

Minutes
CITY COUNCIL/SUCCESSOR
AGENCY/PUBLIC FINANCE AUTHORITY
MEETING AGENDA
August 26 2013

1. CALL TO ORDER

Mayor Lander called the Special Meeting of Monday, August 26, 2013 to order at 6:09 PM, PDT.

Council Members Present: Ramsey, Garcia, Lander

Others Present: City Manager Rene Ramirez, Police Chief Cal Minor, Assistant Community Development Director Sean Brewer, Economic Development Assistant Shannon Jensen.

City Clerk Wanda Earls

Absent: Keough, Oxborrow,
City Treasurer Olga Keough

2. AWARDS, PRESENTATIONS, APPOINTMENTS AND PROCLAMATIONS (NONE)

3. CITIZEN COMMENTS

4. PUBLIC HEARINGS (NONE)

5. CONSENT CALENDAR (NONE)

6. ORDINANCE PRESENTATION, DISCUSSION AND POTENTIAL ACTION ITEMS

1. Adoption of Resolution No. 3615 Making the Findings to Re-Affirm Award of the Coalinga Plaza Street Reconstruction Project, Project No. 13-001, to Lee's Paving, Inc.

Rene A. Ramirez, City Manager

Present in the audience::

Representatives from Dawson-Mauldin Construction, Inc.

Mr. and Mrs. L. D. McClatchey of Lee's Paving, Inc.

Ms. Joy Holt, P.E. Mendoza & Associates

City Manager Ramirez said we are here to reaffirm the award of the Coalinga Plaza Reconstruction Street Project to Lee's Paving in the amount of \$1,449,223.90.

The City received four bids on August 7th; when bids were opened the apparent lowest bid was Lee's Paving, Inc., from Visalia. In the process, staff noted a mathematical error in their bid summary sheet. When this error was made, they left \$28,777.00 on the table. The Construction Manager Joy Holt from Mendoza & Associates is in the audience tonight. She contacted Lee's Paving to inform them of the mathematical error and that they needed to allow the bid to stand as submitted or to withdraw their bid. They said they would stand by the bid submitted.

Other bidders as part of their due diligence also reviewed the bids submitted looking for errors. Dawson-Mauldin in looking at the bid in question noticed that Lee's Paving had made a mathematical error.

The second lowest bidder was Dawson-Mauldin Construction with a bid of \$1,458,629.00. On August 16, 2013 the apparent second low bidder, Dawson-Mauldin Construction submitted a bid protest asserting that Lee's Paving was not the low bidder due to an omission in extending unit prices in their bid.

There is some language in the bid specification document that talks about errors. Discrepancies between the multiplication of units of work and unit prices will be resolved in favor of the unit prices, That is not quite right because the specifications say that those types of discrepancies between the indicated sum of any column of figures and the correct sum thereof will be resolved in favor of the correct sum. The last sentence exactly says, "discrepancies between words and figures will be resolved in favor of the words". After speaking to our legal counsel, design engineer and Ms. Holt and giving consideration to our own experience, we determined that the written words are considered the price.

After internal discussions we felt that prudence is the better part of valor and decided it behoves the Council to reaffirm the bid from Lee's Paving to give Dawson-Mauldin the opportunity to voice their opinion saying the Council should reconsider and reject the bid from Lee's Paving.

In speaking to legal counsel, they indicated that the State of California Court system provides cities, local governments, counties and Caltrans with lots of leeway when it comes to these types of discrepancies as long as it is described in the bid specifications. In fact, they said the most recent case they looked at was a case between Caltrans and a contractor who bid a project and they were told to just follow the bid specifications.

We want to reaffirm that we are following the bid specifications and going forward based on the words written as to the price. The contractor Lee's Paving acknowledged that they will honor this decision made by the City. We are not recommending any change however the Council may entertain discussion with those in the attendance.

Mayor Lander asked for comments from the Council. Seeing none he asked for comments from the audience.

Representative from Dawson-Mauldin Construction Inc., said they feel that they are the lowest bidder on the project. There are three caseload decisions which pertain to this situation. The first one is (cannot understand words) vs. (cannot understand words) whereas the (cannot understand words) the amount of the bids and gives the bidder an unfair advantage. First, it does affect the amount of the bid. Secondly, it gives Lee's an unfair advantage (cannot understand words) in knowing how much Dawson-Mauldin has bid before Lee's makes a decision on how to fix the amount of their bid. (Cannot understand wording) landscape vs. the City of Davis 1996. The reason Lee's bid is invalid is in part because of the way this was handled. It gave the bidder rights not available to other bidders making their bid invalid. (Cannot understand words) gives Lee's the option to either ratify their bid or go forward and withdraw it. (Cannot understand words) rights not available to other bidders. (Cannot understand words) the Lee's bid is invalid. Based on the three caseload decisions of the past, Dawson-Mauldin feels that we are the responsible low bidder for this Coalinga Plaza Project.

Mr. Lee McClatchey, Owner of Lee's Paving, Inc., said he lives at (cannot understand address) in Visalia. First of all when the job was bid, he had no idea what the other people bid. Secondly, Caltrans doesn't allow any protest after the award because they could be in the middle of a job and receive a protest. Also, the bid protest letter from Dawson-Mauldin was not signed by a principal of the company. He has been under the impression (he is not a lawyer) that a protest has to be signed by the contractor. He feels their protest is invalid.

Mayor Lander asked for additional comments.

Council Member Garcia said he feels the Council should go with the advise of our legal counsel.

