



AGENDA REPORT

Meeting Date: June 2, 2009

Item Number: E-3

To: Honorable Mayor & City Council

From: Alan Schneider, Director of Project Administration

Subject: RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS
AWARDING A CONTRACT TO AVI-CON, INC. DBA CA
CONSTRUCTION FOR THE FIRE STATION NO. 1 IMPROVEMENTS
& REMODEL AND APPROVING PLANS AND SPECIFICATIONS
THEREFOR; AND

APPROVAL OF A PURCHASE ORDER IN THE AMOUNT OF
\$967,000 TO AVI-CON, INC. DBA CA CONSTRUCTION FOR THE
CONTRACT WORK

Attachments:

1. Resolution
2. Form of Contract

RECOMMENDATION

Staff recommends that the City Council adopt the resolution awarding a contract to the lowest responsible bidder, Avi-Con, Inc. dba CA Construction for the Fire Station No. 1 Improvements & Remodel (Project) in the amount of \$887,000; approve the construction contingency of \$80,000; approve the plans and specifications for the Project, dated January 8, 2009, which are adopted and approved with respect to design criteria; and approve a purchase order in the amount of \$967,000.

INTRODUCTION

Fire Station No. 1 (also referred to as Headquarters) was constructed as part of the Civic Center complex. The facility was completed for occupancy in 1988 and at the time was considered a state-of-the-art fire facility. In the twenty-one years since, it has been occupied and in use twenty-four hours per day, seven days a week, as the Fire Department maintains a constant staffing of twenty-five fire personnel, seventeen of whom work and reside at Headquarters. This facility arguably has the most consistent and heaviest utilization of any City building. There has been only very minor renovation work done in this building in its history. Staffing and utilization changes have altered the needs and function of the facilities somewhat. The proposed renovation addresses three key initiatives for the Fire Department as described below:

1. The original design of the station did not include locker and shower facilities for the sworn personnel on administrative assignment, typically Captains and Chief Officers. Currently, the administrative and management personnel use the locker and shower room originally constructed for female firefighters, which was designed for two to three personnel. Accordingly, the incumbent female firefighters are using a small locker and shower room that was converted from a storage room. The proposed renovation would build-out additional second floor area for a new locker and shower room for the administrative personnel that will allow the women's locker room to be returned to its original purpose.
2. The administrative and Fire Prevention office area on the first floor has not been altered since the original building construction and includes a large open area and an central plan check counter that was never functional or conducive to customer service. Changes in administrative assignments/duties/staffing have resulted in inefficiencies due to the layout. This portion of the renovation plan addresses the long-term needs for the administrative and Fire Prevention staff.
3. In 2007, the first phase of upgrading the HVAC system was completed that replaced a portion of the 20-year old equipment with high energy efficient type equipment. That phase addressed the staff sleeping quarters and has provided improved comfort, reliability and lower energy usage. The final phase of the HVAC upgrade, which will address the administration and office areas is included in this project.

DISCUSSION

The architectural firm, RTK Architects was engaged to provide the design services for the renovation. Their fee of \$48,500 includes the complete design services, preparation of construction plans and specifications, and administration during construction. The plans and specifications call for the following scope of work:

- Remodel two existing bedrooms and convert the space to a new shower and locker room for management and administrative personnel.
- Construct approximately 825 square feet of second floor space over a portion of the existing first floor to accommodate two bedrooms
- Replace the outdated, non-code compliant fire alarm system throughout the station
- Remodel approximately 2000 square feet of first floor administrative office area
- Replace 2 air handlers and related equipment on the roof to complete the upgrade of the HVAC system

The bid documents requested quotations for the base bid, compensatory delay, and five bid alternates. The base bid and the alternates are described as follows:

