



## CITY OF MILPITAS AGENDA REPORT (AR)

<b>Item Title:</b>	On Bids and Award Construction Contract to Johnson Controls Fire Protection LP in the amount of \$138,480.00 for the City Hall Fire Suppression System Repairs Project.
<b>Category:</b>	Consent Calendar-Community Services and Sustainable Infrastructure
<b>Meeting Date:</b>	3/2/2021
<b>Staff Contact:</b>	Tony Ndah, 408-586-2602
<b>Recommendation:</b>	<ol style="list-style-type: none"><li>1. Receive report on bids and award construction contract to Johnson Controls Fire Protection LP, in the amount of \$138,480.00 for the City Hall Fire Suppression System Repairs project;</li><li>2. Authorize the Director of Public Works to negotiate and execute contract change order(s) in an aggregate amount not to exceed \$10,000.00 for the City Hall Fire Suppression System Repairs Project.</li></ol>

### **Background:**

On August 15, 2020, the Milpitas City Hall fire suppression system experienced a partial system failure resulting in the activation of the sprinklers in the rotunda portion of the building. The failure was due to the overheating of a sprinkler sensor due to its proximity to the City Hall skylights in the rotunda. The failure resulted in the fire suppression system remaining inactive in a portion of the building, necessitating the implementation of an hourly fire watch program for the building.

Repair of the suppression system would involve performing work at heights of up to 70 feet to access the ceiling of the rotunda and require the use of scaffolding in order to facilitate the installation of the new sprinkler heads and repair of the suppression system. As such, Public Works staff coordinated with Purchasing in order to issue an invitation for bids for the City Hall fire suppression system repairs consistent with California Code of Regulations and National Fire Protection Association (NFPA) fire alarm and fire suppression system repair guidelines.

### **Analysis:**

On October 6, 2020, the Purchasing Division released an Invitation for Bids under the Uniform Public Construction Cost Accounting Act ("Act"). Email notifications were sent to companies registered with the City via ProcureNow.com, the City's eProcurement system. Additionally, email notification to plan rooms and contractors registered with the City were sent in accordance with the Act.

Upon release, 93 firms received the solicitation notification and six (6) firms downloaded the related contract documents. The Purchasing Division received no bids by the October 23, 2020 deadline to respond to the IFB. The City then proceeded with negotiating a contract as authorized by California Public Contract Code 22038 which specifies "[i]f no bids are received through the formal or informal procedure, the project may be performed by .... negotiated contract ..."

The City negotiated directly with Johnson Controls Fire Protection LP as the firm has an extensive history providing maintenance of the City's various fire suppression systems and currently holds an on-call contract for repair services. The dollar amount of this project necessitates a separate contract specific for these repairs. Johnson Controls will be erecting a 70-foot scaffold in order to access the rotunda ceiling. The Contractor will then replace and upgrade the four fire sprinklers in the rotunda. The replacement sprinklers will be rated to

withstand higher temperatures and will not be set off by the extreme temperatures that occur near the ceiling due to the skylights.

**Policy Alternatives:**

**Alternative 1:** Direct City staff to re-bid the repair project.

**Pros:** Allows City to solicit bids from additional contractors capable of performing the work.

**Cons:** This would result in a delay in the completion of the repairs on the sprinkler system. City would continue to incur cost for implementation of the hourly fire watch program for the building.

**Reason not recommended:** Failure to execute the contract will result in significant delays to the fire suppression system repair. These delays will require staff to continue to maintain the fire watch during off hours at the building, resulting in additional costs to the City.

**Fiscal Impact:**

The cost to perform the repairs through a construction contract with Johnson Controls Fire Protection LP. is \$138,480.00. Staff is also requesting approval to execute contract change order(s) in an aggregate amount not to exceed \$10,000.00, for a total construction budget of \$148,480.00 for the Project. There are sufficient funds in Capital Improvement Project No. 3406 – Building Improvements (CP3406) for this contract and change order authorization.

**California Environmental Quality Act:**

This Project is exempt from CEQA under Class 1 - Section 15301 - Existing Facilities because they relate to the operation, repair, maintenance or minor alterations to a public facility involving no or negligible expansion of use.

**Recommendation:**

1. Receive report on bids and award construction contract to Johnson Controls Fire Protection LP, in the amount of \$138,480.00 for the City Hall Fire Suppression System Repairs project; and
2. Authorize the Director of Public Works to negotiate and execute contract change order(s) in an aggregate amount not to exceed \$10,000.00 for the City Hall Fire Suppression System Repairs Project.

**Attachment**

1. Short-Form Construction Contract with Johnson Controls Fire Protection LP.
2. Budget Change Form