Motion to Approve Resolution No. 3615 a Resolution of the City Council of the City of Coalinga Rejecting a Bid Protest and Awarding a Construction Contract for the Coalinga Plaza Reconstruction Project to Lee's Paving in the amount of \$1,449,223.90 Made by Council Member Garcia, Seconded by Council Member Ramsey. Motion Approved by a Roll-call (3/0) Vote. Garcia, Ramsey, Lander (Keough, Oxborrow Absent).

7. ANNOUNCEMENTS

8. FUTURE AGENDA ITEMS

9. CLOSED SESSION (NONE)

10. ADJOURNMENT

Mayor Lander adjourned the meeting at 6:38 PM, PDT.

Ron Lander, Mayor

City Clerk/Deputy Clerk

Date

RESOLUTION NO. 3615

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COALINGA REJECTING A BID PROTEST AND AWARDING A CONSTRUCTION CONTRACT FOR THE COALINGA PLAZA RECONSTRUCTION PROJECT TO LEE'S PAVING

WHEREAS, the City of Coalinga ("City") published its bid specifications seeking sealed proposals for the Coalinga Plaza reconstruction project; and

WHEREAS, bids were submitted by four bidders at the time of bid opening on August 7, 2013; and

WHEREAS, following bid opening the City Engineer and Construction Manager reviewed each of the bids; and

WHEREAS, the apparent low bidder was Lee's Paving Inc., with a bid of One Million, Four Hundred Forty-Nine Thousand, Two Hundred Twenty-Three Dollars and Ninety Cents (\$1,449,223.90); and

WHEREAS, the second low bidder was Dawson-Mauldin Construction with a bid of One Million, Four-Hundred Fifty-Eight Thousand, Six Hundred Twenty-Nine Dollars (\$1,458,629.00); and

WHEREAS, following the bid opening, the City Council awarded the construction contract to the low bidder Lee's Paving Inc. on August 15, 2013; and

WHEREAS, on August 16, 2013, the apparent second low bidder, Dawson-Mauldin Construction, submitted a bid protest which it asserted that Lee's Paving was not the low bidder due to an omission in extending unit prices, in its bid; and

WHEREAS, the City Engineer, City Attorney and City Manager have reviewed the bid protest submitted by Dawson-Mauldin Construction, along with the response to the bid protest submitted by Lee's Paving and have determined that the bid protest is not valid; and

WHEREAS, City Council has considered the bid protest, the recommendations of the City Engineer, City Manager and City Attorney; and

WHEREAS, the City Council has now determined to reject the bid protest of Dawson-Mauldin Construction and to reaffirm the award of the contract to Lee's Paving as the low bidder.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Coalinga as follows:

1. The bid protest of Dawson-Mauldin Construction dated August 16, 2013 is hereby determined to be an invalid bid protest. The bid protest is determined to be invalid for the

reasons set forth in the reports of the City Manager and Construction Manager received on this date, which noted that the bid specifications for the project establish a priority for the interpretation of ambiguous bids in which the “discrepancies between words and figures will be resolved in favor of the “words” and that, therefore, any arithmetic error in the bid of Lee’s Paving in the numbers are subordinated to and controlled by the “words” of the bid in the amount of “One Million, Four Hundred Forty-Nine Thousand, Two Hundred Twenty-Three Dollars and Ninety Cents (\$1,449,223.90).” Therefore, the bid of Lee’s Paving remains the lowest responsive bid.

2. In light of the determination that the bid protest of Dawson-Mauldin Construction is invalid, the City Council hereby reaffirms the bid award to Lee’s Paving Inc.

3. The City Manager is hereby directed to execute a contract with Lee’s Paving and to provide due notice to Lee’s Paving to commence the work.

The foregoing resolution was approved and adopted at a special meeting of the City Council of the City of Coalinga held on the 26th day of August 2013, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

APPROVED:

Ron Lander, Mayor

ATTEST:

