



STAFF REPORT

SAUSALITO CITY COUNCIL

AGENDA TITLE:

Award of Construction Contract for Public Safety Facilities Project

RECOMMENDED MOTION:

- Authorize Swinerton Management to issue the Notice of Award of Contract for the Public Safety Facilities Project to Alten Construction, Inc. for \$9,266,000; and
 - Authorize the City Manager to execute the necessary contractual documents with Alten Construction, Inc. for construction of the Public Safety Facilities Project.
-

SUMMARY

Bids for construction of the Public Safety Facilities (PSF) project were received on September 18, 2008. Alten Construction, Inc. is the apparent low bidder with a bid of \$9,266,000.

DISCUSSION

On May 27, 2008, the PSF Committee invited interested general contractors to submit information including their relevant experience, safety record, financial stability, licensure, and insurance for a "pre-qualification" review. Thirteen firms submitted information. On the basis of this review, seven general contractors were deemed "pre-qualified." On July 25, 2008, the seven general contractors were invited to submit bids for construction of the PSF project.

The bids were due on August 25, 2008. Sausal Corporation was the Apparent Low Bidder with a bid of \$9,311,500. A bid protest was filed by Jeff Luchetti Construction, the second lowest bidder. A review of the issues related to the bid protest led staff to recommend that all of the submitted bids should be rejected and the pre-qualified General Contractors should be invited to re-bid the project. On September 2, 2008, the City Council rejected all of the bids.

A new Invitation to Bid was issued September 9, 2008 requesting bids to be submitted by 3:00 p.m. on September 18, 2008. Six bids were received and Alten Construction, Inc. was the Apparent Low Bidder (Alten Construction's Bid Form is attached). The firms and their respective bids are listed below:

1	Alten Construction	\$9,266,000
2	Midstate Construction	\$9,375,000
3	Jeff Luchetti Construction	\$9,458,900

Item: _____
Meeting Date: 9/23/08
Page: 1

4	Sausal Corporation	\$9,776,100
5	Roebbelen	\$9,939,000
6	West Coast Contractors	\$10,396,000

In the time between the completion of this staff report and the City Council meeting, Swinerton Management, Glass Architects, and staff will be conducting a review of Alten Construction's bid to ensure the bid is responsive to the Bid Specifications. An oral report on this issue will be provided at the September 23, 2008 City Council meeting.

Upon issuance of the Notice of Award, Alten Construction will have ten days to return a signed agreement and provide Payment and Performance Bonds as well as other required documents.

FISCAL IMPACT

Funding will be provided from the General Obligation Bond Funds specifically approved by the voters for the PSF Project.

RECOMMENDATION

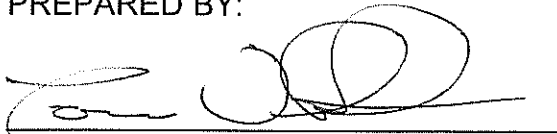
Staff recommends the City Council take the following actions:

- Authorize Swinerton Management to issue the Notice of Award of Contract for the Public Safety Facilities Project to Alten Construction, Inc. for \$9,266,000; and
- Authorize the City Manager to execute the necessary contractual documents with Alten Construction, Inc. for construction of the Public Safety Facilities Project.

ATTACHMENT

Alten Construction, Inc. Bid Form

PREPARED BY:



Loren Umbertis
Swinerton Management & Consulting

REVIEWED BY:



Jeremy Graves
Community Development Director

REVIEWED BY:

Mary Wagner
City Attorney

SUBMITTED BY:

Adam W. Politzer
City Manager

CDD\Projects Address\Caledonia 29\CCsr 09-16-08

SECTION 00400

BID FORM

To be submitted as part of bid by the time and date specified in Section 00200 (Instructions to Bidders), paragraph 1.