- Base bid is for the renovation of the second floor for the new locker and shower facilities and includes the demolition, new wall construction, doors, floor finishes, ceramic tile, lighting, and ceilings; and electrical, mechanical, plumbing, and fire sprinklers. The base bid also includes the complete replacement of the fire alarm system, which needs to be upgraded to meet the current building code.
- Alternate #1 – Remodel portions of the first floor administration area including demolition, new walls, finishes, ceilings, lighting, and electrical
- Alternate #2 – Upgrade roof top HVAC air handlers and related equipment including removal of existing units, new mechanical equipment, and electrical

- Alternate #3 – Replace all VAV (variable air volume) pneumatic actuators to electronic type actuators for increased energy efficiency and control
- Alternate #4 – Remove asbestos containing materials (ACM) consisting of roof flashing and mastic, and lead containing materials (LCM) consisting of doors and frames within the Base Bid scope of work
- Alternate #5 – Remove lead containing materials (LCM) consisting of doors and frames within the Alternate No. 1 scope of work

Twenty-eight firms attended the mandatory job walk and obtained bid documents for this project. The project was advertised in the local Beverly Hills newspapers, and construction trade publications, including the McGraw-Hill Construction Information Group (Dodge Report).

On March 10, 2009, fourteen bids were received. The bids results are as follows:

BIDDER'S NAME	Base Bid	Alt #1	Alt #2	Alt #3	Alt #4	Alt #5	Total for Delay	Total Bid
TASCO Construction	\$439,420	147,424	192,588	46,551	3,643	2,361	7,700	\$839,687
Avi-Con, Inc.	\$458,000	147,000	225,000	52,000	3,000	2,000	5,000	\$892,000
G2000	\$579,000	210,000	59,000	60,000	6,000	6,000	10,000	\$930,000
SBS Corporation	\$557,909	147,137	190,162	50,456	3,123	1,963	3,000	\$953,750
ABEAM Construction	\$496,500	185,400	208,500	53,600	2,400	3,100	16,000	\$965,500
CG Construction Co.	\$594,000	134,166	158,000	99,000	2,700	1,700	4,000	\$993,566
Bayley Construction	\$469,000	246,000	210,000	60,000	4,500	3,500	9,640	\$1,002,460
Horizons Construction	\$670,805	93,213	218,075	61,250	3,087	2,145	3,000	\$1,051,575
Tower General Contr.	\$584,000	236,000	193,000	53,000	2,900	1,800	10,000	\$1,080,700
PUB Construction	\$685,834	211,410	38,500	127,640	15,500	12,800	1,700	\$1,093,384
USS Cal Builders	\$694,000	148,000	188,000	56,000	9,000	3,000	30,000	\$1,128,000
Gamut Construction	\$646,823	198,195	222,065	58,754	1,421	754	30,000	\$1,158,012
United Riggers	\$670,336	196,240	228,105	50,351	5,978	4,650	30,000	\$1,185,660
Hanan Construction	\$680,000	240,000	270,000	55,000	5,000	5,000	10,000	\$1,265,000

In accordance with the instructions in the Bid Documents, the lowest responsive bidder is determined by computing the total base bid amount, the five alternate bid amounts and an amount for compensatory delay (if necessitated during the work).

The bid documents include the following language:

“SPECIFIC QUALIFICATIONS Bidders shall have the following experience. City shall reject such bids that fail to demonstrate such experience as non-responsive. Bidders shall have project experience in general construction of public facilities, such as governmental, municipal or university facilities that are comparable to the work specified by this bid package. City shall determine, in its sole discretion, what constitutes comparable projects. **Bidders’ failure to meet the minimum specific qualifications required herein and accurately represent bidders past project experience will render the bid non-responsive and are grounds for rejection by the City Council.**

7. Within the last five years, list at least three (3) general construction projects each exceeding \$1,000,000 (original bid amount) your organization has completed involving public facilities, which include similar trade categories. On a separate sheet, provide the following project information for the projects listed (it is bidder’s sole responsibility to provide all information requested below including current contact information to substantiate project data)”

The apparent low bidder, TASCOC Construction, Inc., did not provide evidence of at least three completed projects that meet the minimum dollar value specified in the Specific Qualifications. Thus, staff, in consultation with the City Attorney’s office, recommends that the City Council find that TASCOC Construction’s bid be rejected as it does not list three completed projects each exceeding \$1,000,000 it has performed in the last five years.

