



## AGENDA REPORT

**Meeting Date:** April 21, 2015

**Item Number:** D-17

**To:** Honorable Mayor & City Council

**From:** Alan Schneider, Director of Project Administration *AS*

**Subject:** APPROVAL OF THE AWARD OF CONTRACT TO THE LOWEST RESPONSIBLE BIDDER, BBS CONSTRUCTION, INC. FOR THE POLICE FACILITY OVERSIZED VEHICLE STORAGE PROJECT – RE-BID #3; AND APPROVING PLANS AND SPECIFICATIONS THEREFOR; AND  
APPROVAL OF A PURCHASE ORDER TO BBS CONSTRUCTION, INC IN THE TOTAL AMOUNT OF \$919,000 FOR THE CONTRACT WORK

**Attachments:**

1. Contract
2. Categorical Exemption

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### RECOMMENDATION

It is recommended that the City Council approve the award of a contract to the lowest responsible bidder, BBS Construction, Inc. for the "Police Facility Oversized Vehicle Storage Project – Re-Bid #3," Bid No. 15-23, in the amount of \$839,000; approve the construction contingency of \$80,000 and delegate the authority to approve change orders to the Director of Capital Assets as provided in the Beverly Hills Municipal Code, Section 3-3-111; approve the plans and specifications for the Project, dated February 12, 2015, which are adopted and approved with respect to design criteria; and approve a purchase order in the amount of \$919,000.

### INTRODUCTION

The Police Department requires a parking area for two of its oversized specialized vehicles. Currently, the Mobile Advanced Technology Control Center (MATCC) and the Mobile Command Center (MCC) vehicles are parked at the City's surface lot at the northeast corner of Foothill Road and Third Street. Constructing a secure parking location immediately accessible to the Police Facility is considered a high priority to ensure timely utilization of these important Police assets during emergency events.

The proposed plan is to house the MATCC within the Police Facility sally port and locate the armored SWAT vehicle and MCC in the new vehicle storage area to be constructed at the east end of the facility. This parking area would ensure that the MCC and SWAT vehicles are shielded from the weather and are readily accessible to law enforcement personnel. The project will protect the City's and federal government's investment in its recent and future acquisitions of oversized vehicles.

The proposed award of contract follows the rejection of bids in January 2015 due to bid irregularities.

### **DISCUSSION**

The architectural firm, RTK Architects was engaged to provide the design services for the project including 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.

Re-construct the existing Police Facility open-air yard at the east end of the facility by expanding the existing footprint to accommodate the size of the vehicles, including new masonry walls with metal screening, roof structure and roll-up door. In addition, the scope of work includes relocating the hazardous materials evidence room, the electrical transformer and trash enclosure.

The City sought to obtain bids from experienced building contractors for the construction. A prequalification procedure was utilized following the State guidelines. Among the items that the procedure required was construction experience in several recent, local, and similar completed projects. The process was advertised in the Beverly Hills newspapers, construction trade publications and the construction documents were posted on the City's website.

Four firms applied for prequalification. After examination of the submissions and through an objective scoring system staff prequalified all four firms.

On March 25, 2015, four bids were received. The bids results are as follows:

<u>Bidder</u>	<u>Base Bid</u>
BBS Construction	\$839,000
Caltech Corporation	\$848,000
Ian Thomas Group	\$1,286,500
Woodcliff Corporation	\$1,352,000

Shortly after receipt of the bids staff received a bid protest from the second lowest bidder, Caltech Corporation claiming the apparent lowest bidder, BBS Construction (BBS) submitted a non-responsive bid. They assert that one of BBS' listed subcontractors was not registered with the Department of Industrial Relations (DIR), and therefore not eligible to bid on public works projects. Under SB 854 the requirement to list only registered contractors and subcontractors on bids became effective on March 1 2015.

Upon investigation by staff it was revealed that the subcontractor, Onsite, Inc. (electrical sub) submitted their application and fee on March 1, 2015; however made payment by check in lieu of a credit card, which can take up to eight weeks to be processed. As of the bid date the registration had not been fully processed by DIR.

In accordance with California Labor Code 1771.1 (c) and Public Contract Code Section 4107, the prime contractor can request a substitution of subcontractor due to the non-registration of a listed subcontractor. On April 13, 2015 BBS submitted for City consideration a request for substitution of Onsite, Inc. with a subcontractor who meets all requirements. Therefore, it is recommended that the City reject the bid protest and accept the substitution of subcontractor by BBS.

Staff further recommends that the base bid be accepted as the contract work. In addition, a contingency of \$80,000 (approximately 10% of the contract amount) is recommended for changes due to unforeseen conditions to complete the work. The cost differential between the low base bid amount and the prior rejected low bid is \$43,000.

The bid documents specify a 240 calendar day completion period for the work, resulting in completion of the project in December 2015. All work is specified to be performed so there will be no impact to Police operations or the weekly Farmers Market during the work.

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 2014-15 Capital Improvement Program (CIP) budget from the Police Seized and Forfeited Property Fund for project #0941 and project #0933.