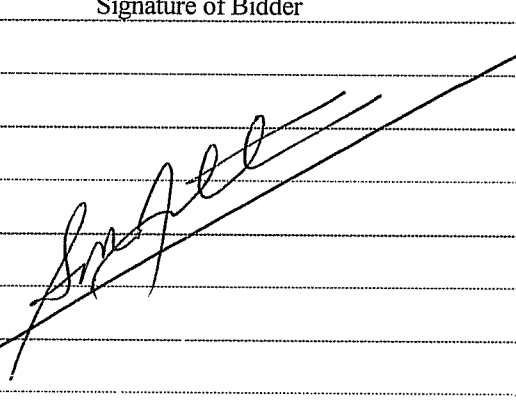
TO THE CITY COUNCIL OF THE CITY OF SAUSALITO

THIS BID IS SUBMITTED BY:

Alten Construction, Inc
(Firm/Company Name)

Re: BID NUMBER F-141, THE SAUSALITO PUBLIC SAFETY FACILITIES PROJECT

1. The undersigned Bidder proposes and agrees, if this Bid is accepted, to enter into an agreement with the City of Sausalito ("City of Sausalito") in the form included in the Contract Documents, Section 00520 (Agreement), to perform and furnish all Work as specified or indicated in the Contract Documents for the Contract Sum and within the Contract Time indicated in this Bid and in accordance with all other terms and conditions of the Contract Documents.
2. Bidder accepts all of the terms and conditions of the Contract Documents, Section 00100 (Advertisement for Bids), and Section 00200 (Instructions to Bidders), including, without limitation, those dealing with the disposition of Bid Security. This Bid will remain subject to acceptance for 60 Days after the day of Bid opening.
3. In submitting this Bid, Bidder represents:
 - (a) Bidder has examined all of the Contract Documents and the following Addenda (receipt of all of which is hereby acknowledged).

Addendum No.	Addendum Date	Signature of Bidder
1	8-7-08	
2	8-13-08	
3	8-18-08	
4	8-19-08	
5	8-19-08	
6	8-22-08	
7	9-9-08	
8	9-15-08	

- (b) Bidder has visited the Site and performed tasks, reviews, examinations, and analysis and given notices, regarding the Project and the Site, as set forth in Section 00520 (Agreement), Article 5.
- (c) Bidder has received and examined copies of the following technical specifications on City of Sausalito-provided, Contractor-installed equipment. (N/A)
- (d) Bidder has given City of Sausalito prompt written notice of all conflicts, errors, ambiguities, or discrepancies that it has discovered in or among the Contract Documents and as-built drawings and actual conditions and the written resolution thereof through Addenda issued by City of Sausalito is acceptable to Contractor.

4. Based on the foregoing, Bidder proposes and agrees to fully perform the Work within the time stated and in strict accordance with the Contract Documents for the following sums of money listed in the following Schedule of Bid Prices: SCHEDULE OF BID PRICES

All Bid items must be filled in completely. Section 01100 (Summary of Work) describes the scope of work to be performed under this contract. Quote in figures only, unless words are specifically requested.

Unit Price for Variations in Pile Quantities per Section 02300-1.4 shall be \$ 220.00 per linear foot for additional pile footage or ~~omitted pile footage~~ and ~~\$ 220.00~~ \$ 12.00 per linear foot for omitted pile footage.

ITEM	DESCRIPTION	BID PRICE
1.	All Work of Contract Documents other than Work separately provided for under other Bid items (Base Bid)	\$ 9,266,000
2.	Alternate Item No. 1	\$ 24,380
3.	Alternate Item No. 2	\$ 8,000
4.	Alternate Item No. 3.	\$ 50,000
		\$ <u>9,348,380</u>

Total Bid Price: NINE MILLION THREE HUNDRED EIGHTY EIGHT THOUSAND THREE HUNDRED EIGHT DOLLARS
 (Words)

5. The low bidder will be determined by the sum of base bid excluding all Alternates.
6. The undersigned Bidder understands that City of Sausalito reserves the right to reject this Bid.
7. If written notice of the acceptance of this Bid, hereinafter referred to as Notice of Award, is mailed or delivered to the undersigned Bidder within the time described in paragraph 2 of this Section 00400 or at any other time thereafter before it is withdrawn, the undersigned Bidder will execute and deliver the documents required by Section 00200 (Instructions to Bidders) within the times specified therein. These documents include, but are not limited to, Section 00520 (Agreement), Section 00610 (Construction Performance Bond), and Section 00620 (Construction Labor and Material Payment Bond).
8. Notice of Award or request for additional information may be addressed to the undersigned Bidder at the address set forth below.
9. The undersigned Bidder herewith encloses cash, a cashier's check, or certified check of or on a responsible bank in the United States, or a corporate surety bond furnished by a surety authorized to do a surety

FIRM/COMPANY NAME: Alten Construction, Inc 00400 - 2

Bid Form

business in the State of California, in form specified in Section 00200 (Instructions to Bidders), in the amount of ten percent (10%) of the total of Bid and made payable to "City of Sausalito".

