



**CITY OF LODI
COUNCIL COMMUNICATION**

AGENDA TITLE: Adopt Resolution Rejecting All Bids and Authorizing Advertisement for Bids for Transit Station Facility Improvement Project

MEETING DATE: October 5, 2011

PREPARED BY: Public Works Director

RECOMMENDED ACTION: Adopt resolution rejecting all bids and authorizing advertisement for bids for Transit Station facility improvement project.

BACKGROUND INFORMATION: The project includes replacing the gutters, the damaged roof structure, and composition roofing at the four passenger shelters; rerouting and connecting eight existing downspouts to new gutters at the passenger shelters; pressure washing and painting the passenger shelters, North Annex, South Annex, and main Transit Station; removing and replacing concrete expansion caulk joints at the platform surrounding all the buildings and shelters; and replacing the louvered covers at the South Annex. There is also a \$5,000 allowance to repair the South Annex clock.

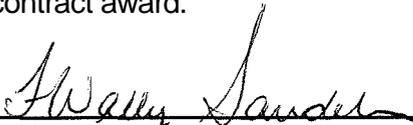
Plans and specifications for this project were approved on July 6, 2011. The City received the following five bids for this project on August 31, 2011.

Bidder	Location	Bid
Engineer's Estimate		\$ 150,000.00
Seven Islands Painting (non-responsive)	Daly City	\$ 119,000.00
Diede Construction, Inc.	Lodi	\$ 124,624.50
D. M. Alegre Construction, Inc. (non-responsive)	Tracy	\$ 158,366.50
Color New Company	Woodland Hills	\$ 184,650.00
Designed Building Systems, Inc.	Dublin	\$7,343,095.00

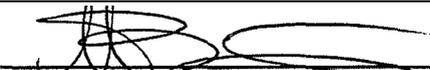
Staff recommends the bids be rejected and then rebid because staff was formally notified on October 4, 2011, that one of the planholders, D. M. Alegre, was not issued the bid addenda prior to bid time as required.

FISCAL IMPACT: The project will reduce the maintenance costs at the facility.

FUNDING AVAILABLE: This project will utilize \$131,000 in Transportation Development Act (TDA) funds (125179) allocated in the FY 2011/12 budget. Appropriation of funds will be made at contract award.


F. Wally Sandelin
Public Works Director

Prepared by Gary Wirnan, Construction Manager
FWS/GW/pmf
cc: Construction Project Manager Wirnan
Transportation Manager Fernandez

APPROVED: 
Konradt Bartlam, City Manager

RESOLUTION NO. 2011-_____

A RESOLUTION OF THE LODI CITY COUNCIL
REJECTING ALL BIDS AND AUTHORIZING RE-
ADVERTISEMENT FOR BIDS FOR TRANSIT
STATION FACILITY IMPROVEMENT PROJECT

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WHEREAS, in answer to notice duly published in accordance with law and the order of this City Council, sealed proposals were received and publicly opened on August 31, 2011, at 11:00 a.m., for the Transit Station Facility Improvements Project, described in the plans and specifications therefore approved by the City Council on July 6, 2011; and

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

Bidder	Bid
Seven Islands Painting (non-responsive)	\$ 119,000.00
Diede Construction, Inc.	\$ 124,624.50
D. M. Alegre Construction, Inc. (non-responsive)	\$ 158,366.50
Color New Company	\$ 184,650.00
Designed Building Systems, Inc.	\$7,343,095.00

WHEREAS, staff recommends the bids be rejected and then rebid because staff was formally notified on October 4, 2011, that one of the planholders, D. M. Alegre, was not issued the bid addenda prior to bid time as required.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby reject all bids and authorize re-advertisement for bids for the Transit Station Facility Improvement Project.

Dated: October 5, 2011

=====

I hereby certify that Resolution No. 2011-_____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held October 5, 2011, by the following vote:

AYES: COUNCIL MEMBERS -

NOES: COUNCIL MEMBERS -

ABSENT: COUNCIL MEMBERS -

ABSTAIN: COUNCIL MEMBERS -

RANDI JOHL
City Clerk



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Adopt Resolution Rejecting Non-Responsive Bids, Authorizing City Manager to Execute Contract for Transit Station Facility Improvement Project with Diede Construction, Inc., of Lodi (\$124,624.50) and Appropriating Funds (\$19,000)

MEETING DATE: October 5, 2011

PREPARED BY: Public Works Director

RECOMMENDED ACTION: Adopt resolution rejecting non-responsive bids; authorizing City Manager to execute contract for Transit Station facility improvement project with Diede Construction, Inc., of Lodi, in the amount of \$124,624.50; and appropriating funds in the amount of \$19,000.

