



# CITY OF LODI

# COUNCIL COMMUNICATION

**AGENDA TITLE:** Adopt Resolution Rejecting Bid from Gateway Landscape and Awarding Contract for 2001-2002 City-Wide Handicap Ramp Retrofit Project to Diede Construction, of Lodi (\$158,590); and Appropriate \$232,000 for the Project

**MEETING DATE:** January 16, 2002

**PREPARED BY:** Public Works Director

**RECOMMENDED ACTION:** That the City Council adopt a resolution rejecting the bid from Gateway Landscape and awarding the contract for the above project to Diede Construction, of Lodi, in the amount of \$158,592.00; and appropriate funds in accordance with the recommendation shown below.

**BACKGROUND INFORMATION:** This project will provide the City with a unit-price-based bid for removing and replacing curb, gutter, and sidewalk at various intersections throughout the city and installing handicap ramps to meet the requirements of the Americans with Disabilities Act (ADA). This will be an annual contract and will be used to implement the Handicap Ramp Retrofit Program during 2002. Purchase orders for individual projects will be issued using the unit-price bid until the Block Grant funds are fully expended.

Gateway Landscape of Livermore was the apparent low bidder at the time of the bid opening. This project is funded by Community Development Block Grant (CDBG) funds. A requirement of CDBG funds is that the successful bidder either be a disadvantaged business (DBE) or make a "good faith" effort to recruit DBE subcontractors. Gateway Landscape is not a DBE contractor and they did not show a "good faith" effort in trying to obtain DBE subcontractors. Diede Construction is not a DBE contractor but they did provide the City with evidence of attempts to recruit DBE subcontractors. Staff is recommending that Gateway Landscape's bid be rejected as non-responsive and the 2001-2002 City-Wide Handicap Ramp Retrofit Project be awarded to Diede Construction.

Plans and specifications for this project were approved on October 3, 2001. The City received the following ten bids:

| Bidder                                  | Location    | Bid          |
|---|-------------|--------------|
| Engineer's Estimate                     |             | \$205,590.00 |
| Diede Construction                      | Lodi        | \$158,592.00 |
| A.M. Stephens Construction              | Lodi        | \$167,946.00 |
| George Reed, Inc.                       | Lodi        | \$181,650.00 |
| Energytek, Inc.                         | Bakersfield | \$199,303.90 |
| BDS Construction                        | Chowchilla  | \$210,371.00 |
| KMF Construction                        | Shasta Lake | \$215,190.00 |
| Rbt. F. Frank Const.                    | Redding     | \$256,930.00 |
| H. Max Lee                              | Lodi        | \$291,236.00 |
| 7/11 Materials                          | Modesto     | \$312,533.32 |
| *Gateway Landscape (non-responsive bid) | Livermore   | \$143,870.00 |

**FUNDING:** Requested Appropriation: Community Development Block Grant Funds \$232,000.00  
Project Estimate: \$232,000.00  
Bid Opening Date: December 19, 2001  
Funding Available:

*Vicky McAthie*  
Vicky McAthie, Finance Director  
*Richard C. Prima, Jr.*  
Richard C. Prima, Jr.  
Public Works Director

Prepared by Wesley K. Fujitani, Senior Civil Engineer  
cc: City Attorney      Community Improvement Manager      Community Development Block Grant Coordinator  
Purchasing Officer      Street Superintendent

APPROVED: *H. Dixon Flynn*  
H. Dixon Flynn -- City Manager

RESOLUTION NO. 2002-10

A RESOLUTION OF THE LODI CITY COUNCIL REJECTING  
THE APPARENT LOW BID AND AWARDING THE BID FOR  
THE 2001-2002 CITY-WIDE HANDICAP RAMP RETROFIT  
PROJECT, AND FURTHER APPROPRIATING FUNDS TO  
COVER THIS PROJECT

WHEREAS, in answer to notice duly published in accordance with law and the order of this City Council, sealed bids were received and publicly opened on December 19, 2001 at 11:00 a.m. for the 2001-2002 City-Wide Handicap Ramp Retrofit Project, described in the specifications therefore approved by the City Council on October 3, 2001; and

WHEREAS, said bids have been compared, checked, and tabulated and a report thereof filed with the City Manager as follows:

| <u>Bidder</u>               | <u>Location</u> | <u>BID</u>          |
|-----------------------------|-----------------|---------------------|
| <b>Engineer's Estimate</b>  |                 | <b>\$205,590.00</b> |
| Gateway Landscape           | Livermore       | \$143,870.00*       |
| Diede Construction          | Lodi            | \$158,592.00        |
| A. M. Stephens Construction | Lodi            | \$167,946.00        |
| George Reed, Inc.           | Lodi            | \$181,650.00        |
| Energytek, Inc.             | Bakersfield     | \$199,303.90        |
| BDS Construction            | Chowchilla      | \$210,371.00        |
| KMF Construction            | Shasta Lake     | \$215,190.00        |
| Rbt. F. Frank Construction  | Redding         | \$256,930.00        |
| H. Max Lee                  | Lodi            | \$291,236.00        |
| 7/11 Materials              | Modesto         | \$312,533.32        |

\*Note: Use of CDBG funds requires that the contractor either be a Disadvantaged Business Enterprise (DBE) or make a good faith effort to recruit DBE subcontractors. The apparent low bidder, Gateway Landscape, is neither a DBE Contractor nor showed any "good faith" effort to hire DBE subcontractors.

WHEREAS, staff recommends rejecting the bid from Gateway Landscape for the reasons stated above, and further recommends awarding the bid for the 2001-2002 City-Wide Handicap Ramp Retrofit Project to the lowest responsible bidder, Diede Construction, of Lodi, CA.

NOW, THEREFORE, BE IT RESOLVED, that the Lodi City Council hereby rejects the non-responsive bid from Gateway Landscape, and further awards the bid for the 2001-2002 City-Wide Handicap Ramp Retrofit Project to Diede Construction, of Lodi, CA, the lowest responsible bidder, in the amount of \$158,592.00; and

BE IT FURTHER RESOLVED, that \$232,000.00 be appropriated from the Community Development Block Grant Funds for this project

Dated: January 16, 2002

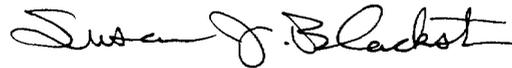
I hereby certify that Resolution No. 2002-10 was passed and adopted by the City Council of the City of Lodi in a regular meeting held January 16, 2002, by the following vote:

AYES: COUNCIL MEMBERS – Hitchcock, Howard, Land, Nakanishi, and Mayor Pennino

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – None

ABSTAIN: COUNCIL MEMBERS – None



SUSAN J. BLACKSTON  
City Clerk