- 10. The undersigned Bidder agrees to commence Work under the Contract Documents on the date established in Section 00700 (General Conditions) and to complete all work within the time specified in Section 00520 (Agreement). The undersigned Bidder acknowledges that City of Sausalito has reserved the right to delay or modify the commencement date. The undersigned Bidder further acknowledges City of Sausalito has reserved the right to perform independent work at the Site, the extent of such work may not be determined until after the opening of the Bids, and that the undersigned Bidder will be required to cooperate with such other work in accordance with the requirements of the Contract Documents.
- 11. The undersigned Bidder agrees that, in accordance with Section 00700 (General Conditions), liquidated damages for failure to complete all Work in the Contract within the time specified shall be as set forth in Section 00520 (Agreement).
- 12. The names of all persons interested in the foregoing Bid as principals are:

IMPORTANT NOTICE: If Bidder or other interested person is a corporation, give the legal name of corporation, state where incorporated, and names of president and secretary thereof; if a partnership, give name of the firm and names of all individual co-partners composing the firm; if Bidder or other interested person is an individual, give first and last names in full.

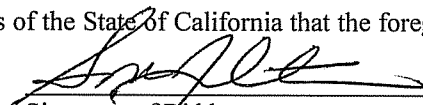
NAME OF BIDDER: Alten Construction, Inc
licensed in accordance with the act for the registration of Contractors, and with
License Number: 705713
Expiration: 6/30/08

California
Where incorporated, if applicable

Robert A. ALTEN
Shannon M. ALTEN

Principals

I certify (or declare) under penalty of perjury under the laws of the State of California that the foregoing is true and correct.


Signature of Bidder

NOTE: If Bidder is a corporation, set forth the legal name of the corporation together with the signature of the officer or officers authorized to sign contracts on behalf of the corporation. If Bidder is a partnership, set forth the name of the firm together with the signature of the partner or partners authorized to sign contracts on behalf of the partnership.

Business Address: 720 12th Street
Richmond Ca 94801

Officers authorized to sign contracts: Shannon M. ALTEN
Robert A. ALTEN

Telephone Number(s): 510-234-4200

Fax Number(s): 510-234-4402

FIRM/COMPANY NAME: Alten 00400 - 3
Construction, Inc

Bid Form

Addenda #7

Sausalito Public Safety Facilities
City of Sausalito

Bid No. F-141

salten@altenconstruction.com
bids@altenconstruction.com

E-Mail address:

Federal ID Number:

68-0369744

Date of Bid:

9/18/08

END OF SECTION

FIRM/COMPANY NAME: Alten 00400 - 4
Construction, Inc

Bid Form

Addenda # 7

SECTION 00411

BOND ACCOMPANYING BID

KNOW ALL BY THESE PRESENTS:

That the undersigned Alten Construction, Inc. as Principal and the undersigned as Surety are held and firmly bound unto the THE CITY OF SAUSALITO ("City of Sausalito"), as obligee, in the penal sum of ten percent (10%) of the aggregate amount of said Principal [Alten**] Dollars [(S ---)] lawful money of the United States of America being at least ten percent (10%) of the aggregate amount of said Principal [Alten**] 's base Bid plus accepted Alternates, for the payment of which, well and truly to be made, we bind ourselves, our successors, executors, administrators, and assigns, jointly and severally, firmly by these presents. *amount bid --
**Construction, Inc.

WHEREAS, the said Principal is submitting a Bid for City of Sausalito Bid Number F-141, THE Sausalito Public Safety Facilities PROJECT.