BACKGROUND INFORMATION: The project includes replacing the gutters, the damaged roof structure, and composition roofing at the four passenger shelters; rerouting and connecting eight existing downspouts to new gutters at the passenger shelters; pressure washing and painting the passenger shelters, North Annex, South Annex, and main Transit Station; removing and replacing concrete expansion caulk joints at the platform surrounding all the buildings and shelters, and replacing the louvered covers at the South Annex. There is also a \$5,000 allowance to repair the South Annex clock.

Plans and specifications for this project were approved on July 6, 2011. The City received the following five bids for this project on August 31, 2011. The bid received from Seven Islands Painting is non-responsive for failure to fully complete the schedule of values and to include the mandatory addenda acknowledgement. The bid received from D. M. Alegre Construction, Inc., is non-responsive for failure to include the mandatory addenda acknowledgement. Designed Building Systems, Inc., incorrectly totaled the Schedule of Values form; the correct total is shown below. Staff recommends rejecting the non-responsive bids and awarding the contract to Diede Construction, Inc., of Lodi. Staff also recommends appropriating \$19,000 in addition to funds allocated in the FY 2011/12 budget to cover City staff time, project-related costs and contingencies.

Bidder	Location	Bid
Engineer's Estimate		\$ 150,000.00
Seven Islands Painting (non-responsive)	Daly City	\$ 119,000.00
Diede Construction, Inc.	Lodi	\$ 124,624.50
D. M. Alegre Construction, Inc. (non-responsive)	Tracy	\$ 158,366.50
Color New Company	Woodland Hills	\$ 184,650.00
Designed Building Systems, Inc.	Dublin	\$7,343,095.00

FISCAL IMPACT: The project will reduce the maintenance costs at the facility.

APPROVED: _____

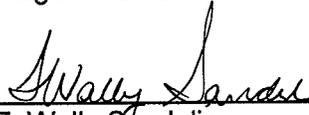
Konradt Bartlam, City Manager

FUNDING AVAILABLE: This project will utilize \$131,000 in Transportation Development Act (TDA) funds (125179) allocated in the FY 2011/12 budget.

Requested Appropriation: TDA Funds (125179): \$19,000



Jordan Ayers
Deputy City Manager/Internal Services Director



F. Wally Sandelin
Public Works Director

Prepared by Gary Wiman, Construction Manager
FWS/GW/pmf

cc: Construction Project Manager Wiman
Transportation Manager Fernandez
Management Analyst Areida-Yadav
Diede Construction
Seven Islands Painting
D. M. Alegre Construction, Inc.

CONTRACT

CITY OF LODI, CALIFORNIA

THIS CONTRACT made by and between the CITY OF LODI, State of California, herein referred to as the "City," and DIEDE CONSTRUCTION, INC., herein referred to as the "Contractor."

WITNESSETH:

That the parties hereto have mutually covenanted and agreed, and by these presents do covenant and agree with each other, as follows:

The complete Contract consists of the following documents which are incorporated herein by this reference, to-wit:

PART A: Request for Design/Build Proposal

PART B: Bid Proposal Pricing Forms

PART C: Special Conditions

PART D: Federal Requirements

Specifications/Bridging Documents

Federal Minimum Wage Rates

Drawings:

Site Plan and Exhibits

Addenda

All of the above documents, sometimes hereinafter referred to as the "Contract Documents," are intended to cooperate so that any work called for in one and not mentioned in the other is to be executed the same as if mentioned in all said documents.

ARTICLE I - That for and in consideration of the payments and agreements hereinafter mentioned, to be made and performed by the City and under the condition expressed in the two bonds bearing even date with these presents and hereunto annexed, the Contractor agrees with the City, at Contractor's cost and expense, to do all the work, furnish all labor and furnish all the materials except such as are mentioned in the specifications to be furnished by the City, necessary to construct and complete in a good workmanlike and substantial manner and to the satisfaction of the City the proposed improvements as shown and described in the Contract Documents which are hereby made a part of the Contract.

ARTICLE II - The City hereby promises and agrees with the Contractor to employ, and does hereby employ, the Contractor to provide all materials and services not supplied by the City and to do the work according to the terms and conditions for the price herein, and hereby contracts to pay the same as set forth in Clauses 65 and 66 Special Conditions, in the manner and upon the conditions above set forth; and the said parties for themselves, their heirs, executors, administrators, successors and assigns, do hereby agree to the full performance of the covenants herein contained.

ARTICLE III - The Contractor agrees to conform to the provisions of Chapter 1, Part 7, Division 2 of the Labor Code. The Contractor and any Subcontractor will pay the general prevailing wage rate and other employer payments for health and welfare, pension, vacation, travel time, and subsistence pay,

apprenticeship or other training programs. The responsibility for compliance with these Labor Code requirements is on the prime contractor.

