



AGENDA REPORT

Meeting Date: September 15, 2009

Item Number: F-13

To: Honorable Mayor & City Council

From: Alan Schneider, Director of Project Administration

Subject: APPROVAL OF THE AWARD OF A CONTRACT TO ALCAL ARCADE CONTRACTING, INC. FOR THE LIBRARY RE-ROOFING PROJECT; AND APPROVING PLANS AND SPECIFICATIONS THEREFOR; AND APPROVAL OF A PURCHASE ORDER IN THE AMOUNT OF \$399,250 TO ALCAL ARCADE CONTRACTING INC. FOR THE CONTRACT WORK

Attachments:

1. Agreement
2. Categorical Exemption
3. Letner Roofing Co. protest letter of September 3, 2009

RECOMMENDATION

Staff recommends that the City Council move to approve the award of a contract to the lowest responsible bidder, Alcal Arcade Contracting Inc., for the Library re-roofing project, Bid No. 10-02, in the amount of \$363,250; approve the construction contingency of \$36,000; approve the plans and specifications for the Project, dated July 23, 2009, which are adopted and approved with respect to design criteria; and approve a purchase order in the amount of \$399,250.

INTRODUCTION

The existing roofing on the Library was installed as part of the building construction in 1989-90. Over the past 20 years, minor roofing repairs have been required. During the past winter, a number of leaking conditions occurred. The proposed contract will address a long-term solution to prevent further rain leaks.

DISCUSSION

The City engaged a roofing consultant, Van Dijk & Associates, to examine the existing roofing conditions and provide a recommendation for the appropriate course of action. The results of the inspection and sample cuts of the existing roofing system concluded that existing roofing needs to be replaced. The consultant's final recommendation was to remove the entire roof, and install a complete new energy efficient roofing system.

The specifications developed for this project include the following scope of work:

- Vacuum and dispose of the existing loose gravel aggregate. Remove and dispose of all base flashings, existing sheet metal wall counterflashing, including flashing membrane at roof drain sumps (pitch dams to remain in place).
- Over the properly prepared existing coal tar pitch substrate, provide and install new rigid insulation and protection board. The new ¼ inch thick protection board and new 1.5 inch thick layer of roof insulation shall be mechanically fastened into the underlying metal deck substrate using approved insulation plates and fasteners, in accordance with manufacturer's recommendations.
- Provide all materials and accessories to install a new 72 mil thick fiberglass reinforced PVC roof membrane using an extrusion coating process, adhered over new protection board using a volatile organic compound (VOC) compliant water based adhesive, in accordance with manufacturer's recommendations.

The fiberglass reinforced PVC roof membrane roofing is a product manufactured by Sarnafil and includes an "Energy Star White" color. The membrane has an initial solar reflectance of 83% and a corresponding emissivity of 92%. In combination, the total solar reflectance index value (SRI) of the membrane is 104. This ranks at the highest level of available roofing products for energy conservation. Sarnafil roofs are recognized by the U.S. Green Building Council as a qualifying LEED roofing system for "green buildings".

The bid package prepared for the re-roofing of the Library included four alternate bid items for additional work on the building parapet walls to repair and seal the surface for greater longevity.

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

On September 1, 2009, ten bids were received. The bids results are as follows:

Bidder	Total Base Bid	Alternate 1	Alternate 2	Alternate 3	Alternate 4
Alcal Arcade Contracting, Inc.	\$320,950	\$14,800	\$10,000	\$7,500	\$19,000
Letner Roofing Company	\$372,665	\$15,000	\$12,000	\$13,000	\$15,000
TSP Roof Systems	\$384,668	\$19,477	\$7,968	\$4,500	\$6,994
Solar Integrated	\$386,000	\$12,000	\$15,000	\$11,000	\$22,000
Best Contracting	\$392,683	\$11,526	\$16,238	\$11,281	\$4,900
Anning-Johnson	\$394,000	\$28,960	\$29,500	\$30,760	\$73,600
Scholten	\$422,000	\$25,000	No Bid	No Bid	No Bid
WSP Roofing	\$431,380	\$42,800	\$19,000	\$10,000	\$24,600
Eberhard	\$437,350	\$3.25/sf	\$15.00/lf	\$9.00/lf	\$19,000
Applied Roof Engineering	\$458,500	\$48,600	\$14,810	\$2,900	\$14,750

The low bidder, Alcal Arcade Contracting Inc., submitted a fully responsive bid, and as reported by the State Contractors Licensing Board, their license is current and in good standing. Review of the firm's references indicates that the firm has successfully executed similar work.