THE CONDITION OF THIS OBLIGATION IS SUCH that if the Bid submitted by the said Principal be accepted and the Contract be awarded to said Principal and said Principal shall within the required periods enter into the Contract so awarded and provide the required Construction Performance Bond, Construction Labor and Material Payment Bond, insurance certificates, and all other endorsements, forms, and documents required under Section 00200 (Instructions to Bidders); then this obligation for the Bid Bond shall be void, otherwise to remain in full force and effect.

IN WITNESS WHEREOF, the above bounden parties have executed this instrument this 18th day of September, 2008.

(Corporate Seal)

By

Alten Construction, Inc.

Principal

Fidelity and Deposit Company of Maryland

Surety

(Corporate Seal)

By

Kelly Holtemann, Attorney in Fact

END OF SECTION

ACKNOWLEDGMENT

State of California
County of Marin)

On 9/18/08 before me, J. DeLuca, Notary Public
(insert name and title of the officer)

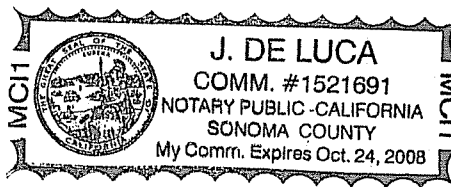
personally appeared Kelly Holtemann,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that he/she/they executed the same in
~~his/her/their~~ authorized capacity(ies), and that by ~~his/her/their~~ signature(s) on the instrument the
person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing
paragraph is true and correct.

WITNESS my hand and official seal.

Signature J. DeLuca

(Seal)



Power of Attorney
FIDELITY AND DEPOSIT COMPANY OF MARYLAND

KNOW ALL MEN BY THESE PRESENTS: That the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, a corporation of the State of Maryland, by THEODORE G. MARTINEZ, Vice President, and GREGORY E. MURRAY, Assistant Secretary, in pursuance of authority granted by Article VI, Section 2, of the By-Laws of said Company, which are set forth on the reverse side hereof and are hereby certified to be in full force and effect on the date hereof, does hereby nominate, constitute and appoint **Kelly HOLTEMANN and Joan DELUCA, both of San Francisco, California, EACH** its true and lawful agent and Attorney-in-Fact, to make, execute, seal and deliver, for and on its behalf as surety, and as its act and deed: **any and all bonds and undertakings**, and the execution of such bonds or undertakings in pursuance of these presents, shall be as binding upon said Company, as fully and apply to all intents and purposes, as if they had been duly executed and acknowledged by the regularly elected officers of the Company at its office in Baltimore, Md., in their own proper persons. This power of attorney revokes that issued on behalf of Kelly HOLTEMANN, dated August 30, 2007.

The said Assistant Secretary does hereby certify that the extract set forth on the reverse side hereof is a true copy of Article VI, Section 2, of the By-Laws of said Company, and is now in force.

IN WITNESS WHEREOF, the said Vice-President and Assistant Secretary have hereunto subscribed their names and affixed the Corporate Seal of the said FIDELITY AND DEPOSIT COMPANY OF MARYLAND, this 3rd day of December, A.D. 2007.

ATTEST:

FIDELITY AND DEPOSIT COMPANY OF MARYLAND



Gregory E. Murray

Theodore G. Martinez

By:

Gregory E. Murray Assistant Secretary

Theodore G. Martinez

State of Maryland }
City of Baltimore } ss:

On this 3rd day of December, A.D. 2007, before the subscriber, a Notary Public of the State of Maryland, duly commissioned and qualified, came THEODORE G. MARTINEZ, Vice President, and GREGORY E. MURRAY, Assistant Secretary of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, to me personally known to be the individuals and officers described in and who executed the preceding instrument, and they each acknowledged the execution of the same, and being by me duly sworn, severally and each for himself depose and saith, that they are the said officers of the Company aforesaid, and that the seal affixed to the preceding instrument is the Corporate Seal of said Company, and that the said Corporate Seal and their signatures as such officers were duly affixed and subscribed to the said instrument by the authority and direction of the said Corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my Official Seal the day and year first above written.