Cindy Johnson, Deputy City Clerk

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City of Coalinga

Coalinga Plaza Street Reconstruction

Project No. 13-001

ATTACHMENT #1

Bid Summary

Base Bid Items					1 Lees Paving Inc.,		2 Dawson-Mauldin		3 American Paving		4 Teichert Construction	
Item	Description	Unit	Qty.	Engineer's Est.	Unit Price	Extension	Unit Price	Extension	Unit Price	Extension	Unit Price	Extension
1	MOBILIZATION/GENERAL REQUIREMENTS	LS	1	\$ 47,280.00	\$ 41,000.00	\$ 41,000.00	\$ 27,000.00	\$ 27,000.00	\$ 125,000.00	\$ 125,000.00	\$ 122,000.00	\$ 122,000.00
2	TRENCH SHORING AND WORKER SAFETY	LS	1	\$ 2,010.00	\$ 500.00	\$ 500.00	\$ 1,000.00	\$ 1,000.00	\$ 500.00	\$ 500.00	\$ 500.00	\$ 500.00
3	TRAFFIC CONTROL	LS	1	\$ 7,040.00	\$ 20,000.00	\$ 20,000.00	\$ 5,000.00	\$ 5,000.00	\$ 15,000.00	\$ 15,000.00	\$ 70,000.00	\$ 70,000.00
4	DUST CONTROL	LS	1	\$ 3,020.00	\$ 10,000.00	\$ 10,000.00	\$ 1,000.00	\$ 1,000.00	\$ 500.00	\$ 500.00	\$ 1,000.00	\$ 1,000.00
5	TEMPORARY ACCESS TO BUSINESS ENTRANCES	LS	1	\$ 20,000.00	\$ 10,000.00	\$ 10,000.00	\$ 5,000.00	\$ 5,000.00	\$ 18,000.00	\$ 18,000.00	\$ 15,000.00	\$ 15,000.00
6	CONSTRUCTION SURVEYING	LS	1	\$ 15,000.00	\$ 8,968.00	\$ 8,968.00	\$ 14,000.00	\$ 14,000.00	\$ 10,000.00	\$ 10,000.00	\$ 7,000.00	\$ 7,000.00
7	DELETED WITH ADDENDUM NO. 1			\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
8	DEMOLITION, CLEARING AND GRUBBING	LS	1	\$ 75,000.00	\$ 115,481.00	\$ 115,481.00	\$ 86,000.00	\$ 86,000.00	\$ 82,000.00	\$ 82,000.00	\$ 85,000.00	\$ 85,000.00
9	REMOVE, RELOCATE AND REINSTALL EXISTING MISCELLANEOUS ITEMS	LS	1	\$ 9,300.00	\$ 20,000.00	\$ 20,000.00	\$ 23,000.00	\$ 23,000.00	\$ 11,000.00	\$ 11,000.00	\$ 7,500.00	\$ 7,500.00
10	SAWCUTTING	LF	2,710	\$ 5,420.00	\$ 1.00	\$ 2,710.00	\$ 3.00	\$ 8,130.00	\$ 3.00	\$ 8,130.00	\$ 1.00	\$ 2,710.00
11	WEDGE GRIND	SF	1,600	\$ 4,800.00	\$ 3.70	\$ 5,920.00	\$ 4.00	\$ 6,400.00	\$ 2.70	\$ 4,320.00	\$ 3.50	\$ 5,600.00
12	ROADWAY EXCAVATION AND GRADING	CY	740	\$ 18,500.00	\$ 132.00	\$ 97,680.00	\$ 49.00	\$ 36,260.00	\$ 70.00	\$ 51,800.00	\$ 95.00	\$ 70,300.00
13	HOT MIX ASPHALT TYPE B (HMA-B)	TON	730	\$ 69,350.00	\$ 102.45	\$ 74,788.50	\$ 96.00	\$ 70,080.00	\$ 104.00	\$ 75,920.00	\$ 100.00	\$ 73,000.00
14	AGGREGATE BASE CLASS II	TON	1,880	\$ 47,000.00	\$ 24.90	\$ 46,812.00	\$ 27.00	\$ 50,760.00	\$ 25.00	\$ 47,000.00	\$ 32.00	\$ 60,160.00
15	CONCRETE 6" CURB AND GUTTER	LF	1,280	\$ 32,000.00	\$ 23.50	\$ 1,303.00	\$ 31.00	\$ 39,680.00	\$ 26.00	\$ 33,280.00	\$ 28.00	\$ 35,840.00
16	CONCRETE 6" CURB	LF	1,325	\$ 26,500.00	\$ 18.15	\$ 24,048.75	\$ 19.00	\$ 25,175.00	\$ 19.00	\$ 25,175.00	\$ 28.00	\$ 37,100.00
17	CONCRETE VALLEY GUTTER	SF	2,660	\$ 31,920.00	\$ 7.15	\$ 19,019.00	\$ 12.00	\$ 31,920.00	\$ 10.50	\$ 27,930.00	\$ 13.00	\$ 34,580.00
18	CONCRETE SIDEWALK	SF	26,735	\$ 133,675.00	\$ 7.05	\$ 188,481.75	\$ 5.50	\$ 147,042.50	\$ 6.25	\$ 167,093.75	\$ 8.00	\$ 213,880.00
19	CONCRETE ALLEY APPROACH	SF	2,080	\$ 20,800.00	\$ 7.65	\$ 15,912.00	\$ 11.00	\$ 22,880.00	\$ 8.50	\$ 17,680.00	\$ 10.00	\$ 20,800.00
20	CONCRETE CURB RAMP	SF	1,080	\$ 21,600.00	\$ 17.15	\$ 18,522.00	\$ 40.00	\$ 43,200.00	\$ 21.00	\$ 22,680.00	\$ 27.00	\$ 29,160.00
21	UTILITY VALVE BOX/LID ADJUSTMENT	LS	1	\$ 10,000.00	\$ 4,000.00	\$ 4,000.00	\$ 29,000.00	\$ 29,000.00	\$ 5,000.00	\$ 5,000.00	\$ 7,000.00	\$ 7,000.00
22	48" STORM DRAIN MANHOLE	EA	4	\$ 12,000.00	\$ 2,500.00	\$ 10,000.00	\$ 2,500.00	\$ 10,000.00	\$ 3,000.00	\$ 12,000.00	\$ 2,300.00	\$ 9,200.00
23	TYPE "D" STORM DRAIN INLET	EA	2	\$ 7,000.00	\$ 4,000.00	\$ 8,000.00	\$ 3,500.00	\$ 7,000.00	\$ 3,300.00	\$ 6,600.00	\$ 2,700.00	\$ 5,400.00
24	TYPE "A" STORM DRAIN INLET	EA	2	\$ 7,000.00	\$ 4,000.00	\$ 8,000.00	\$ 3,500.00	\$ 7,000.00	\$ 4,000.00	\$ 8,000.00	\$ 2,500.00	\$ 5,000.00
25	15" STORM DRAIN CLASS IV RGRCP	LF	114	\$ 8,550.00	\$ 68.00	\$ 7,752.00	\$ 92.00	\$ 10,488.00	\$ 92.00	\$ 10,488.00	\$ 55.00	\$ 6,270.00
26	18" STORM DRAIN CLASS IV RGRCP	LF	544	\$ 54,400.00	\$ 65.00	\$ 35,360.00	\$ 54.00	\$ 29,376.00	\$ 69.00	\$ 37,536.00	\$ 52.00	\$ 28,288.00
27	7" DIAMETER AREA DRAIN	EA	18	\$ 4,500.00	\$ 300.00	\$ 5,400.00	\$ 300.00	\$ 5,400.00	\$ 150.00	\$ 2,700.00	\$ 75.00	\$ 1,350.00
28	SIDEWALK DRAIN PIPE	LF	267	\$ 5,340.00	\$ 20.00	\$ 5,340.00	\$ 50.00	\$ 13,350.00	\$ 30.00	\$ 8,010.00	\$ 10.00	\$ 2,670.00
29	RELOCATE EXISTING WATER FOUNTAIN	LS	1	\$ 2,500.00	\$ 2,500.00	\$ 2,500.00	\$ 3,300.00	\$ 3,300.00	\$ 2,700.00	\$ 2,700.00	\$ 550.00	\$ 550.00
30	CUT AND CAP EXISTING WATER MAIN	LS	1	\$ 1,000.00	\$ 2,000.00	\$ 2,000.00	\$ 3,800.00	\$ 3,800.00	\$ 3,300.00	\$ 3,300.00	\$ 1,800.00	\$ 1,800.00
31	CUT EXISTING WATER MAIN AND TIE-IN CONNECTION	LS	1	\$ 2,000.00	\$ 3,200.00	\$ 3,200.00	\$ 7,600.00	\$ 7,600.00	\$ 10,000.00	\$ 10,000.00	\$ 8,500.00	\$ 8,500.00
32	6" C900 WATER MAIN	LF	172	\$ 2,580.00	\$ 30.00	\$ 5,160.00	\$ 58.00	\$ 9,976.00	\$ 31.00	\$ 5,332.00	\$ 48.00	\$ 8,256.00
33	2" WATER SERVICE AND METER	LS	1	\$ 4,000.00	\$ 3,800.00	\$ 3,800.00	\$ 7,000.00	\$ 7,000.00	\$ 6,000.00	\$ 6,000.00	\$ 3,500.00	\$ 3,500.00
34	FIRE HYDRANT IMPROVEMENTS	LS	1	\$ 16,500.00	\$ 13,500.00	\$ 13,500.00	\$ 15,000.00	\$ 15,000.00	\$ 16,000.00	\$ 16,000.00	\$ 12,500.00	\$ 12,500.00
35	ELECTRICAL CONDUIT AND WIRE	LS	1	\$ 40,000.00	\$ 78,915.00	\$ 78,915.00	\$ 86,800.00	\$ 86,800.00	\$ 86,000.00	\$ 86,000.00	\$ 80,000.00	\$ 80,000.00
36	ELECTRICAL WIRE	LS	1	\$ 15,450.00	\$ 3,200.00	\$ 3,200.00	\$ 3,500.00	\$ 3,500.00	\$ 3,500.00	\$ 3,500.00	\$ 3,200.00	\$ 3,200.00
37	CALTRANS NO. 3½ ELECTRICAL PULL BOX	EA	35	\$ 14,000.00	\$ 455.00	\$ 15,925.00	\$ 500.00	\$ 17,500.00	\$ 500.00	\$ 17,500.00	\$ 475.00	\$ 16,625.00
38	24" x 36" ELECTRICAL PULL BOX	EA	2	\$ 1,500.00	\$ 1,575.00	\$ 3,150.00	\$ 1,732.00	\$ 3,464.00	\$ 1,700.00	\$ 3,400.00	\$ 1,600.00	\$ 3,200.00
39	ELECTRICAL PULL BOX LID	EA	15	\$ 3,000.00	\$ 99.00	\$ 1,485.00	\$ 109.00	\$ 1,635.00	\$ 105.00	\$ 1,575.00	\$ 105.00	\$ 1,575.00
40	GFCI RECEPTACLES AND APPURTENANCES	LS	1	\$ 50,000.00	\$ 21,800.00	\$ 21,800.00	\$ 24,000.00	\$ 24,000.00	\$ 24,000.00	\$ 24,000.00	\$ 22,000.00	\$ 22,000.00
41	LIGHTED BOLLARD	EA	19	\$ 66,500.00	\$ 2,775.00	\$ 52,725.00	\$ 3,000.00	\$ 57,000.00	\$ 3,000.00	\$ 57,000.00	\$ 3,000.00	\$ 57,000.00
42	STREET LIGHT – SINGLE HEAD	EA	10	\$ 75,000.00	\$ 9,500.00	\$ 95,000.00	\$ 10,500.00	\$ 105,000.00	\$ 10,000.00	\$ 100,000.00	\$ 10,000.00	\$ 100,000.00
43	STREET LIGHT – DOUBLE HEAD	EA	4	\$ 40,000.00	\$ 12,800.00	\$ 51,200.00	\$ 14,000.00	\$ 56,000.00	\$ 14,000.00	\$ 56,000.00	\$ 13,000.00	\$ 52,000.00
44	PEDESTRIAN LIGHT	EA	8	\$ 52,000.00	\$ 5,575.00	\$ 44,600.00	\$ 6,200.00	\$ 49,600.00	\$ 6,000.00	\$ 48,000.00	\$ 6,000.00	\$ 48,000.00

