



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Contract Award for 1992 Sidewalk Repair Program

MEETING DATE: March 18, 1992

PREPARED BY: Public Works Director

RECOMMENDED ACTION: That the City Council adopt the attached resolution awarding the contract for the above project to Case Construction Co., Inc. in the amount of \$35,957.45 and waive the informality in the submittal of the bid.

BACKGROUND INFORMATION: This project will replace bad sidewalk which was damaged by City trees, and other curb, gutter and sidewalk which is the responsibility of the City. The City has an on-going sidewalk repair program and this project will repair as many sidewalks as the Street CIP Budget will allow. The contract on this project will also be used to install handicap ramps. Purchase orders will be issued to the contractor during the year as repair work is needed.

Kahler Concrete has filed a protest on the award of this contract. Case Construction Company, in their bid package, submitted a company check as a bid guarantee instead of the cash, certified check, cashier's check or bidder's bond mentioned in the bid proposal. The company check from Case Construction Company was for \$3,595.75 which is equal to 10% of their total bid.

We consider the submittal of a company check a minor informality and are recommending that the City Council award the 1992 Sidewalk Repair Program contract to Case Construction Company and waive the informality in the bid submittal.

Plans and specifications for this project were approved on February 5, 1992. The City received the following seven bids for this project:

<u>Bidder</u>	<u>Location</u>	<u>Bid</u>
Engineer's Estimate		\$36,713.50
Case Construction	Lodi	35,957.45
Kahler Concrete	Lodi	36,790.90
Meza Construction	Oakdale	37,209.50
Treichel Concrete	Victor	38,777.75
Popuch Concrete	Lodi	38,807.00
Griffith Concrete	Lathrop	57,901.40
Cunningham & Sons	Oakdale	77,724.50

APPROVED:

THOMAS A. PETERSON
City Manager

CC-1

Contract Award for 1992 Sfdewalk Repair Program
March 18. 1992
Page 2

FUNDING: Originally Budgeted: 1992
Budgeted Fund: Various Street CIP Accounts
Current Appropriation: **\$60,000**
Total Project Estimate: 660.000
Bid Opening Date: February 26, 1992,

Richard (Rum)
h. Jack L. Ronsko
Public **Works** Director

Prepared by Wesley K. Fujitani, Senior Civil Engineer

JLR/WKF/1m

Attachment

cc: Purchasing Offcer
City Attorney
Case Construction
Kahler Concrete

-

LAURA E. BAINBRIDGE
Attorney At Law
433 W. Pine Street
Lodi, California 95240
(209) 333-8511

March 5, 1992

Lodi city council
c/o Lodi City Clerk - Alice M. Reinche
City Hall
221 W. Pine Street
Lodi, California 94240

Re: 1992 Sidewalk Repair Program
Bidding Procedure

Dear Council:

Kahler Concrete hereby objects to the acceptance of the bid of Case Construction Company for the 1992 sidewalk Repair Program.

Pursuant to Section 2.400 (C) all bids were to be accompanied by either cash, cashier's check, certified check or bidder's bond in an amount equal to 10% of the bid.

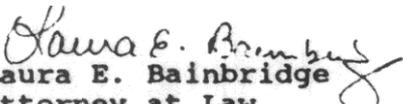
Kahler Concrete has personal knowledge, since a principal of the business attending the bid openings and personally saw that the bid presented by Case Construction Company was accompanied by only the company's personal check.

Section 2.400 (C) specifically states that "no bid shall be considered unless such cash, cashier's check, certified check or bidder's bond is enclosed."

The bid was improperly accepted and should therefore be rescinded.

Please let us know what steps the City intends to take.

Very, truly yours,


Laura E. Bainbridge
Attorney at Law

cc. Kahler Concrete

RESOLUTION NO. 92-49

A RESOLUTION OF THE LODI CITY COUNCIL
AWARDING THE CONTRACT FOR 1992 SIDEWALK REPAIR PROGRAM,
AND WAIVING INFORMALITY IN THE SUBMITTAL OF THE LOW BID.

