



## Staff Report – Consent Agenda

February 5, 2024 Council Regular Meeting

Reject All Bids for NW 38<sup>th</sup> Avenue Improvements Phase 3 and Authorize Staff to Readvertise for Rebidding (Submitted by James Carothers, Engineering Manager)

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**BACKGROUND:** Phase 3 of NW 38<sup>th</sup> Avenue includes street improvements from NW Parker Street to Grass Valley Park. Bids to construct the project were received from six contractors and publicly opened on November 29, 2023. The apparent low bidder, Nutter Corporation, was disqualified by City of Camas due to omissions in their bid proposal. Bidding documents for the new apparent low bidder, Rotschy Inc., were then forwarded to the FHWA grant administrator, WSDOT, for review. FHWA grants require Disadvantaged Business Enterprise (DBE) participation, typically by way of eligible subcontractors, by the successful construction contractor. On December 20, 2023 the WSDOT Office of Equity and Civil Rights determined that Rotschy Inc.'s bid was non-responsive due to insufficient monetary utilization of DBEs. Rotschy Inc. filed a request for reconsideration with WSDOT on December 21, 2024 stating the reasons that they believed their bid was responsive and requesting that the project be awarded. On January 26, 2024 the WSDOT Office of Equity and Civil Rights sent a notice dated January 23, 2024 to Rotschy Inc. stating that the request for reconsideration had been denied and that the bid was confirmed as non-responsive.

**RECOMMENDATION:** Staff recommends that all bids be rejected and that the project be readvertised for rebidding. This recommendation is based on staff's analysis that the next lowest bid from Tapani Inc. appears to have similar DBE deficiencies as the bid deemed non-responsive from Rotschy Inc.