ARTICLE IV - And the Contractor agrees to receive and accept the following prices as full compensation for furnishing all materials and for doing all the work contemplated and embraced in this agreement; also for all loss or damage arising out of the nature of the work aforesaid or from the action of the elements, or from any unforeseen difficulties or obstructions which may arise or be encountered in the prosecution of the work until its acceptance by the City, and for all risks of every description connected with the work; also for all expenses incurred by or in consequence of the suspension or discontinuance of work and for well and faithfully completing the work, and the whole thereof, in the manner and according to the Plans and Contract Documents and the requirements of the Engineer under them, to-wit:

<i>TOTAL CONTRACTAMOUNT Guaranteed</i>	\$124,624.50*
<i>Maximum Price</i>	

*Exhibit A is the Schedule of Values from the Contractor dated August 30, 2011.

ARTICLE V - By my signature hereunder, as Contractor, I certify that I am aware of the provisions of Section 3700 of the Labor Code, which requires every employer to be insured against liability for workers' compensation or to undertake self-insurance in accordance with the provisions of that code, and I will comply with such provisions before commencing the performance of the work of this contract.

ARTICLE VI - It is further expressly agreed by and between the parties hereto that, should there be any conflict between the terms of this instrument and the Bid Proposal of the Contractor, then this instrument shall control and nothing herein shall be considered as an acceptance of the said terms of said proposal conflicting herewith.

ARTICLE VII - The City is to furnish the necessary rights-of-way and easements for the work as specified under the Special Provisions. All labor or materials not mentioned specifically as being done by the City will be supplied by the Contractor to accomplish the work as outlined in the documents.

ARTICLE VIII - The Contractor agrees to commence work pursuant to this contract and to diligently prosecute to **completion in accordance with the following schedule:**

Total Project: 45 calendar days

When signing this contract, the Contractor agrees that the times of completion for this contract are reasonable, that failure to meet the milestones completion shall result in the assessment of liquidated damages charges to the Contractor, and that the Contractor agrees to pay the City liquidated damages of **\$1,000.00 per day for each day the work is not totally completed** beyond the times specified in the preceding paragraph. Contractor agrees that this amount may be deducted from the amount due the Contractor under the contract.

IN WITNESS WHEREOF, the parties to these presents have hereunto set their hands the year and date written below.

CONTRACTOR:

CITY OF LODI

By: _____

Konradt Bartlam, City Manager

By: _____

Date: _____

Attest:

Title

Randi Johl, City Clerk

(CORPORATE SEAL)

Approved as to form:

D. Stephen Schwabauer, City Attorney



City of Lodi
 Transit Station Facility Improvement Project
 Schedule of Values

Aug-11

Item	Description	Qty	Unit	Unit Price	Total	Reference
	Bonds and Insurance	1	LS	3039. ⁰⁰	3039. ⁰⁰	
	Pasenger Shelters	4	EA	9737.75	38,951. ⁰⁰	
	South Annex	1	LS	15,540. ⁰⁰	15,540. ⁰⁰	
	North Annex	1	LS	6,550. ⁰⁰	6,550. ⁰⁰	
	Main Transit Station Building	1	LS	8,660. ⁰⁰	8,660. ⁰⁰	
	Concrete Caulk Joint - 1" and less	1200	LF	5.00	6,000. ⁰⁰	
	Concrete Caulk Joint - greater then 1"	750	LF	6.27	4,906. ⁵⁰	
	Clock Allowance	1	LS	\$5,000.00	\$5,000.00	
	Bike Rack	1	LS	910. ⁰⁰	910. ⁰⁰	
1	All other items needed to complete contract requirements	1	LS	22,282. ⁰⁰	22,282. ⁰⁰	
1	Overhead & Profit	1	LS	13,050. ⁰⁰	13,050. ⁰⁰	
	Total Guaranteed Maximum Price				124,624. ⁵⁰	Total of above items 1-11. This amount should be the same amount entered on RFP Part B as the Guaranteed Maximum Price.

Signature Steven L. Dieck, President

Date 8/30/11

Firm Dieck Construction, Inc.