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 February 26, 1992 at 11:00 a.m. for the contract for the 1992 Sidewalk Repair Program, described in the specifications therefor approved by the City Council on February 5, 1992; and

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

Bidder	<u>Location</u>	<u>Bid</u>
Case Construction	Lodi	35,957.45
Kahler Concrete	Lodi	36,790.90
Meza Construction	Oakdale	37,209.50
Treichel Concrete	Victor	38,777.75
Popuch Concrete	Lodi	38,807.00
Griffith Concrete	Lathrop	57,901.40
Cunningham & Sons	Oakdale	77,724.50

WHEREAS. there was an informality in the submittal of the bid of Case Construction Company wherein that firm submitted a Company check for their bid guarantee rather than the usually acceptable form of bid guarantee; and

WHEREAS, the City Manager recommends that award of the contract for the 1992 sidewalk repair program be made to the low bidder, Case Construction Company;

NOW, THEREFORE. BE IT RESOLVED by the Lodi City Council that the informality in the submittal of Case Construction's bid is hereby waived, and the award of contract for the 1992 sidewalk repair program is hereby awarded to Case Construction Company, the low bidder. in the amount of \$35,957.45.

Dated: March 18, 1992

Resolution 92-49
Page Two

I hereby certify that Resolution No. 92-49 was passed and adopted by the City Council of the City of Lodi in a regular meeting held March 18, 1992 by the following vote:

Ayes: Council Members -

Noes: Council Members -

Absent: Council Members -

Alice M. Reimche
City Clerk

RESOLUTION NO. 92-49

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A RESOLUTION OF THE Lodi CITY COUNCIL
REJECTING ALL BIDS FOR THE CONTRACT FOR 1992 SIDEWALK REPAIR
PROGRAM, AND AUTHORIZING READVERTISEMENT FOR BIDS.

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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 February 26, 1992 at 11:00 a.m. for the contract for the 1992 Sidewalk Repair Program, described in the specifications therefor approved by the City Council on February 5, 1992; and

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

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Griffith Concrete	Lathrop	57,901.40
Cunningham & Sons	Oakdale	77,724.50

WHEREAS. there was an informality in the submittal of the bid of Case Construction Company wherein that firm submitted a Company check for their bid guarantee rather than the usually acceptable form of bid guarantee;

NOU, THEREFORE. BE IT RESOLVED by the Lodi City Council that all bids received are hereby rejected for the award of contract for the 1992 sidewalk repair program. and staff is authorized to readvertise for bids.

Dated: March 18, 1992

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Resolution 92-49
Page Two

I hereby certify that Resolution No. 92-49 was passed and adopted by the City Council of the City of Lodi in a regular meeting held March 18, 1992 by the following vote:

Ayes: Council Members - Hinchman, Pennino, Sieglock. Snider
and Pinkerton (Mayor)

Noes: Council Members - None

Absent: Council Members - None


Alice M. Reimche
City Clerk

92-49

RES9249/TXTA.01V

BIDSWK.XLS

Public Works Department
 Tabulation of Bids Received 2/26/92
 Project: 1992 Sidewalk Repair Program

Item Description	Qty. Unit	Engineer's Estimate		Case Construction		Kahler Concrete		Meza Constr.		Treichel Concrhh	
		Price	Total	Price	Total	Price	TOW	Price	Total	Price	Total
1 Saw Concrete	207 LF	\$1 50	\$31050	\$175	\$362.25	\$2.20	\$455.40	\$1.00	\$207.00	\$2 25	\$46575
2 Remove Sidewalk, Residential Driveway, A.C.	8480 SF	1.60	13,568.00	145	12,296.00	1.10	9,328.00	2.00	16,960.00	1.65	13,992.00
3 Remove Square-type Curb & Gutter	226 LF	475	1,073.50	500	1,130.00	3.00	678.00	5.00	1,130.00	5.00	1,130.00
4 Remove Vertical-type Curb & Gutter	80 LF	4.75	380.00	5.00	400.00	3.00	240.00	5.00	400.00	5.50	440.00
5 Remove Driveway-type Curb & Gutter	30 LF	5.00	1500.00	5.00	1500.00	3.00	90.00	5.00	150.00	6.75	202.50
6 Install Sidewalk, Residential Driveway or Pedestrian Ramp	8870 SF	2.05	18,183.50	2.10	18,627.00	2.55	22,618.50	1.75	15,522.50	2.15	19,070.50
7 Install Square-type Curb & Gutter	178 LF	10.25	1,824.50	10.30	1,833.40	11.50	2,047.00	10.00	1,780.00	11.50	2,047.00
8 Install Vertical-type Curb & Gutter	66 LF	10.25	676.50	10.30	679.80	11.50	759.00	10.00	660.00	12.50	825.00
9 Install Driveway-type Curb & Gutter	30 LF	10.40	312.00	10.30	309.00	11.50	345.00	10.00	300.00	12.50	375.00
10 Compaction for Curb, Gutter, Sidewalk, Residential and Commercial Driveway	100 SF	2.35	235.00	1.70	170.00	2.30	230.00	1.00	100.00	2.30	230.00
Total			\$36,713.50		Total \$35,957.45		Total \$36,790.90		Total \$37,209.50		Total \$38,777.75