The second low bidder, Letner Roofing (Letner), submitted a bid protest against the bid of Alcal Arcade Contracting (Alcal). Attached for your reference is the bid protest from Letner, which cites the fact that the low bidder failed to submit two (2) identical original Bid Bonds as specified on the Bid Form. Only one original fully executed Bid Bond was included with the bid from Alcal.

In accordance with Beverly Hills Municipal Code Section 3-3-301 (E), the City Council shall award the bid to the lowest responsible bidder and the City Council may also waive any irregularities or informalities in the bidding. In order for the irregularity or informality in the bidding to be waived it must not (1) affect the amount of the bid; (2) give a bidder an advantage over others; (3) be a potential vehicle for favoritism; (4) influence potential bidders to refrain from bidding; or (5) affect the ability to make bid comparisons. Staff, in consultation with the City Attorney's office, has evaluated these factors and it believes that none of these factors are present. Further, staff finds that it would be in the best interests of the City to accept the lowest responsive and responsible bid for the project, and by accepting one Bid Bond for the work instead of two originals is an irregularity that can be waived by the City. Therefore staff recommends waiver of the Alcal bid irregularity with respect to its submission of one Bid Form.

The bid documents specify a 60 calendar day completion period for the work, resulting in completion of the project in mid December 2009.

The Department of Community Development has reviewed the project for environmental impact and concluded that the project qualifies for a categorical exemption under the procedures adopted by the City of Beverly Hills, and no further environmental assessment is necessary.

FISCAL IMPACT

Funding for this contract work has been budgeted from the 09-10 Capital Improvement Program budget for New Roofing City Buildings, project #0833.



Scott G. Miller
Finance Approval



for David D. Gustavson
Approved By

Attachment 1

Agreement

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 Alcal Arcade Contracting, Inc., a Corporation, whose address is 1614 Marlborough Avenue, 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:

LIBRARY RE-ROOFING PROJECT

Item Description: Removal, disposal and installation of new roofing system at the Beverly Hills Library, located at 444 N. Rexford Drive, Beverly Hills, California 90210.

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**
- APPENDIX B: SCOPE OF WORK**
- APPENDIX C: PAYMENT PROCEDURES**
- APPENDIX D: BID FORM**
- APPENDIX E: TECHNICAL SPECIFICATIONS**

as contained in City's Bid Document for Bid No. 10-02, dated July 23, 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 60 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 Three Hundred Sixty Three Thousand Two Hundred Fifty Dollars (\$363,250.00), inclusive of Alternate Bid Items 1, 2, 3 and 4, 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"

ALCAL ARCADE CONTRACTING, INC.
"Contractor"

NANCY KRASNE
Mayor

By: _____
GARY S'DAO
Vice President

ATTEST:

BYRON POPE
City Clerk

By: _____
MARK INGRAM
Secretary

APPROVED TO FORM:

LAURENCE S. WIENER
City Attorney

APPROVED AS TO CONTENT:

RODERICK J. WOOD, ICMA-CM
City Manager

DAVID D. GUSTAVSON
Director of Public Works

ALAN SCHNEIDER
Director of Project Administration

KARL KIRKMAN
Risk Manager

Attachment 2

Categorical Exemption

Notice of Exemption

Form D

To: Office of Planning and Research
P.O. Box 3044, Room 212
Sacramento, CA 95812-3044

From: (Public Agency) City of Beverly Hills
455 N. Rexford Drive
Beverly Hills, CA 90210

County Clerk
County of Los Angeles
12400 Imperial Highway
Norwalk, CA 90650

(Address)

Project Title: City of Beverly Hills Public Library Re-Roofing Project

Project Location - Specific:

On the roof of the City's Public Library located 444 N. Rexford Drive, Beverly Hills, CA 90210.

Project Location - City: Beverly Hills Project Location - County: Los Angeles

Description of Nature, Purpose and Beneficiaries of Project:

The proposed project involves the re-roofing of an existing public library. The purpose of the project is to replace existing roofing material with a new insulation board and PVC membrane. The proposed work is customary and typical of re-roofing projects and will not result in any increased building height or other visible changes from the public right of way. The beneficiaries of the project include the City of Beverly Hills and the public that utilizes the library's resources.