The bid of the second lowest bidder, Avi-Con, Inc., was reviewed by staff and found to be responsive to the bid requirements, and to the qualifications and experience requirements. As reported by the California State Contractors License Board, their license is current and in good standing.

Staff recommends acceptance of Avi-Con, Inc.’s Base Bid and Alternates #1, #2, #3, #4, and #5 for the total contract amount of \$887,000. A contingency of \$80,000 is recommended for changes due to unforeseen conditions to complete the work.

The low bid is approximately 10% less than the pre-bid estimate of \$1 million for the work.

The bid documents specify a 150 calendar day completion period for the work, resulting in completion of the project in November-December 2009.

FISCAL IMPACT

Funding for this contract work has been budgeted from the 08-09 Capital Improvement Program (CIP) budget in the Fire Station projects, #0585 and #0586.



Scott G. Miller
Finance Approval

 David D. Gustavson *AW*

Approved By

Attachment 1

Resolution

RESOLUTION 09-R-

RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS
AWARDING A CONTRACT TO AVI-CON, INC. DBA CA
CONSTRUCTION FOR THE FIRE STATION NO. 1 IMPROVEMENTS &
REMODEL AND APPROVING PLANS AND SPECIFICATIONS
THEREFOR

The Council of the City of Beverly Hills does hereby resolve as follows:

Section 1. The plans and specifications for the Fire Station No. 1 Improvements & Remodel, dated February 20, 2009, ("Project") copies of which are on file in the Public Works & Transportation Department, are hereby adopted and approved with respect to design criteria.

Section 2. The City invited bids for the Project and fourteen bids were received. Bidders were required to provide evidence of at least three (3) comparable construction projects completed in the last five-year period. The lowest bid submitted by TASCO Construction, Inc. is non-responsive because it did not provide evidence of three completed projects, and did not provide evidence of any completed projects which meet the minimum dollar value required by the bid. Therefore, the City Council finds that the lowest responsive bid was submitted by Avi-Con, Inc. dba CA Construction.

Section 3. In accordance with Beverly Hills Municipal Code Section 3-3.104 (d) (7), the City Council shall award the bid to the lowest responsible bidder.

Section 4. Upon reviewing the bids submitted for the work to be performed pursuant to contract and said plans and specifications, the City Council hereby rejects the TASCOC Construction, Inc. bid as non-responsive and finds that Avi-Con, Inc. dba CA Construction, hereinafter "said Contractor", is the lowest responsible bidder for such work. The bid of said Contractor is hereby accepted in the total amount of \$887,000, and a contract for the performance of such work dated _____, and identified as Contract No. _____, a copy of which is on file in the Office of the City Clerk, is hereby approved and awarded to said Contractor.

Section 5. A construction contingency in the amount of \$80,000 is hereby approved for change orders to the contract as approved by the City.

Section 6. The Mayor is authorized and directed to execute said Agreement on behalf of the City and the City Clerk is directed to attest thereto.

Section 7. The City Manager or his designee shall administer the terms of the Agreement on behalf of the City.

Section 8. The City Clerk shall furnish a copy of said Agreement after it has been approved and fully executed by the City, along with a copy of this resolution, to: Avi-Con, Inc. dba CA Construction, 981 Iowa Avenue, Suite A, Riverside, CA 92507.

Section 9. The City Clerk shall certify to the adoption of this Resolution and shall cause this Resolution and her certification to be entered in the Book of Resolutions of the Council of this City.

