



## CITY OF MILPITAS AGENDA REPORT (AR)

<b>Item Title:</b>	<b>Adopt a Resolution to Approve Project Plans &amp; Specifications; Reject a Bid Protest from Pacific Electric Contracting, Inc.; Award a Construction Contract to the Bear Electrical Solutions, Inc. in the amount of \$418,150 for the Enhanced Crosswalk Striping &amp; Beacons/Radar Speed Feedback Signage, Projects No. 3454 and No. 3458; Authorize City Manager to Execute the Construction Contract; and Authorize the Engineering Director/City Engineer to Negotiate and Execute Contract Change Orders</b>
<b>Category:</b>	Consent Calendar-Community Development
<b>Meeting Date:</b>	10/6/2020
<b>Staff Contact:</b>	Steve Erickson, City Engineer, 408-586-3301
<b>Recommendation:</b>	Adopt a Resolution approving project plans & specifications; reject a bid protest from Pacific Electric Contracting, Inc.; award a construction contract to the lowest responsible bidder submitting a responsive bid, Bear Electrical Solutions, Inc., in the amount of \$418,150 for the Enhanced Crosswalk Striping & Beacons/Radar Speed Feedback Signage, Projects No. 3454 and No. 3458; Authorize the City Manager to execute the contract with Bear; and authorize the Engineering Director/City Engineer to negotiate and execute contract change orders in an aggregate amount not to exceed \$63,000.

### **Background:**

Project No. 3454 - Enhanced Crosswalk Striping & Beacons and Project No. 3458 - Radar Speed Feedback Signage ("Project") are in the approved 2020-2025 Capital Improvement Program. Project No. 3454 - Enhanced Crosswalk Striping & Beacons provides high-visibility warning flashing beacons and enhanced crosswalk striping to alert motorists of pedestrians crossing a crosswalk. Project No. 3458 - Radar Speed Feedback Signage provides electronic signs that will display vehicle speed as motorists' approach to bring motorists awareness when traveling over the posted speed limit. The two projects have been combined into one construction package for traffic calming measures to achieve more favorable bid pricing. The Project provides for the design and construction of roadside traffic calming measures at various locations to improve safety and accessibility for motorists, cyclists, and pedestrians. These traffic calming measures include installation of rectangular rapid flashing beacon systems (RRFB) and radar speed feedback signs (RSFS) on new and existing poles. Enhanced crosswalk striping accompanying the RRFB were recently installed as part of an earlier project.

The Project Plans and Specifications are now complete and ready for City Council approval and the Project title sheet (**Attachment 2**) is included in the Council's agenda packet. The complete full-size set of plans and specifications are available electronically upon request to the City Engineer.

The following are the 14 Project locations where flashing beacons and/or radar speed back signage will be installed:

#### **Rectangular Rapid Flashing Beacons (RRFB)**

Arizona Ave near Rose Drive (Alternate Bid Item)

#### **Radar Speed Feedback Signs (RSFS)**

Dixon Road near Conway Street

Dixon Road at Conway Street (Alternate Bid Item)  
 Fanyon Street near Kennedy Drive  
 Kennedy Drive at Simas Drive  
 N. Abbott Ave near Hall Memorial Park  
 Roswell Drive at Ashland Drive (Alternate Bid Item)  
 Washington Drive at Escuela Parkway  
 Yosemite Drive near Carnegie Drive

N. Abbott Ave near Hall Memorial Park  
 S. Main Street near S. Abel Street  
 Temple Drive near Wylie Drive  
 Yosemite Drive near Merryhill School  
 Washington Drive near Marshall Pomeroy School

The Project Bid Schedule includes the Base Bid work and three Add Alternate Bid items for the installation of rapid flashing beacon systems at three additional locations depending on bid pricing and available Project funding. The Engineer's Construction Estimate for the Base Bid work is \$640,000 and the estimated cost to install the three Add Alternate Bid Items is \$204,000. The Project specifications require the determination of the lowest bid to be solely based on the Base Bid amount.

The Project was advertised on digital construction trade publications on August 21, 2020 and in the Milpitas Post on August 28, 2020 in accordance with the bidding requirements under the Uniform Public Construction Cost Accounting Act. Bid opening was on September 11, 2020 and seven sealed bid proposals were received.

### **Analysis:**

The following is a tabulation of bidders and the bids received. The Summary of Bid Results is shown as follows and is included in the agenda as **Attachment 3**.

