



## AGENDA REPORT

**Meeting Date:** October 2, 2012

**Item Number:** F-5

**To:** Honorable Mayor & City Council

**From:** Charles Ackerman, Project Administrator

**Subject:** RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS  
AWARDING A CONTRACT TO AVI-CON INC. DBA CA  
CONSTRUCTION FOR THE 221 N. CRESCENT BRICK FAÇADE  
REPLACEMENT PROJECT; AND APPROVING PLANS AND  
SPECIFICATIONS THEREFOR; AND  
  
APPROVAL OF A PURCHASE ORDER IN THE AMOUNT OF  
\$811,000 TO AVI-CON INC. DBA CA CONSTRUCTION FOR THE  
CONTRACT WORK

**Attachments:**

1. Resolution
2. Agreement
3. Categorical Exemption

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### **RECOMMENDATION**

It is recommended that the City Council adopt the resolution awarding a Contract to AVI-CON Inc. dba CA Construction for the "221 N. Crescent Brick Facade Replacement Project", Bid No. 13-02, in the amount of \$811,000; approve the construction contingency of \$80,000; and delegate the authority to approve change orders to the Director of Public Works & Transportation, approve the plans and specifications for the Project, dated July 20, 2012, which are adopted and approved with respect to design criteria; and approve a purchase order in the amount of \$891,000.

### **INTRODUCTION**

The existing brick veneer is failing on several locations of the 221 N. Crescent Parking structure which was installed as part of the building construction in the early 1980's. Over the past years, areas of brick veneer have been removed for public safety. Other areas have protective safety walk installed to prevent any injuries from occurring. The proposed contract will address a long-term solution to prevent further failures and spalling of the veneer layer. In order to sustain a long term solution to the brick veneer and spalling problem, the scope of the project was extended beyond just the areas where the veneer has failed.

## DISCUSSION

RTK Architects was engaged to prepare the plans and specifications for the project, which consist of the removal of the existing lower brick band at the structure and the replacement with new waterproofing and brick veneer.

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

- Removal of existing brick veneer, disposal and replacing with approximately 13,000 square feet of new brick veneer, plus miscellaneous plaster patching.
- Installation of metal lath and new water proof membrane on all exposed surface.

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

On August 22, 2012, eight bids were received. The bids results are as follows:

<u>Bidder</u>	<u>Base Bid</u>	<u>Total for Delay</u>	<u>Total Bid</u>
Union Construction	\$600,000	\$2,000	\$602,000
Olymos Painting, Inc.	\$733,000	\$0	\$733,000
AVI-CON, Inc.	\$811,000	\$0	\$811,000
Monet Construction, Inc.	\$826,000	\$10,000	\$836,000
G2K Construction, Inc.	\$824,000	\$10,000	\$834,000
BBS Construction, Inc.	\$869,000	\$0	\$869,000
1 <sup>st</sup> California Construction	\$957,400	\$0	\$957,400
Fast-Track Construction	\$1,594,800	\$17,000	\$1,611,800

The bid documents include the following language:

### "SPECIFIC QUALIFICATIONS

Bidders shall have experience in performing work for public facilities that are comparable to the work specified by this bid package, such as governmental, municipal or university facilities. City shall determine, in its sole discretion, what constitutes comparable projects. **Bidder's failure to meet the minimum specific qualifications required herein and accurately represent bidder's past project experience will render the bid non-responsive and are grounds for rejection by the City Council.**

Within the last five years, list at least three (3) projects exceeding \$700,000 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: On a separate sheet, list the major construction projects your organization has in progress, giving the name of project, owner, contract amount, percent complete and scheduled completion date."

The apparent low bidder, Union Construction Company, submitted a bid listed only two projects, which met the City's qualification requirements. Thus, staff, in consultation with the City Attorney's office, recommends that the City Council find that Union Construction

Companies bid is non-responsive and be rejected as it does not list three completed projects it has performed in the last five years.

The bid submitted by the second low bidder Olympus Painting Incorporated, submitted a bid listed only one project, which met the City's qualification requirements. Thus, staff, in consultation with the City Attorney's office, recommends that the City Council find that Olympus Painting Incorporated's bid is non-responsive and be rejected as it does not list three completed projects it has performed in the last five years.

The bid of the third bidder, AVI-CON Construction, 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.

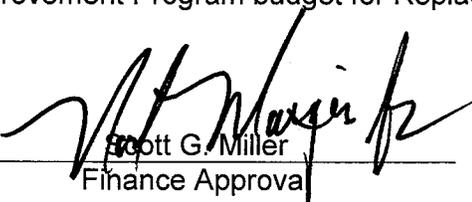
Staff recommends that the base bid be accepted as the contract work. The total contract amount is \$811,000. In addition, a contingency of \$80,000 (approximately 10% of the contract amount) is recommended for change due to unforeseen conditions to complete the work. The consultant's pre-bid estimate was \$850,000

The bid documents specify a 90 calendar day completion period for the work, resulting in completion of the project in early-February 2013.