Name of Public Agency Approving Project: City of Beverly Hills City Council

Name of Person or Agency Carrying Out Project: Project Administration Division, City of Beverly Hills,

Exempt Status: (check one)

- Ministerial (Sec. 21080(b)(1); 15268);
Declared Emergency (Sec. 21080(b)(3); 15269(a));
Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
[X] Categorical Exemption. State type and section number: Class 1, Section 15301
Statutory Exemptions. State code number:

Reasons why project is exempt:

The proposed project is exempt from CEQA in that it is an existing public facility will not result in any expansion of use beyond the existing building. Specifically, the proposed project involves the removal and replacement of the existing roofing system. There is no increase in building height and there will be visible change to the building as viewed from the public right of way. No change in land use will occur.

Lead Agency
Contact Person: Alan Schneider Area Code/Telephone/Extension: 310 285-1188

If filed by applicant:

- 1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? [X] Yes [] No

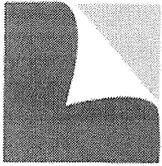
Signature: [Signature] Date: 9/3/09 Title: Director/Project Admin.

- [X] Signed by Lead Agency
[X] Signed by Applicant
Date received for filing at OPR:

Revised 2005

Attachment 3

Letner Roofing Co. protest letter of
September 3, 2009



Letner
ROOFING CO.



Lic. No. 689961

Via U.S. Mail and Email

September 3, 2009

Mr. Alan Schneider
City of Beverly Hills
345 Foothill Road
Beverly Hills, CA 90210

Regarding: Bid Protest
Project Description: Re-Roofing at Library
Bid Number: 10-02

Dear Mr. Guerrero,

Letner Roofing Company respectfully requests that "City of Beverly Hills" to abstain from awarding the contract to Alcal/Arcade, on the grounds that **Alcal/Arcade Contracting's Bid is non-responsive**. Herein please find Letner Roofing's Formal protest on the above referenced project, for the following reason.

1. Per the Bid documents on page 17 (Bid Bond Form) it states "IN WITNESS WHEREOF, two (2) identical counterparts of this instrument, each of which shall for all purposes be deemed an original thereof, have been executed by the Principal and Surety named herein". This clearly requires two (2) original Bid Bonds to be submitted with bid Form at time of Bid. The apparent low bidder did **not** submit two (2) identical original bid bonds as required by the specifications (see attached exhibit A). Therefore their bid must be considered nonresponsive.

This omission is significant and Alcal/Arcade is **not** in compliance with the bid documents. We are asking the City of Beverly Hills, to award the contract to Letner Roofing Company, due to the fact that Letner Roofing is the lowest responsible bidder. We would like to thank you in advance for your attention to this matter. Please see attached exhibit "A".

Sincerely,

Mike Sanabria
Letner Roofing Company

Exhibit "A"

BID NO. 10-02

BID BOND

WHEREAS, Alcal/Arcade Contracting, Inc., hereinafter "Principal," has submitted a bid to the City of Beverly Hills (hereinafter, "City") for the LIBRARY RE-ROOFING PROJECT.

AND WHEREAS, said Principal is required to furnish a bond in connection with said bid, to ensure that the Principal will enter into a contract with the City;

NOW, THEREFORE, we, the Principal and Western Surety Company as Surety, are held firmly bound unto the City in the sum of 10% of Total Amount Bid Dollars (\$ ////////////////), this amount being not less than ten percent (10%) of the Bid Sum, for which payment well and truly to be made we bind ourselves, our heirs, executors and administrators, successors and assigns, jointly and severally, firmly by these presents.

THE CONDITION OF THIS OBLIGATION IS SUCH THAT, if said Principal is awarded a Contract by said City and, within the time and in the manner required in the Contract Documents for said project, enters into the written form of Agreement bound with said Contract Documents and furnishes the required bonds and insurance, and performs all other obligations prerequisite to signing the Agreement, then this obligation shall be null and void, otherwise it shall remain in full force and effect. In the event suit is brought upon this bond by said City and judgment is recovered, said Surety shall pay all costs incurred by said City in such suit, including a reasonable attorney's fee to be fixed by the Court.

IN WITNESS WHEREOF, two (2) identical counterparts of this instrument, each of which shall for all purposes be deemed an original thereof, have been duly executed by the Principal and Surety named herein, on the 26th day of August

2009, the name and corporate seal of each corporate party being hereto affixed and these presents duly signed by its undersigned representative pursuant to authority of its governing body.

Principal Alcal/Arcade Contracting, Inc.

By [Signature]
GARY S'DAO, VICE PRESIDENT

Surety Western Surety Company

By [Signature]
Rosalie A. Miszkief,
Attorney-in-Fact