<b>Bidder</b>	<b>Total Base Bid</b>	<b>Total Alternative Bids</b>	<b>Total Bid Amount (Base + Alternative)</b>
Engineer's Estimate	\$640,000	\$204,000	\$844,000
<b>Bear Electrical Solutions, Inc.</b>	<b>\$332,200</b>	<b>\$85,950</b>	<b>\$418,150</b>
Pacific Electric Contracting Inc.	\$344,341	\$55,956	\$400,297
Tennyson Electric, Inc.	\$388,975	\$108,625	\$497,600
Gruendl Inc. DBA Ray's Electric	\$425,500	\$62,000	\$487,500
Brown & Fesler, Inc.	\$505,323	\$138,882	\$644,205
Columbia Electric, Inc.	\$507,085	\$105,400	\$612,485
St. Francis Electric, LLC	\$558,950	\$119,500	\$678,450

The Base Bid prices submitted by bidders vary between 12% to 48% under the Engineer's Estimate. The range of variation in bid pricing from the Engineer's Estimate is likely due to the current construction market which has slowed as a result of the COVID-19 pandemic. The lowest responsible bidder submitting a responsive bid is Bear Electrical Solutions, Inc., with a Base Bid amount of \$332,200.

One bid protest from Pacific Electric Contracting, Inc (**Attachment 5**) was received on September 15, 2020, and was reviewed by the City Attorney. The bid protest submitted by Pacific Electric Contracting, Inc. was determined to be meritless, and written notice of staff's intent to recommend rejection of the bid protest to the City Council was delivered to Pacific Electric Contracting, Inc. on or about September 15, 2020 ("Notice") (**Attachment 6**). Staff recommends the City Council reject the bid protest from Pacific Electric Contracting, Inc. as meritless for the reasons specified in the Notice.

Staff recommends the City Council adopt a Resolution (**Attachment 1**) to approve the plans and specifications for the Project, reject the bid protest from Pacific Electric Contracting, Inc, and award a construction contract for the Base Bid and all three Add Alternate Bid items to Bear Electrical Solutions, Inc. for a total contract amount of \$418,150. There is sufficient funding available in the Project budget to award this contract and no additional funding appropriation is required.

The construction contingency established for this Project is \$63,000, which is 15% of the total contract value. The change order authority is not anticipated to exceed this amount, and the Project would not require additional appropriation. As previously approved for the successful completion of recent projects with tight

completion schedules, staff is requesting the use of the same change order policy (**Attachment 4**). This policy allows for a timely completion of the Project, while addressing the need to respond swiftly to construction conditions and approve necessary change orders in order to limit potential claims or risks to the City.

**Policy Alternative:**

**Alternative:** Deny approval of Project plans and specifications and not award the construction contract for the installation of radar speed feed-back signs and enhanced crosswalk striping.

**Pros:** None.

**Cons:** A denial would cause delay in completing the traffic calming measures and would prevent improvements in safety and accessibility for motorists, cyclists, and pedestrians.

**Reason not Recommended:** Staff recommends the award of the construction contract to allow implementation of improved safety measures near schools and other locations where enhanced measure will benefit pedestrians.

**Fiscal Impact:**

Adequate funds are available in the Project budget and no additional funding appropriation is required.

As of 8/31/2020, uncommitted balance to the two projects procured as part of the Project are as follows:

CIP 3454	\$575,358
CIP 3458	\$400,000
<b>Total Balance Available</b>	<b>\$975,358</b>

**Summary of Estimated Construction Cost:**

Base Bid Amount	\$332,200
Total Alternate Bid Amount	\$85,950
15% Construction Contingency	\$63,000
Administration and Inspection	\$100,000
<b>Total</b>	<b>\$581,150</b>

There are sufficient funds available to award the construction contract.

**California Environmental Quality Act:**

Project is exempt under Section 15301 (Existing Facilities), Section 15302 (Replacement of Reconstruction), and 15303 (New Construction or Conversion of Small Structures) of the CEQA guidelines. A Notice of Exemption (NOE) will be filed with the County of Santa Clara following the approval and contract award.

**Recommendations:**

Adopt a resolution to:

1. Approve project plans and specifications;
2. Reject a bid protest from Pacific Electric Contracting, Inc;
3. Award the construction contract to the lowest responsible bidder submitting a responsive bid, Bear Electrical Solutions, Inc., for the Base Bid and all Add Alternate Bid Items on the project for a total contract amount of \$418,150;
4. Authorize the City Manager to execute the construction contract with Bear Electrical Solutions, Inc.;
5. Authorize the Engineering Director/City Engineer to negotiate and execute contract change order(s) in an aggregate amount not to exceed \$63,000 for the project.

**Attachments:**

- 1: Resolution
- 2: Title Sheet & Location Map
- 3: Bid Results

- 4: Change Order Policy
- 5: Bid Protest from Pacific Electric Contracting, Inc.
- 6: Notice of Intent to Reject Bid Protest from City