- Signatures begin on the next page -

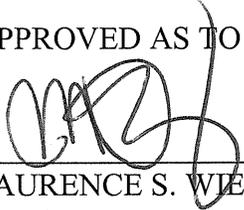
Adopted:

NANCY KRASNE
Mayor of the City of
Beverly Hills, California

ATTEST:

(SEAL)
BYRON POPE
City Clerk

APPROVED AS TO FORM:



LAURENCE S. WIENER
City Attorney

APPROVED AS TO CONTENT:



DAVID D. GUSTAVSON
Director of Public Works & Transportation



ALAN SCHNEIDER
Director of Project Administration

Attachment 2

Form of Contract

APPENDIX A

FORM OF CONTRACT

This contract ("Contract") is entered into by and between the City of Beverly Hills ("City"), a California municipal corporation, and AVI-CON, INC. DBA CA CONSTRUCTION, a Corporation, whose address is 981 Iowa Avenue, Suite A, Riverside, CA 92507.

In consideration of the agreements herein contained, the parties agree as follows:

1. WORK TO BE PERFORMED. Contractor shall furnish at Contractor's own expense all labor, materials, supplies, equipment, tools, transportation and other items of expense necessary to complete in a workmanlike manner all Work in accordance with the terms and conditions of the Contract, except for the labor, materials, supplies, equipment, tools, transportation and other items of expense as may be required to be furnished by the City. The Work is defined in detail in the Contract Documents, which govern the interpretation and performance of this Contract, but may be generally described as follows:

FIRE STATION NO. 1 IMPROVEMENTS & REMODEL

2. CONTRACT DOCUMENTS. This contract consists of this Form of Contract and the following Contract Documents, including all exhibits, appendices, addenda, drawings, specifications and documents therein and attachments thereto, all of which are by this reference incorporated herein and made a part of this Contract:

- SECTION 1: NOTICE INVITING BIDS**
- SECTION 2: INSTRUCTIONS TO BIDDERS**
- SECTION 3: SPECIAL CITY REQUIREMENTS**
- SECTION 4: GENERAL SPECIFICATIONS**
- SECTION 7: ADDITIONAL FORMS**

as contained in City's Bid Document for Bid No. 09-23, dated February 20, 2009 and

- SECTION 5: BIDDER'S BID**
- SECTION 6: SIGNATURE PAGE AND LEGAL STATUS**

of Contractor's Bid in response thereto, all of which are incorporated herein by reference, and all of which shall comprise the Contract Documents for this Contract. If any item of the Scope of Work, Payment Schedule, or any other item of the Bid Package is modified by either of the parties or arrived at by negotiation between the parties, that item as finally agreed upon by the parties shall also become a Contract Document, it shall supersede the corresponding item of the Bid Package, if any, and it shall be subject to all terms and conditions of the Contract.

3. PERFORMANCE PERIOD. Contractor shall commence Work after execution of the Contract, and shall complete all Work in 150 calendar days from the date of Notice To Proceed as set forth in the Contract Documents.

4. PAYMENT. City shall pay Contractor as full consideration for the satisfactory performance by Contractor of all Work required under this Contract the sum of EIGHT HUNDRED EIGHTY-SEVEN THOUSAND Dollars (\$887,000.00), inclusive of Alternate Bids #1, #2, #3, #4 and #5, payable as provided in the Contract Documents.

5. The City Manager or his designee shall administer the terms of the Agreement on behalf of the City.

IN WITNESS WHEREOF, the parties hereto have caused this Contract to be executed as of the date stated below.

DATED: _____

DATED: _____

CITY OF BEVERLY HILLS
"City"

AVI-CON, INC. DBA CA CONSTRUCTION
"Contractor"

NANCY KRASNE
Mayor

By: _____

ATTEST:

By: _____

BYRON POPE
City Clerk

APPROVED TO FORM:

APPROVED AS TO CONTENT:

LAURENCE S. WIENER
City Attorney

RODERICK J. WOOD
City Manager

DAVID D. GUSTAVSON
Director of Public Works

ALAN SCHNEIDER
Director of Project Administration

KARL KIRKMAN
Risk Manager