1. AA# _____
 2. JV# _____

**CITY OF LODI
 APPROPRIATION ADJUSTMENT REQUEST**

TO:	Internal Services Dept. - Budget Division		
3. FROM:	Rebecca Areida-Yadav	5. DATE:	09/13/2011
4. DEPARTMENT/DIVISION:	Public Works		

6. REQUEST ADJUSTMENT OF APPROPRIATION AS LISTED BELOW					
	FUND #	BUS. UNIT #	ACCOUNT #	ACCOUNT TITLE	AMOUNT
A. SOURCE OF FINANCING	1250	12501	5493	TDA Capital	\$ 19,000.00
B. USE OF FINANCING	1251	125179	7720	Facility Upgrades	\$ 19,000.00

7. REQUEST IS MADE TO FUND THE FOLLOWING PROJECT NOT INCLUDED IN THE CURRENT BUDGET

Please provide a description of the project, the total cost of the project, as well as justification for the requested adjustment. If you need more space, use an additional sheet and attach to this form.

Contract for Transit Station Facility Improvement project with Diede Construction.

If Council has authorized the appropriation adjustment, complete the following:

Meeting Date: 10/05/2011 Res No: _____ Attach copy of resolution to this form.

Department Head Signature: *Wendy Sander*

8. APPROVAL SIGNATURES

Deputy City Manager/Internal Services Manager	Date
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Submit completed form to the Budget Division with any required documentation.
 Final approval will be provided in electronic copy format.

RESOLUTION NO. 2011-147

A RESOLUTION OF THE LODI CITY COUNCIL
REJECTING ALL BIDS AND AUTHORIZING
RE-ADVERTISEMENT FOR BIDS FOR TRANSIT
STATION FACILITY IMPROVEMENTS PROJECT

WHEREAS, in answer to notice duly published in accordance with law and the order of this City Council, sealed proposals were received and publicly opened on August 31, 2011, at 11:00 a.m., for the Transit Station Facility Improvements Project, described in the plans and specifications therefore approved by the City Council on July 6, 2011; and

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

Bidder	Bid
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WHEREAS, staff recommends the bids be rejected and then rebid because staff was formally notified on October 4, 2011, that one of the planholders, D. M. Alegre, was not issued the bid addenda prior to bid time as required.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby reject all bids and authorize re-advertisement for bids for the Transit Station Facility Improvements Project.

Dated: October 5, 2011

I hereby certify that Resolution No. 2011-147 was passed and adopted by the City Council of the City of Lodi in a regular meeting held October 5, 2011, by the following vote:

AYES: COUNCIL MEMBERS – Hansen, Katzakian, Mounce, Nakanishi,
and Mayor Johnson

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – None

ABSTAIN: COUNCIL MEMBERS – None


RANDI JOHL
City Clerk

CITY COUNCIL

BOB JOHNSON, Mayor
JOANNE L. MOUNCE,
Mayor Pro Tempore
LARRY D. HANSEN
PHIL KATZAKIAN
ALAN NAKANISHI

CITY OF LODI

PUBLIC WORKS DEPARTMENT

CITY HALL, 221 WEST PINE STREET
P.O. BOX 3006
LODI, CALIFORNIA 95241-1910
(209) 333-6706
FAX (209) 333-6710
EMAIL pwdept@lodi.gov
<http://www.lodi.gov>

KONRADT BARTLAM
City Manager
RANDI JOHL
City Clerk
D. STEVEN SCHWABAUER
City Attorney
F. WALLY SANDELIN
Public Works Director

September 29, 2011

Diede Construction
P.O. Box 1007
Woodbridge, CA 95258

Seven Islands Painting
6548 Mission Street
Daly City, CA 94014

D. M. Alegre Construction, Inc.
P.O. Box 387
Tracy, CA 95378

SUBJECT: Adopt Resolution Rejecting Non-Responsive Bids, Authorizing City Manager to Execute Contract for Transit Station Facility Improvement Project with Diede Construction, Inc., of Lodi (\$124,624.50) and Appropriating Funds (\$19,000)

Enclosed is a copy of background information on an item on the City Council agenda of Wednesday, October 5, 2011. The meeting will be held at 7 p.m. in the City Council Chamber, Carnegie Forum, 305 West Pine Street.

This item is on the consent calendar and is usually not discussed unless a Council Member requests discussion. The public is given an opportunity to address items on the consent calendar at the appropriate time.

If you wish to write to the City Council, please address your letter to City Council, City of Lodi, P. O. Box 3006, Lodi, California, 95241-1910. Be sure to allow time for the mail. Or, you may hand-deliver the letter to City Hall, 221 West Pine Street.

If you wish to address the Council at the Council Meeting, be sure to fill out a speaker's card (available at the Carnegie Forum immediately prior to the start of the meeting) and give it to the City Clerk. If you have any questions about communicating with the Council, please contact Randi Johl, City Clerk, at (209) 333-6702.

If you have any questions about the item itself, please call Gary Wiman, Construction Project Manager, at (209) 333-6800, extension 2054.



for:

F. Wally Sandelin
Public Works Director

FWS/pmf

Enclosure

cc: City Clerk