



AGENDA REPORT

Meeting Date: June 3, 2008

Item Number: F-15

To: Honorable Mayor & City Council

From: Allen Rubenstein, Project Manager

Subject: APPROVAL OF THE AWARD OF A CONTRACT TO BOMEL CONSTRUCTION CO., INC., FOR THE CONSTRUCTION OF THE 9333 THIRD STREET PARKING STRUCTURE; AND APPROVING PLANS AND SPECIFICATIONS THEREFOR; AND

APPROVE A PURCHASE ORDER IN THE AMOUNT OF \$11,800,000 TO BOMEL CONSTRUCTION CO., INC. FOR THE CONTRACT WORK AND AUTHORIZE THE CITY MANAGER TO APPROVE A SUBSEQUENT PURCHASE ORDER FOR THE BALANCE OF THE AMOUNT

Attachments: 1. Form of Contract

RECOMMENDATION

Staff recommends that the City Council move to approve the award of a contract to the lowest responsible bidder, Bomel Construction Co., Inc. , for the construction of the 9333 Third Street Parking Structure, in the amount of \$13,189,000; approval of the construction contingency of \$1,100,000 for a total amount of \$14,289,000; approval of the plans and specifications for the Project, dated March 18, 2008, which are adopted and approved with respect to design criteria; approval of a purchase order in the amount of \$11,800,000; and authorize the City Manager to approve a subsequent purchase order for the balance of the total amount.

INTRODUCTION

In November 2006, the City Council approved a comprehensive master plan for the Public Works campus. The major components included the existing Public Works Facility and Water Treatment Plant, the Vehicle Shop presently under construction and nearing completion, an office building at 331 Foothill Road currently out to bid, and a future warehouse which will also contain maintenance shops.

The Master Plan also included this 498 vehicle free-standing Parking Structure, which is intended to accommodate vehicles from three specific users: the City owned fleet, the 331 Foothill Office Building tenants and visitors, and the Public Works & Transportation employees and visitors. The City fleet vehicles will occupy two subterranean levels below grade. All other cars will park in the four and one-half levels above grade.

DISCUSSION

The City engaged the firm of International Parking Design, a California licensed architect, to prepare the construction plans and specifications. They are experienced in designing similar structures and familiar with current garage construction methods.

The parking structure will be constructed of reinforced, poured in place, and post tensioned concrete. The façade facing Third Street will be partially enclosed by metal louvers and a landscaped trellis. The elevator tower will be covered with colored cement panels. These design elements were designed with the assistance of Steven Ehrlich Architects, the architect of the adjacent 331 Foothill Road office building, with the intent of integrating both structures into a unified composition.

The office building and this parking structure are integrated in other ways also. There is one Southern California Edison electrical service and one emergency generator that serve both facilities. Also, the office building air conditioning chillers will be located in the lowest level of the garage in order to place this noisy equipment where it will be least disruptive.

For the construction, the City sought to obtain bids from general contractors with extensive experience in building parking structures. These garage contractors are uniquely positioned to erect these structures at the least cost and highest quality because of their experience and their specialized forming and construction equipment.

A prequalification evaluation procedure was developed to create a list of qualified bidders utilizing the guidelines established by the California Department of Industrial Relations. The project was advertised in the Beverly Hills newspapers and in required construction trade publications during the week of February 25, 2008. Fourteen firms responded or were contacted by staff. The process emphasized experience with recent, similar, satisfactorily completed projects.

Eight firms submitted their qualifications and five firms satisfied the criteria established by the City and were prequalified to bid. The rejected firms were given the opportunity to appeal, but none chose to do so.

The project was issued for bid on March 31, 2008, and the bids opened on May 13, 2008. Four bids were received. The basis for selection was the sum of the Base Bid and twenty days of compensatory delay. The results were as follows:

| | <u>Bomel Const.</u> | <u>McCarthy Const.</u> | <u>T. B. Penick</u> | <u>ARB, Inc.</u> |
|-------------------|---------------------|------------------------|---------------------|------------------|
| Base bid | \$13,189,000 | \$14,083,000 | \$14,374,000 | \$14,689,849 |
| Compensable delay | <u>\$46,000</u> | <u>\$50,000</u> | <u>\$40,000</u> | <u>\$40,000</u> |
| Basis of low bid | \$13,235,000 | \$14,133,000 | \$14,414,000 | \$14,749,849 |

Meeting Date: June 3, 2008

The bids were reviewed and the lowest responsible bidder is Bomel Construction Co., Inc., whose bid constructs the garage, including the special elements that serve the adjacent office building, at a cost that equates to \$26,484 per space.

The bid documents specify a 365 calendar day (twelve month) completion period for the work, resulting in completion of the project in October-November 2009.

A contingency of \$1,100,000 has been included in the purchase order to cover unforeseen conditions. Expenditures from the contingency are made utilizing the Change Order process upon adequate written justification and substantiation.

FISCAL IMPACT

Funding for this contract work in the amount of \$11,800,000 is available from the fiscal year 07-08 Capital Improvement Program (CIP) budget for the Public Works Parking Structure Project. Additional funding in the approximate amount of \$3,000,000 is necessary to cover all project costs, and is proposed in the fiscal year 08-09 Capital Improvement Program (CIP) budget for consideration and approval by the City Council.

Therefore, staff recommends that an initial purchase order for \$11,800,000 be issued and the City Manager authorized to approve a subsequent purchase order for the balance of the amount when funds are budgeted.



Scott G. Miller
Finance Approval

 DG

David D. Gustavson
Approved By

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 **BOMEL CONSTRUCTION CO., INC.** a Corporation, whose address is 8195 East. Kaiser Blvd., Anaheim Hills, CA 92808.

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:

Item Description: The construction of a free-standing, sloping floor, long span, 500-vehicle, concrete poured-in-place, post tensioned parking structure on a confined site located at 9333 West Third Street. The facility has two levels below grade and four and one-half levels above grade.

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
SECTION 8: GENERAL CONDITIONS
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. 08-12 dated **March 31, 2008**, 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, as provided in the Notice to Proceed, and shall complete all Work in accordance with the Schedule 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 THIRTEEN MILLION ONE HUNDRED EIGHTY NINE THOUSAND Dollars (\$13,189,000) payable as provided in the Contract Documents, inclusive of Alternate Bids One through Five.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement the _____ day of, 2008, at Beverly Hills, California.

City:
CITY OF BEVERLY HILLS
a municipal corporation

BARRY BRUCKER
Mayor of the City of Beverly Hills, California

ATTEST:

BYRON POPE
City Clerk (SEAL)

General Contractor:
BOMEL CONSTRUCTION CO., INC.
a California corporation

JAMES C. URE
Executive Vice President

(Insert Name) (Insert Title)

APPROVED AS TO FORM:

LAURENCE S. WIENER
City Attorney

(Signatures Continue)

APPROVED AS TO CONTENT:

RODERICK J WOOD
City Manager

DAVID D. GUSTAVSON
Director of Public Works & Transportation

ALAN SCHNEIDER
Director of Project Administration

KARL KIRKMAN
Risk Manager