David E. Lightner   
Approved By

# **Attachment 1**

# CONTRACT

## CITY OF BEVERLY HILLS

### CONTRACT FOR

#### POLICE FACILITY OVERSIZED VEHICLE STORAGE PROJECT – RE-BID #3

THIS CONTRACT ("Contract") is made and entered this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ ("Effective Date"), by and between the CITY OF BEVERLY HILLS, a California municipal corporation ("City") and BBS Construction, Inc. ("Contractor"). Contractor's license number is 839266.

In consideration of the mutual covenants hereinafter set forth, the parties hereto agree as follows:

1. Contract Documents. The Contract Documents consist of this Contract, the Notice Inviting Bids, Instructions to Bidders, Bid (including documentation accompanying the Bid and any post-Bid documentation submitted before the Notice of Award), the Bonds, permits from regulatory agencies with jurisdiction, General Provisions, Special Provisions, Plans, Standard Plans, Standard Specifications, Reference Specifications, Addenda, Change Orders, and Supplemental Agreements. The Contract Documents are attached hereto and incorporated herein by reference. In the event of any conflict between the terms of this Contract and any incorporated documents, the terms of this Contract shall control.
2. Scope of Services. Contractor shall perform the Work in a good and workmanlike manner for the project identified as Police Facility Oversized Vehicle Storage Project ("Project"), as described in this Contract and in the Contract Documents.
3. Compensation. In consideration of the services rendered hereunder, City shall pay Contractor a not to exceed amount of Eight Hundred Thirty Nine Thousand Dollars (\$839,000.00) in accordance with the prices as submitted in Contractor's Proposal, attached hereto and incorporated herein by this reference.
4. Incorporation by Reference. All of the following documents are attached hereto and incorporated herein by this reference: Workers' Compensation Certificate of Insurance; Additional Insured Endorsement (Comprehensive General Liability); Additional Insured Endorsement (Automobile Liability); and Additional Insured Endorsement (Excess Liability).
5. Antitrust Claims. In entering into this Contract, Contractor offers and agrees to assign to the City all rights, title, and interest in and to all causes of action it may have under Section 4 of the Clayton Act (15 U.S.C. Sec. 15) or under the Cartwright Act (Chapter 2 (commencing with Section 16700) of Part 2 of Division 7 of the California Business and Professions Code) arising from purchases of goods, services, or materials pursuant to the Contract. This assignment shall be made and become effective at the time the City tenders final payment to Contractor without further acknowledgment by the parties.
6. Prevailing Wages. City and Contractor acknowledge that this Project is a public work to which prevailing wages apply. The provisions of Section 7.A of the General Provisions shall apply and are mandatory for this Project.
7. Workers' Compensation. California Labor Code Sections 1860 and 3700 provide that every contractor will be required to secure the payment of compensation to its employees. In accordance with the provisions of California Labor Code Section 1861, by signing this Contract, the Contractor certifies as follows:

"I am aware of the provisions of Section 3700 of the Labor Code which require every employer to be insured against liability for workers' compensation or to under take self-insurance in accordance with the provisions of that code, and I will comply with such provisions before commencing the performance of the Work of this Contract."

8. Titles. The titles used in this Contract are for convenience only and shall in no way define, limit or describe the scope or intent of this Contract or any part of it.

9. Authority. Any person executing this Contract on behalf of Contractor warrants and represents that he or she has the authority to execute this Contract on behalf of Contractor and has the authority to bind Contractor to the performance of its obligations hereunder.

10. Entire Agreement. This Contract, including any other documents incorporated herein by specific reference, represents the entire and integrated agreement between City and Contractor. This Contract supersedes all prior oral or written negotiations, representations or agreements. This Contract may not be modified or amended, nor any provision or breach waived, except in a writing signed by both parties which expressly refers to this Contract.

11. Counterparts. This Contract may be executed in counterpart originals, duplicate originals, or both, each of which is deemed to be an original for all purposes.

IN WITNESS WHEREOF, the parties hereto have executed the Contract the day and year first above written.

CITY OF BEVERLY HILLS

By: \_\_\_\_\_  
JULIAN A. GOLD, M.D., Mayor

ATTEST:

By: \_\_\_\_\_  
BYRON POPE, City Clerk

Dated: \_\_\_\_\_

BBS CONSTRUCTION, INC  
("CONTRACTOR")

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

Printed Name: SONIA BILAVER

Title: President

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

Printed Name: TOM BILAVER

Title: Vice President, Treasurer

APPROVED AS TO FORM:

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

APPROVED AS TO CONTENT:

By: \_\_\_\_\_  
MAHDI ALUZRI  
Interim City Manager

By: \_\_\_\_\_  
DAVID E. LIGHTNER  
Deputy City Manager/Director of Capital  
Assets

By: \_\_\_\_\_  
KARL KIRKMAN  
Risk Manager

# **Attachment 2**



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 Police Facility Oversized Vehicle Storage

LOCATION 464 N. Rexford Drive, Beverly Hills, California

TYPE OF BUSINESS (IF COMMERCIAL) City Police Facility

PROJECT DESCRIPTION Remodel approximately 1200 square feet of exterior open yard space at the east end of the Police Facility for use as storage of 2 specialized public safety vehicles that cannot be accommodated in any City parking garages due to the height of these vehicles.

APPLICANT'S NAME City of Beverly Hills PHONE 310-285-1188

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 The project consists of the minor alteration of an existing public facility with a negligible expansion of use.

REVIEWED BY Margaret Mellican Date 03/18/2013