45	THERMOPLASTIC TRAFFIC STRIPING	LS	1	\$ 12,550.00	\$ 7,837.00	\$ 7,837.00	\$ 9,000.00	\$ 9,000.00	\$ 8,500.00	\$ 8,500.00	\$ 8,000.00	\$ 8,000.00
46	TRAFFIC SIGNAGE	LS	1	\$ 4,200.00	\$ 4,809.00	\$ 4,809.00	\$ 5,500.00	\$ 5,500.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00
47	LANDSCAPE INSTALLATION	SF	7,625	\$ 19,062.50	\$ 2.90	\$ 22,112.50	\$ 4.00	\$ 30,500.00	\$ 3.55	\$ 27,068.75	\$ 6.50	\$ 49,562.50
48	STREET TREE	EA	11	\$ 13,200.00	\$ 700.00	\$ 7,700.00	\$ 1,200.00	\$ 13,200.00	\$ 1,100.00	\$ 12,100.00	\$ 375.00	\$ 4,125.00
49	IRRIGATION SYSTEM INSTALLATION	SF	7,625	\$ 19,062.50	\$ 6.24	\$ 47,580.00	\$ 6.30	\$ 48,037.50	\$ 6.00	\$ 45,750.00	\$ 4.25	\$ 32,406.25
50	EXISTING LANDSCAPE AND IRRIGATION REPAIR (FRAME PARK)	LS	1	\$ 5,000.00	\$ 2,508.00	\$ 2,508.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,200.00	\$ 5,200.00
51	THIN/SHAPE/PROTECT EXISTING STREET TREES	LS	1	\$ 18,400.00	\$ 10,000.00	\$ 10,000.00	\$ 3,000.00	\$ 3,000.00	\$ 18,000.00	\$ 18,000.00	\$ 11,000.00	\$ 11,000.00
52	HANDRAILS	LS	1	\$ 2,500.00	\$ 2,500.00	\$ 2,500.00	\$ 5,700.00	\$ 5,700.00	\$ 3,000.00	\$ 3,000.00	\$ 3,000.00	\$ 3,000.00
53	SEAT WALL	LF	195	\$ 17,550.00	\$ 224.00	\$ 43,680.00	\$ 225.00	\$ 43,875.00	\$ 260.00	\$ 50,700.00	\$ 190.00	\$ 37,050.00
54	SITE FURNISHINGS	LS	1	\$ 16,800.00	\$ 30,000.00	\$ 30,000.00	\$ 31,000.00	\$ 31,000.00	\$ 27,000.00	\$ 27,000.00	\$ 38,000.00	\$ 38,000.00
55	TRELLIS	LS	1	\$ 20,000.00	\$ 62,339.40	\$ 62,339.40	\$ 53,500.00	\$ 53,500.00	\$ 36,000.00	\$ 36,000.00	\$ 20,000.00	\$ 20,000.00
56	IMPLEMENTATION AND MANAGEMENT OF STORM WATER POLLUTION CONTROL PLAN (WPCP)	LS	1	\$ 4,000.00	\$ 5,000.00	\$ 5,000.00	\$ 4,000.00	\$ 4,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00
Base Bid Summary				\$ 1,237,400.00	\$ 1,449,223.90	\$ 1,458,629.00	\$ 1,458,629.00	\$ 1,458,629.00	\$ 1,516,768.50	\$ 1,516,768.50	\$ 1,593,357.75	\$ 1,593,357.75