Constance A. Dunn

Constance A. Dunn

Notary Public

My Commission Expires: July 14, 2011

SECTION 00430

SUBCONTRACTORS LIST

Bidder submits the following information as to the subcontractors Bidder intends to employ if awarded the Contract.

Full Name of Subcontractor, Address and Telephone Number	Description of Work: Reference To Bid Items	Subcontractor's License No.
	<i>See attached list</i>	

(Bidder to attach additional sheets if necessary)

END OF SECTION

Name of Subcontractor, Address
and Telephone Number

Description of Work

Subcontractor License

PEEK ENGINEERING/SF

Eartwork & Paving
Underground Utilites

631610

LANDRANO / HAYWARD

~~ACN~~ SITE
Color Concrete Paving

661762

HDI / COLUMBIA, PA.

DECORATIVE METAL RAILINGS
Ornamental Formed Metal ACN

835075

RMT / OAKLAND

Landscaping

372869

~~ACN~~ Pavement Markings

GAVETTI / MARTINEZ

Rebar

310653

~~ACN~~ Concrete

FOUNDATION STRUCTURES / OAKLEY

Drilled Piers

210961

~~ACN~~ Vapor Control

AMERICAN TILE & STONE / FORTNIGHT PARK

~~ACN~~ BRICK TILE VENEER &
Masonry ACN Tiles

779103

Name of Subcontractor, Address and Telephone Number	Description of Work	Subcontractor License
ARCHITECTURAL FACADE / LEBROT	CAST STONE MASONRY Carpentry / CN	767624
RBH / ADEN	Wood Work & PANELING / CN	333054
	Plastic Paneling / CN	
	Waterproofing / CN	
	Thermal Insulation / CN	
	Metal Wall Panels / CN	
F. POLYERS / LIVERMORE	PVC Roofing	455623
	Firestopping & Joint Sealants / CN	
	Doors/Frames/Hardware / CN	
NORTH BAY OVERHEAD / SAN RAFAEL	Sectional Doors	1593255

Name of Subcontractor, Address
and Telephone Number

Description of Work

Subcontractor License

PROGRESS / COTATE

Glass & Glazing

261170

~~Skylights~~ ACN

ROBERT BOLGER / APPLEGATE

PC Plaster

319451

NORTHERN PACIFIC DRYWALL / SANTA ROSA

Gypsum Board

853779

~~Tiling & Brick Tile Veneer~~ ACN

ARROW ACOUSTICS / HAYWARD

Acoustical

260447

G.FLOOR / S.F.

Flooring

895826

Resilient Athletic Flooring

DV PRO / SANTA ROSA

Painting

838446

~~Visual Display Surfaces~~ ACN
~~Projection Screens~~ ACN

~~Wall Protection~~ ACN



Name of Subcontractor, Address and Telephone Number	Description of Work	Subcontractor License
	Toilet Compartments / Access ACN	
SYSTEMS CONCEPTS / S.F.	Metal Lockers	734396
	Sun Control Devices ACN	
BULLET GUARD / WEST SACRAMENTO	Bullet-Resistive Construction	712959
SCHWANDLER / SAN LEANDRO ASCENT / S.F. ACN	Hydraulic Elevators	375733 835183 ACN
	Fire Pole ACN	
BLACK SEA / S.F.	Plumbing	694989
WILSON / PLEASANTON SIMPLEX GREEN - SIMPLEX GREEN / SANTA ROSA	Fire Sprinkler Systems	802591
LASLEY / RINGROVE	HVAC Systems & Sheet Metal	ACN 739019
ATR EXCHANGE / SAN BRUNO	Vehicle Exhaust Removal System	664135
SIM LASLEY / COTATE	Electrical	860084

Name of Subcontractor, Address
and Telephone Number

Description of Work

Subcontractor License

QUARK WO / S.F.

STRUCTURAL STEEL

643621

DECK WEST / STATION

METAL DECK

804155

**SECTION 00431
 WORK TO BE PERFORMED BY BIDDER**

Each Bidder shall provide complete and accurate information in the form below regarding the portions and values of the work which the Bidder intends to complete with its own forces.

