

**City of Culver City, California
Agenda Item Report**

Meeting Date: <u>02/06/12</u>		Item Number: <u>C-3</u>	
CITY COUNCIL AGENDA ITEM: Award of a Contract to Fleming Environmental, Inc., as the Lowest Responsive and Responsible Bidder, for the Construction of the Culver City Park Playground, P-916.			
Contact Person/Dept.: Patrick Reynolds, Parks Manager		Phone Number: 310-253-6470	
Fiscal Impact: Yes ☒ No ☐		General Fund: Yes ☐ No ☒	
Public Hearing: ☐		Action Item: ☐ Attachments: ☐	
Commission Action Required: Yes ☐ No ☒ Date: _____			
Public Notification: (E-Mail) Meetings and Agendas – City Council (02/03/12); (E-Mail) Parks, Recreation and Community Services Commission (02/01/12); (Email/Telephone) All bidders (02/01/12).			
Department Approval: Dan Hernandez (01/24/12)		City Attorney Approval: Carol Schwab (by H. Baker) (02/01/12)	
Chief Financial Officer Approval: Jeff Muir (02/01/12)		City Manager Approval: John M. Nachbar (02/03/12)	
<u>RECOMMENDATION:</u> Staff recommends the City Council award a contract to Fleming Environmental, Inc., as the lowest responsive and responsible bidder, for the construction of the Culver City Park Playground, P-916. <u>BACKGROUND:</u> On April 21, 2008, the City Council adopted a Resolution approving a grant application for \$250,000 in Los Angeles County Proposition A Excess Funds to demolish the existing playground and construct a new playground at Culver City Park and approved a related budget amendment. On May 3, 2010, the City Council adopted the Youth Employment Plan for the Culver City Park Playground Project, thereby fulfilling a necessary Los Angeles County Proposition A grant requirement related to the employment of youth. On September 26, 2011, the City Council approved the final plans and specifications for the Project and authorized the publication of a notice inviting bids. <u>DISCUSSION:</u> On January 19, 2012, the City Clerk's Office staff publicly opened the bids. Six contractors responded with the following bid amounts:			

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	CONTRACTOR	BID AMOUNT
1	Cinbad Industry, Inc.	\$229,622.00
2	Fleming Environmental, Inc.	\$237,373.00
3	Ventura Construction, Inc.	\$251,000.00
4	Green Giant Landscape	\$265,000.00
5	Ian Thomas Group	\$312,000.00
6	Malibu Pacific Tennis Courts	\$329,000.00

The bid of Cinbad Industry, Inc., the apparent low bidder, was deemed non-responsive due to an incomplete bid packet and various discrepancies, including: lack of the necessary insurance certificates; no Worker's Compensation Insurance on file with the State of California; statements that the company has no employees (as a justification for having no Worker's Compensation Insurance) but listing three employees on the bid document; no stated playground experience; and, all references listed the same telephone number, calls to which were never returned therefore leaving staff unable to verify references.

Upon review of the remaining bids, staff determined that Fleming Environmental, Inc. submitted the lowest responsive and responsible total base bid. All of the required bid packet documents were submitted and complete. Their bid bond, contractor's license, and worker's compensation insurance and all other pertinent documents were reviewed and determined to meet all City requirements. Therefore, staff recommends that the City Council award a contract to Fleming Environmental, Inc., as the lowest responsive and responsible bidder, for construction of the Culver City Park Playground Project, P-916. Construction Management and Inspection of the project will be conducted by City staff.

FISCAL ANALYSIS:

The Culver City Park Playground Project, P-916, is fully funded by a Los Angeles County Proposition A Excess Funds grant and requires no General Fund monies. There are currently sufficient funds for the Project in Account Number 42300916.730100 (Capital Grants / Culver City Park Playground Project / Improvements Other Than Buildings).

MOTIONS:

That the City Council:

- 1) Award a contract to Fleming Environmental, Inc., as the lowest responsive and responsible bidder, for the Culver City Park Playground Project, P-916, in the amount of \$237,373.00, based on its base bid; and,

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- 2) Authorize the Parks Division Manager to approve change orders in the amount not-to-exceed \$11,868.65 (5%), if necessary; and,
- 3) Authorize the City Attorney to review/prepare the necessary documents; and,
- 4) Authorize the City Manager to execute such documents on behalf of the City.