Dawson-Mauldin Construction Inc.

Lic. No. A831741

August 16, 2013

Oscar Ramirez
Tri-City Engineering
4630 W. Jennifer Avenue
Fresno, CA 93722
F: 447-9074

Project: Coalinga Plaza Reconstruction

Re: Bid Protest

Dear Mr. Ramirez,

Dawson-Mauldin is hereby formally submitting a protest regarding the bid results of 8-7-13 for the Coalinga Plaza Reconstruction Project. Lee's Paving had a mathematical error in their bid on line item # 15 "Concrete 6" Curb and Gutter" at 1,280 LF. Lee's Unit price was \$23.50 and the extension should have been \$30,080.00, however, Lee's Paving wrote the extension price at \$1,303.00. This increases the total amount of Lee's Paving's bid price to \$1,478,000.90. Dawson-Mauldin Construction Inc. bid price for the project as bid on 8-7-13 was \$1,458,629.00. Therefore, Dawson-Mauldin Construction is the low bidder as submitted.

Per the Bid Form Requirements "Discrepancies between the multiplication of units of Work and unit prices will be resolved in favor of the unit price." Again, this further reaffirms the total amount for line item 15 should be \$30,080.00; increasing Lee's Paving's total bid amount.

We respectfully request that Lee's Paving's bid amount be adjusted as noted above. Please provide confirmation that Dawson-Mauldin Construction is the apparent low bidder for this project.

Should you have any questions please contact the undersigned at (714) 378-1533.

Thank You

Carmen L Mangansan

for: Sandra Dawson
President

Cc: Selma Office
Joy Holt, F: ~~627-2283~~ 241-7243
Randy Arp, F: 934-1185



1212 N. Plaza Dr. • Visalia, CA 93291
Phone 559/651-1337 • Fax 559/651-2335

August 20, 2013

City of Coalinga
c/o Mendoza & Associates, Joy Holt
3330 West Mineral King Avenue, #B
Visalia, CA 93291

Re: Coalinga Plaza Street Reconstruction, Bid Protest

Joy:

In response to the bid protest of our low bid on the above mentioned project.

This protest has no merit do to the following:

- 1) Page 18 of bid documents plainly states "In Case of Discrepancy between Words and Figures, The Words Shall Prevail."
- 2) Page 1 of the job construction specifications it states "The lowest responsive bid will be determined solely on the lowest base contract bid" and the total contract bid on page 18 of the bid documents has the total base bid in words.
- 3) The total of our bid is "One million four hundred forty nine thousand two hundred twenty three dollars and ninety cents" (\$1,449,223.90). Referring to page 11 in the specifications, bid form requirements Sec B-2-ii states: Discrepancies between words and figures will be resolved in favor of the words.

