



# REPORT TO COUNCIL

## City of Sacramento

# 18

915 I Street, Sacramento, CA 95814-2671  
[www. CityofSacramento.org](http://www.CityofSacramento.org)

CONSENT  
June 20, 2006

Honorable Mayor and  
Members of the City Council

**Subject:** Reject Bids: South Land Park Drive Reconstruction Project (PN: TR21)

**Location/Council District:** South Land Park Drive between Sutterville Road and Moss Drive. Location map – Attachment A. (District 4)

**Recommendation:**

Reject all bids received on May 24, 2006 for South Land Park Drive Reconstruction Project (PN: TR21)

**Contact:** Cecilyn Foote, Associate Engineer, (916) 808-6843; Jon Blank, Supervising Engineer, (916) 808-7914

**Presenters:** None

**Department:** Department of Transportation

**Division:** Engineering Services

**Organization No:** 3434

**Summary:**

This project will construct street improvements on South Land Park Drive between Sutterville Road and Moss Drive enhancing pedestrian safety. The improvements include reconstructing pavement, replacing damaged curb, gutter, and sidewalk; constructing a bulb out, curb ramps, modifying traffic signals, and replacing striping and markings.

It is recommended that the bids received on May 24, 2006 be rejected due to an ambiguity in a bid item, so that the bid item can be revised to remove the ambiguity, and the contract can be rebid. Doing so will allow the project to avoid the delay and uncertainty associated with a potential bid protest based on the ambiguity.

**Committee/Commission Action:** None.



**Background Information:**

This project was advertised and five bids were received on May 24, 2006. The bids are summarized below:

Contractor	Bid Amount	ESBE Participation Goal 20%
Martin Brothers Construction	\$961,800	20.0%
Martin General Engineering	\$988,612	90.4%
Granite Construction	\$1,028,028	22.3%
Biondi Paving	\$1,036,193	31.5%
Vanguard Construction	\$1,088,835	21.0%

The engineer's estimate is \$982,000.

The apparent low bidder, Martin Brothers Construction met the minimum ESBE participation goal of 20% but exceeded the maximum bid amount for Bid Item No. 2 Clearing and Grubbing. Although City staff believes that there is a valid basis to consider this a minor bid irregularity that can be waived by the City Council, the apparent second low bidder also declared its intention to file a bid protest if award were recommended to Martin Brothers Construction, contending that this is a material defect that renders the apparent low bid nonresponsive. To remove this ambiguity and avoid the delay and uncertainty associated with a potential bid protest, staff is recommending that the City Council reject all bids, so that the language in Bid item No. 2 can be revised and the contract can be rebid.

With Council's approval to reject bids, staff will re-advertise the project in late June 2006. It is anticipated that construction will begin in August 2006 and be completed in October 2006.

**Financial Considerations:**

No financial consideration with rejecting the bids.

**Environmental Considerations:**

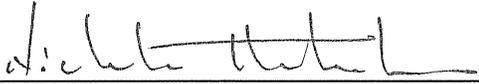
The Development Services Department, Environmental Planning Services has reviewed the project and determined that the project is exempt from the provisions of the California Environmental Quality Act (CEQA) under State Class 1 and 2 and Sections 15301(c) and 15311(a). Projects exempted under Class 1, Section 15301(c) consist of the operation, repair, maintenance, and minor alteration of existing highways, streets, sidewalks, gutters, bicycle and pedestrian trails, and similar facilities involving negligible or no expansion of use.

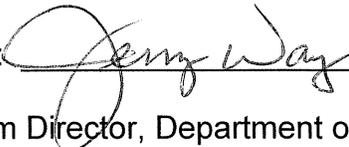
**Policy Considerations:**

City code requires City Council approval to reject bids on projects greater than \$100,000. (SCC.3.60.140 and SCC.3.60.170(c))

**Emerging Small Business Development (ESBD):**

To encourage small and emerging business participation, specifications were sent to 15 plan rooms and construction service organizations for publication. All are directly involved with Emerging Small Business Enterprise (ESBE) construction firms. Staff actively recruited available ESBE firms to participate in the bid process. The project was advertised on the City's Internet site at [www.cityofsacramento.org/bids](http://www.cityofsacramento.org/bids).

Respectfully Submitted by:   
Nicholas Theocharides  
Engineering Services Manager

Approved by:   
Jerry Way  
Interim Director, Department of Transportation

Recommendation Approved:

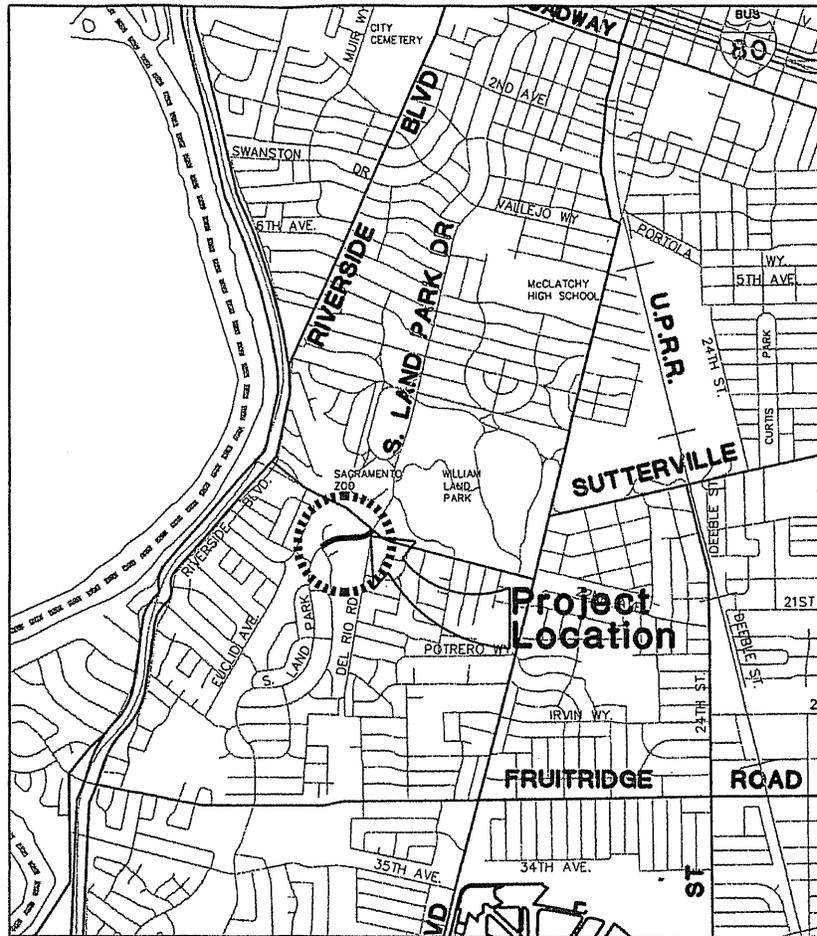
*for*   
RAY KERRIDGE  
City Manager

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ATTACHMENT A

# SOUTH LAND PARK DRIVE RECONSTRUCTION BETWEEN SUTTERVILLE ROAD AND MOSS DRIVE



0 1000 2500 5000 FEET

**PN: TR21  
LOCATION MAP**

MAP CONTACT: B. CAMERON  
DATE: 06/07/06