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 fiscal year 2012-13 Capital Improvement Program budget for Replace Brick Facade, project #0927.

  
\_\_\_\_\_  
Scott G. Miller  
Finance Approva

 \_\_\_\_\_  
David D. Gustavson  
Approved By

# **Attachment 1**

RESOLUTION 12-R-

RESOLUTION OF THE COUNCIL OF THE CITY OF  
BEVERLY HILLS AWARDED A CONTRACT TO AVI-CON  
INC. DBA CA CONSTRUCTION FOR THE 221 N. CRESCENT  
BRICK FAÇADE REPLACEMENT PROJECT; 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 221 N. Crescent Brick Façade Replacement Project, dated June 21, 2012, ("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 eight bids were received. The lowest bid submitted by Union Construction Company is non-responsive because it failed to meet the experience qualifications by failing to provide evidence of at least three (3) comparable construction projects Union Construction Company has completed in the last five-year period which demonstrates its capability to perform the work required by the bid. The second lowest bid submitted by Olympos Painting Corporation is non-responsive because it failed to meet the experience qualifications by failing to provide evidence of at least three (3) comparable construction projects Olympos Painting Corporation has completed in the last five-year period which demonstrates its capability to perform the work 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 Union Construction Company bid as non-responsive and the Olympos Painting Corporation 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 \$811,000, 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 Ave., Suite A, Riverside, California 92507

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

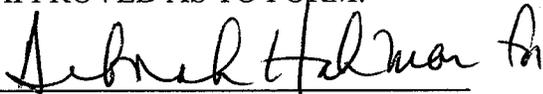
Adopted:

\_\_\_\_\_  
WILLIAM W. BRIEN, M.D.  
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

  
\_\_\_\_\_  
for ALAN SCHNEIDER  
Director of Project Administration

# **Attachment 2**

**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, California 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:

**221 N. CRESCENT BRICK FAÇADE REPLACEMENT PROJECT**

Item Description: Removal and disposal of existing exterior brick façade and installation of new brick and backing system at the 221 N. Crescent parking/retail/housing facility, located at 221 N. Crescent 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**

as contained in City's Bid Document for Bid No. 12-, dated July 20, 2012 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 90 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 Eleven Thousand Dollars (\$811,000.00), 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: \_\_\_\_\_

CITY OF BEVERLY HILLS  
"City"

\_\_\_\_\_  
WILLIAM W. BRIEN M.D.  
Mayor

ATTEST:

\_\_\_\_\_  
BYRON POPE  
City Clerk

APPROVED TO FORM:

\_\_\_\_\_  
LAURENCE S. WIENER  
City Attorney

DATED: \_\_\_\_\_

AVI-CON Inc. dba CA Construction  
"Contractor"

By: \_\_\_\_\_

By: \_\_\_\_\_

APPROVED AS TO CONTENT:

\_\_\_\_\_  
JEFFREY KOLIN  
City Manager

\_\_\_\_\_  
DAVID D. GUSTAVSON  
Director of Public Works

\_\_\_\_\_  
ALAN SCHNEIDER  
Director of Project Administration

\_\_\_\_\_  
KARL KIRKMAN  
Risk Manager

# **Attachment 3**



www.beverlyhills.org

COMMUNITY DEVELOPMENT DEPARTMENT

455 N. Rexford Drive  
Beverly Hills, CA 90210-4817  
(310) 285-1123  
FAX: (310) 858-5966

CITY OF BEVERLY HILLS

Categorical Exemption

NAME OF PROJECT 221 N. Crescent Brick Façade Replacement Project.

LOCATION 221 N. Crescent Drive, Beverly Hills, California

TYPE OF BUSINESS (IF COMMERCIAL) Parking Structure

PROJECT DESCRIPTION Replacement of lower band of brick veneer around entire structure.

APPLICANT'S NAME City of Beverly Hills PHONE 310-285-1132

APPLICANT'S ADDRESS Project Administration, 345 Foothill Road

CITY Beverly Hills, CA ZIP 90210

IF DIFFERENT, PROVIDE:

AGENT'S NAME \_\_\_\_\_ PHONE \_\_\_\_\_

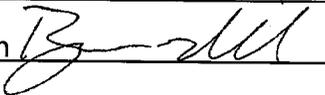
AGENT'S ADDRESS \_\_\_\_\_

CITY \_\_\_\_\_ ZIP \_\_\_\_\_

The undersigned, having received this project for processing, has reviewed it 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.

Applicable Exemption Class 1

COMMENTS Class 1 exemption for exterior repairs and modifications to an existing building.

REVIEWED BY Ryan Gohlich  Date 9/19/2012