Sincerely,

A handwritten signature in black ink, appearing to read "L.D. McClatchey", written over a horizontal line.

L.D. McClatchey
President



August 21, 2013

LTCOC-: CP-C001

Mr. Sean Brewer
Asst. Community Development Director
City of Coalinga
155 W. Durian
Coalinga, CA 93210

COALINGA PLAZA BEAUTIFICATION PROJECT
City of Coalinga

Subject: Bid Protest received 8.16.13

Reference: City of Coalinga Plaza Downtown Plaza Beautification Project bid 8.7.13
City Project No. 13-001

Dear Mr. Brewer:

Dawson-Mauldin Construction, Inc. submitted a protest stating that Lee's paving had a mathematical error in the extension of the multiplication of unit quantity x unit cost of Item #15 Concrete 6" Curb and Gutter. The protest cites a sentence from the Bid Form Requirements, "Discrepancies between the multiplication of units of work and unit prices will be resolved in the favor of the unit price". Using this statement the increase in Item #15 would increase the total of the Extension column resulting in a bid higher than Dawson-Mauldin.

In response to the protest summarized above, we offer the following analysis:

According to the Contract Documents and the Construction Specifications for the Coalinga Plaza Street Reconstruction, page 11 under heading Bid Form Requirements, Section B-2(ii) in full states the following:

"Discrepancies between multiplication of units Work and unit prices will be resolved in favor of the unit prices. Discrepancies between the indicated sum of any column of figures and the correct sum thereof will be resolved in favor of the correct sum. Discrepancies between words and figures will be resolved in favor of the words".

Following these instructions, there would be an adjustment in the extension of Item #15 resulting in a different sum of the Extension column, thus a discrepancy between the figures and words of the total base bid in words (page 16 of Section 00410a-Bid Schedule, Addendum No. 01) submitted as part of the bid package. Also following the instructions of Section B-2(ii) above, the words would be favored. Note there is a sentence just below the Total Base Bid in words in capital letters,

"IN CASE OF DISCREPANCY BETWEEN WORDS AND FIGURES, THE WORDS SHALL PREVAIL"



August 21, 2013

LTCOC-: CP-C001

This logic also agrees with the 5th paragraph on page 1 of Section 00010- Notice Inviting Bids of the Contract Documents and Specifications:

"The lowest responsive bid will be determined solely on the lowest base contract bid".

The base contract bid is identified on page 16 of Section 00410a-Bid Schedule, Addendum No. 01 as the words.

In conclusion, it is recommended that the City of Coalinga award the Coalinga Plaza Street Reconstruction project based on the lowest base contract bid (in words) to Lee's Paving, Inc. in the amount of one million four hundred forty nine thousand two hundred twenty three dollars and ninety cents (\$1,449,223.90).

If you have any questions, please contact Joy Holt, at (916)200-8011.

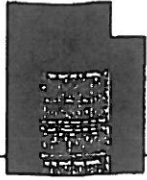
Sincerely,

A handwritten signature in blue ink, appearing to read "Joy Holt", written over a circular blue stamp.

Joy Holt, P.E.
Construction Project Manager
City of Coalinga Downtown Beautification Project

Attachment: Letter from Dawson-Mauldin dated 8.16.13
Contract Documents and the Construction Specifications page 1,11 and 16

Cc:, Sean Brewer (City of Coalinga)
Rene Ramirez (City of Coalinga)
Dale Bacigalupi (City Attorney)
Oscar Ramirez (Tri-City Engineering)
Jeff Pallesen (Mendoza & Associates)



Dawson-Mauldin Construction Inc.

Lic. No. A831741

August 16, 2013

Oscar Ramirez
Tri-City Engineering
4630 W. Jennifer Avenue
Fresno, CA 93722
F: 447-9074

Project: Coalinga Plaza Reconstruction

Re: Bid Protest

Dear Mr. Ramirez,

Dawson-Mauldin is hereby formally submitting a protest regarding the bid results of 8-7-13 for the Coalinga Plaza Reconstruction Project. Lee's Paving had a mathematical error in their bid on line item # 15 "Concrete 6" Curb and Gutter" at 1,280 LF. Lee's Unit price was \$23.50 and the extension should have been \$30,080.00, however, Lee's Paving wrote the extension price at \$1,303.00. This increases the total amount of Lee's Paving's bid price to \$1,478,000.90. Dawson-Mauldin Construction Inc. bid price for the project as bid on 8-7-13 was \$1,458,629.00. Therefore, Dawson-Mauldin Construction is the low bidder as submitted.

Per the Bid Form Requirements "Discrepancies between the multiplication of units of Work and unit prices will be resolved in favor of the unit price." Again, this further reaffirms the total amount for line item 15 should be \$30,080.00; increasing Lee's Paving's total bid amount.

We respectfully request that Lee's Paving's bid amount be adjusted as noted above. Please provide confirmation that Dawson-Mauldin Construction is the apparent low bidder for this project.

Should you have any questions please contact the undersigned at (714) 378-1533.

Thank You

Carmen L Mangansan

for: Sandra Dawson
President

Cc: Selma Office
Joy Holt, F: ~~627-2283~~ 241-7243
Randy Arp, F: 934-1185

DIVISION 0 - DOCUMENTATION

SECTION 00010 - NOTICE INVITING BIDS

NOTICE IS HEREBY GIVEN that sealed bids will be received by TRI CITY ENGINEERING, INC., at 4630 W. Jennifer Ave, Suite 101, Fresno, CA 93722 for furnishing all labor, materials, services and equipment, and performing all work necessary as specified for but not limited to: Demolition of existing improvements, sawcutting, temporary access to business entrances, installation of curb and gutter, sidewalk, concrete seat walls, curb ramps, alley approaches, valley gutter, A.C. pavement, aggregate base, area drains, sidewalk drains, storm drain manholes, storm drain inlets, storm drain main, fire hydrant removal, fire hydrant installation, water main, street lights, lighted bollards, electrical conduit, electrical wire, pull boxes, GFCI receptacles, service pedestal, trees, decomposed granite, landscape irrigation, thin/shape existing trees, trash receptacles, benches, bike rack, ash urn, trellis, traffic striping, traffic signage, existing lid adjustment, and construction surveying.