This Page of the Bid proposal may be reproduced as necessary to identify all portions of the Work which the Bidder intends to perform with its own forces. Each page shall be sequentially numbered, and list the name of the Bidder. The failure of any Bidder to provide complete and accurate information in the following form may render the Bid Proposal of such Bidder to be non-responsive and subject to rejection.

Portion of Work to be Performed by the Bidder's Own Forces (Reference to Plan Sheets or Specifications Sections; Use separate line for each discrete portion of the Work)	Dollar Value of Portion of Work to be Performed by the Bidder's Own Forces (Provide a separate value for each discrete portion of the Work)
BUILDING CONCRETE 3300 S-DRAWINGS.	\$ 800,000
ROUGH CARPENTRY 6100 A & S DRAWINGS	\$ 42,000
METAL CORNICE 5740 A DRAWINGS	\$ 25,000

(Bidder to attach additional sheets if necessary)

END OF SECTION

FIRM/COMPANY NAME: Allen Construction Inc 00431 - 1

Work To Be Performed By Bidder

SECTION 00481

NON-COLLUSION AFFIDAVIT
PUBLIC CONTRACT CODE §7106

NON-COLLUSION AFFIDAVIT TO BE EXECUTED BY BIDDER AND SUBMITTED WITH BID

STATE OF CALIFORNIA)
) ss.
COUNTY OF Contra Costa

[Shannon M. Alten], being first duly sworn, deposes and says that he or she is
President [Office of Affiant] of Alten Construction, Inc [Name of
Bidder], the party making the foregoing Bid, that the Bid is not made in the interest of, or on behalf of, any
undisclosed person, partnership, company, association, organization, or corporation; that the Bid is genuine and not
collusive or sham; that Bidder has not directly or indirectly induced or solicited any other bidder to put in a false or
sham Bid, and has not directly or indirectly colluded, conspired, connived or agreed with any bidder or anyone else
to put in a sham Bid, or that anyone shall refrain from bidding, and that the Bidder has not in any manner, directly or
indirectly, sought by agreement, communication or conference with anyone to fix the Bid price of Bidder or any
other bidder, or to fix any overhead, profit or cost element of the Bid price, or of that of any other bidder, or to
secure any advantage against the City of Sausalito, or anyone interested in the proposed contract; that all statements
contained in the Bid are true; and further, that Bidder has not, directly or indirectly, submitted its Bid price or any
breakdown thereof, or the contents thereof, or divulged information or data relative thereto, or paid, and will not
pay, any fee to any corporation, partnership, company association, organization, Bid depository, or to any member
or agent thereof to effectuate a collusive or sham Bid.

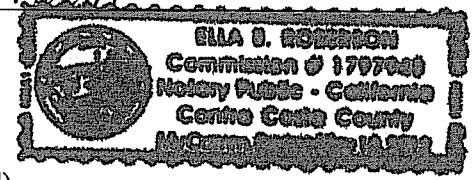
Executed under penalty of perjury under the laws of the State of California:

Alten Construction Ins
(Name of Bidder) Shannon M. Alten / President
[Signature]
(Signature of Principal)

Subscribed and sworn before me Ellen B. Robertson, Notary Public

This 18th day of September, 2008

Notary Public of the State of California
In and for the County of Contra Costa
My Commission expires May 10, 2012



(Seal)

(If Bidder is a partnership or a joint venture, this affidavit must be signed and sworn to by every member of the partnership or venture.)

(If Bidder [including any partner or venturer of a partnership or joint venture] is a corporation, this affidavit must be signed by the Chairman, President, or Vice President and by the Secretary, Assistant Secretary, Chief Financial Officer, or Assistant Treasurer.)

(If Bidder's affidavit on this form is made outside the State of California, the official position of the person taking such affidavit shall be certified according to law.)

END OF SECTION

SECTION 00485

KEY PERSONNEL

The General Contractor for the Project has committed the following personnel to the Project. The General Contractor acknowledges that any changes from the committed personnel are subject to preapproval from the City of Sausalito.

Project Manager: James Mitchell
(Please print)

Superintendent: Chad Casper
(Please print)

Project Engineer: Randall Boubor
(Please print)

END OF SECTION