tabulations, the apparent low bidder, Conway Construction Company (Conway) did not submit with their bid package one document on the required bid submittal list. At the time of the bid opening Conway did not provide a full and complete copy of the Specialty Subcontractor Pre-qualification. The Specialty Subcontractor Pre-qualification was submitted with other supplementary documents the following morning, less than 24 hours after the bid opening.

Secondly, it appears as though Conway changed subcontractors after the bid opening for the Specialty Subcontractor work referenced above. While the listed subcontractor for Conway was Condon-Johnson & Associates, Inc. in the bid package turned in prior to the bid opening (in a different location than the Specialty Subcontractor Pre-qualification), Conway listed PLI Systems, Inc. in the mandatory Specialty

Subcontractor Prequalification form that was submitted the day after the bid opening. In consultation with the City Attorney, this act could be construed as "bid shopping". Submitting the form after the bids are in creates an unlevelled "playing field" for all bidders, as Conway could have seen the bid numbers and then simply failed to turn in the Form, or otherwise gained an advantage by having the information.

Thirdly, the line item bid totals (bid items 51 and 52) for the Specialty Subcontractor work are markedly different between Conway and the other three bidders. The bid amounts for this work, from overall low to high bidder, is as follows:

- Conway Construction Company: \$104,400
- Stellar J Corporation: \$550,000
- Legacy Contracting, Inc.: \$497,705
- Selby Bridge Company, Inc.: \$470,000

Per the bid specifications for this project, "A proposal may be considered irregular and may be rejected if...Any of the unit prices are excessively unbalanced (either above or below the amount of a reasonable Bid) to the potential detriment of the Contracting Agency" (citing is from Section 1-02.13 Irregular Proposals). The bid from Conway is more than four times less than all of the other bids and appears to be unbalanced.

The City has also received a bid protest from the second lowest bidder, Stellar J Corporation. Reasons stated for the protest are based on the three items mentioned above. Stellar J Corporation submitted a timely and complete bid package in full compliance with all instructions provided in the Bid Documents.

BUDGET IMPLICATIONS:

The Engineering Estimate for this construction contract was \$1,731,754.70. Conway's bid is \$1,963,683.00 and Stellar J's bid is \$2,140,510.00. While the Federal Grant does not require a local match, there is potentially up to \$400,000 in local funds that may be needed to complete this project due to the bid amounts being higher than the allotted grant amount. While staff is allowed to ask for additional grant funding from WSDOT after the bid award, there is no guarantee that additional grant funding will be received. Local expenditures would likely be taken from REET funds or the General Fund.

RECOMMENDATION:

Based on staff discussions with the City attorney and the attached Attorney Memorandum, it is recommended that Council reject the low bid from Conway Construction Company and award the project to Stellar J Corporation. Listed below, however, are three options:

OPTIONS:	RESULTS:
<p><i>If the Council determines that the omissions were a minor irregularity which may be waived as a reserved right to the City, they can award the bid to Conway Construction Company.</i></p>	<p><i>Council waives the minor bid irregularity and awards the bid to Conway Construction Company for the amount of \$1,963,683 and authorizes the Mayor or designee to sign the contract and change orders up to ten percent of the original contract amount, contingent on WSDOT Local Programs concurrence.</i></p>
<p><i>If the Council determines that the omissions were a major irregularity, they can reject the apparent low bid and award the bid to Stellar J Corporation.</i></p>	<p><i>Council rejects the bid of Conway Construction Company as non-responsive due to a major irregularity and awards the bid to Stellar J Corporation for the amount of \$2,140,510 and authorizes the Mayor or designee to sign the contract and change orders up to ten percent of the original contract amount, contingent on WSDOT Local Programs concurrence.</i></p>
<p><i>The Council can reject all bids</i></p>	<p><i>Direct staff to rebid the project.</i></p>