Plans and specifications may only be purchased at the office of The Design Engineer, 4630 W. Jennifer Ave, Suite 101, Fresno, CA 93722, (559) 447-9075. One set of Bid Documents can be obtained upon a non-refundable deposit of One Hundred (\$100.00) for each full set of Plans (24"x36") and Specifications. Checks shall be made payable to the City of Coalinga. **Only those bidders** who have purchased Plans and Specifications from the Owner's Representative will be considered eligible Prime Bidders.

Bids must be filed with TRI CITY ENGINEERING, INC., at 4630 W. Jennifer Ave, Suite 101, Fresno, CA 93722 prior to **August 6, 2013**, at which time the Design Engineer will open said bids. Bids shall be submitted in sealed envelopes and marked.

Bid Proposal: Coalinga Plaza Street Reconstruction

No bid will be considered unless it is made on a bid proposal form furnished by the Owner's Representative. Each bid must be accompanied by a certified or cashier's check or Bidder's Bond, made payable to the City of Coalinga, for a amount equal to at least ten percent (10%) for the amount of the bid. Such guarantee will be forfeited should the Bidder to whom the contract is awarded fails to enter into the contract. **A Payment (Labor and Material) Bond and a Performance Bond in the amount of One-Hundred (100%) percent of the amount of bid** will be required by the City of Coalinga from the Bidder to whom the contract is awarded. Said bonds shall be issued by a surety company who is an admitted surety insurer authorized by the California Department of Insurance to transact business in this state, and acceptable to the City of Coalinga. Bidders are cautioned that representations made by surety companies will be verified with the California Department of Insurance. Pursuant to Public Contract Code Section 22300, substitution of securities for any monies withheld by the City of Coalinga to ensure performance under the contract shall be permitted. In accordance with the provisions of Chapter 13 (commencing with Section 4590), Division 5, Title 1 of the Government Code of the State of California, securities may be substituted for monies withheld on the project.

→ [The lowest responsive bid will be determined solely on the lowest base contract bid. Even if alternate bids are sought by the District, the lowest responsive bid will be based solely on the lowest base contract bid.]

Federal Labor Standards Provisions, including prevailing wage requirements of the Davis-Bacon and Related Acts will be enforced. In accordance with the provisions of Section 1770 of the Labor Code, the Director of the Department of Industrial Relations of the State of California has determined the general prevailing rates of wages and employer payments for health and welfare, pension, vacation, travel time, and subsistence pay as provided for in Section 1773.8, apprenticeship or other training programs authorized by Section 3093, and similar purposes applicable to the work to be done. Said wages are on file with the Clerk of the Fresno County Board of Supervisors and are incorporated herein by reference.

The City of Coalinga hereby notifies all Bidders that it will affirmatively insure that in any contract entered into pursuant to this advertisement; minority business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, religious creed, sex, or national origin in consideration for an award. Although there is no mandatory Disadvantaged Business Enterprise

BID ENCLOSURES/REQUIREMENTS

SECURITY DEPOSIT

- A. Bids shall be accompanied by a security deposit as follows:
 - 1. Bid Security of a sum no less than (10%) percent of the Bid Amount.
- B. Endorse the Bid Security in the name of the Owner as obligee, signed and sealed by the principal (Contractor) and surety.
- C. The security deposit will be returned after delivery to the City of the required Performance and Payment Bond(s) by the accepted Bidder.
- D. Include the cost of bid security in the Bid Amount.
- E. If no contract is awarded, all security deposits will be returned.

PERFORMANCE ASSURANCE

Accepted Bidder: Provide a Performance and Payment bond as described in Document 00800 - Supplementary Conditions.

INSURANCE

Provide an executed "Undertaking of Insurance" on a standard form provided by the insurance company stating their intention to provide insurance to the Bidder in accordance with the insurance requirements of the Contract Documents.

BID FORM REQUIREMENTS

- A. Complete all requested information in the Bid Form and Appendices.
- B. The Bid form for this project includes both work listed as Lump Sum and work listed as unit price. Bids shall be submitted as follows:
 - 1. Lump Sum
 - i) Bidders shall submit a Bid on a Lump Sum basis as set forth in the Bid form.
 - 2. Unit Price
 - i) Bidders shall submit a Bid on a unit price basis for each item of Work listed in the Bid Form.
 - ii) Discrepancies between the multiplication of units of Work and unit prices will be resolved in favor of the unit prices. Discrepancies between the indicated sum of any column of figures and the correct sum thereof will be resolved in favor of the correct sum. Discrepancies between words and figures will be resolved in favor of the words.

BID FORM SIGNATURE

- A. The Bid Form shall be signed by the Bidder, as follows:
 - 1. Sole Proprietorship: Signature of Sole Proprietor in the presence of a witness who will also sign. Insert the words "Sole Proprietor" under the signature. Affix seal.
 - 2. Partnership: Signature of all partners in the presence of a witness who will also sign. Insert the word "Partner" under each signature. Affix seal to each signature.
 - 3. Corporation: Signature of a duly authorized signing officer(s) in their normal signatures. Insert the officer's capacity in which the signing officer acts, under each signature. Affix the corporate seal. If the bid is signed by officials other than the president and secretary of the company, or the president/secretary/treasurer of the company, a copy of the by-law resolution of their board of directors authorizing them to do so, must also be submitted with the Bid Form in the bid envelope.
 - 4. Joint Venture: Each party of the joint venture shall execute the Bid Form under their respective seals in a manner appropriate to such party as described above, similar to the requirements of a Partnership.