Item Description	Qty. Unit	Popuch Concrete		Griffith Concrete		Cunningham & Sons	
		Price	Total	Price	Total	Price	Total
1 Saw Concrete	207 LF	\$3.00	\$621.00	\$3.20	\$662.40	\$3.50	\$724.50
2 Remove Sidewalk, Residential Driveway, A.C.	8480 SF	1.50	12,720.00	2.30	19,504.00	2.50	21,200.00
3 Remove Square-type Curb & Gutter	226 LF	8.00	1,808.00	10.50	2,373.00	12.50	2,825.00
4 Remove Vertical-type Curb & Gutter	80 LF	8.00	640.00	10.50	840.00	12.50	1,000.00
5 Remove Driveway-type Curb & Gutter	30 LF	8.00	210.00	10.50	315.00	12.50	375.00
6 Install Sidewalk, Residential Driveway or Pedestrian Ramp	8870 SF	2.20	19,514.00	3.50	31,045.00	5.00	44,350.00
7 Install Square-type Curb & Gutter	178 LF	11.00	1,958.00	17.00	3,026.00	25.00	4,450.00
8 Install Vertical-type Curb & Gutter	66 LF	11.00	726.00	17.00	1,122.00	25.00	1,650.00
9 Install Driveway-type Curb & Gutter	30 LF	11.00	330.00	17.00	510.00	25.00	750.00
10 Compaction for Curb, Gutter, Sidewalk, Residential and Commercial Driveway	100 SF	2.50	250.00	2.00	200.00	4.00	400.00
Total			\$38,807.00		Total * \$59,597.40		Total \$77,724.50

* Corrected Figure

CITY COUNCIL

JAMES W. PINKERTON, Mayor
PHILLIP A. PENNINO
Mayor Pro Tempore
DAVID M. HINCHMAN
JACK A. SIEGLOCK
JOHN R. (Randy) SNIDER

CITY OF LODI

CITY HALL, 221 WEST PINE STREET
P.O. BOX 3006
LODI, CALIFORNIA 95241-1910
(209) 334-5634
FAX (209) 333-6795

March 11, 1992

EDMAS A. PETERSON
City Manager

ALICE M. REIMCHE
City Clerk

BOB McNATT
City Attorney

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CITY CLERK

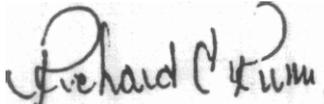
Case Construction
1225 S. Sacramento St.
Lodi, CA 95240

SUBJECT: Contract Award for 1992 Sidewalk Repair Program

Enclosed is a copy of background information on an item that will be discussed at the City Council meeting on Wednesday, March 18, 1992, at 7:30 p.m. The meeting will be held in the City Council Chamber, Carnegie Forum, 305 West Pine Street. You are welcome to attend.

If you wish to communicate with the City Council, please contact Alice Reimche, City Clerk, at (209) 333-6702.

If you have any questions about the item, please call Nes Fujitani or me at (209) 333-6706.



h- Jack L. Ronsko
Public Works Director

JLR/1m

Enclosure

cc: City Clerk

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CITY CLERK
CITY OF LODI

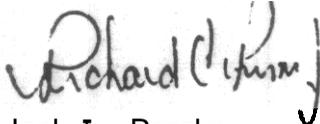
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JLR/lm

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March 5, 1992

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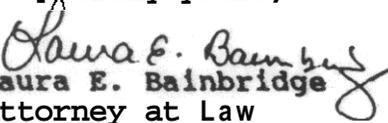
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