ADDITIONAL BID INFORMATION

- A. Submit the following Supplements concurrent with Bid Form (Document 00410) submission:
 - 1. **BID SCHEDULE** Section 00410a
 - 2. **LIST OF SUBCONTRACTORS** Section 00431
 - 3. **LICENSES** Section 00463
 - 4. **PUBLIC CONTRACT CODE** Section 00473
 - 5. **CERTIFICATION REGARDING AMERICAN WITH DISABILITIES ACT (ADA)** Section 00490
 - 6. **NONCOLLUSION AFFIDAVIT** Section 00465
 - 7. **DEBARMENT AND SUSPENSION CERTIFICATION** Section 00496
 - 8. **CERTIFICATION REGARDING DISCLOSURE OF LOBBYING ACTIVITIES** Section 00498

(ADDENDUM NO. 01)

Item No.	Description	Unit	Quantity	Unit Price	Extension
53	SEAT WALL	LF	195	\$	\$
54	SITE FURNISHINGS	LS	1	\$	\$
55	TRELLIS	LS	1	\$	\$
56	IMPLEMENTATION AND MANAGEMENT OF STORM WATER POLLUTION CONTROL PLAN (WPCP)	LS	1	\$	\$

TOTAL BID \$

→ Total Base Bid in words

and figures

IN CASE OF DISCREPANCY BETWEEN WORDS AND FIGURES, THE WORDS SHALL PREVAIL

(Print Name of Authorized Person)

Signature of Authorized Person

Date

END OF SECTION

STAFF REPORT - CITY COUNCIL/SUCCESSOR AGENCY/PUBLIC FINANCE AUTHORITY

Subject: Adoption of Resolution No. 3615 Making the Findings to Re-Affirm Award of the Coalinga Plaza Street Reconstruction Project, Project No. 13-001, to Lee's Paving, Inc.

Meeting Date: August 26, 2013

From: Rene A. Ramirez, City Manager

Prepared by: Rene A. Ramirez, City Manager

I. RECOMMENDATION:

It is recommended the Council adopt resolution number 3615 which acknowledges and rejects a bid protest and makes the necessary findings to re-affirm award of the Coalinga Plaza Street Reconstruction Project to Lee's Paving, Inc. (LPI) of Visalia, CA for their written amount of \$1,449,223.90. The bid protest was delivered on Friday, August 17th, the day after the Council meeting.

II. BACKGROUND:

Following a 30-day public bid process and a requisite pre-bid meeting in which only the four bidders showed up, the City opened bids on August 7, 2013 at 2:00 pm. The apparent low bidder was LPI with Dawson-Mauldin (D-M) in the second position. During a review of all submitted bids and their documents, our Construction Manager (Mendoza & Associates) noticed an error in one of the bid's line items. On the Bid Summary sheet, line item 15 called for a bid price on 1,280 lineal feet of 6" concrete curb and gutter. The bid from LPI contained a unit price of \$23.50 per lineal foot, but their extension only totaled \$1,303.00 and should have totaled \$30,080.00. Their total bid was short \$28,777.00. Per the Specification, they filled-in the Bid Form with both a numerical and written bid price of "One Million, Four Hundred Forty-Nine Thousand, Two Hundred Twenty-Three Dollars and Ninety Cents." LPI was contacted the next day and informed of the error by Mendoza & Associates. They were provided two options: stand behind their written bid, despite the mathematical error of \$28,777.00, or withdraw their bid proposal and defer to the bidder in the second position, D-M. LPI responded in writing that they would stand behind their bid proposal even though their bid contained a mathematical error. The various letters from Lee's Paving and Dawson-Mauldin are attached.

LPI's decision, in writing, allowed staff to make its recommendation to the Council.

Following a public bid, it is not unusual for the other contractors that are not the apparent low bidder to scrutinize the public information. D-M did so and with the bid proposals being so close felt it necessary to protest the bid. The protest letter from D-M is hinged on the "numerical bid" being incorrect and therefore the LPI bid, if corrected, would make D-M the low bidder and LPI the second low bidder.

III. DISCUSSION:

Our Specification clearly states that in the event there is a discrepancy in the numerical and written bids, the words of the written bid takes precedence. The report of our Construction Manager is attached and it references this provision. What our Specification does not contain is a more comprehensive bid protest procedure process. Staff has no record of the last bid protest. After some internal discussion between City staff, Counsel, and Construction Manager and consistent with the instructions in the bid specifications, we recommend that the Council deny the bid protest and re-affirm its decision from last week to award the

Coalinga Plaza Street Reconstruction Project during a public meeting. The attached resolution makes such findings.

IV. ALTERNATIVES:

Staff does not recommend any alternative measures.

V. FISCAL IMPACT:

There is no change to the fiscal impact.

ATTACHMENTS:

File Name	Description
 Coalinga Plaza Reconstruct Reso 3615.doc	Resolution No. 3615
 Coalinga Plaza Reconstruct Bid Summary.pdf	Bid Summary
 Dawson Mauldin Protest Letter.pdf	Dawson Mauldin Protest Letter
 Lee s Response to Protest.pdf	Response from Lee's Paving Inc.
 Mendoza Response to Bid Protest.pdf	Mendoza & Associates Response to Protest