



**TO THE HONORABLE MAYOR AND COUNCIL:**

DATE: November 17, 2008

**SUBJECT: AWARDING A CONSTRUCTION CONTRACT IN THE AMOUNT OF \$41,750 TO BROWN & FESLER, INC, OF LIVERMORE FOR PROJECT NO. 2123, PAW PATCH LIGHTING IMPROVEMENTS AT NEWHALL COMMUNITY PARK; AND ADOPTING THE PROJECT PLANS AND SPECIFICATIONS**

**Report in Brief**

Project No. 2123 will provide for the installation of seven (7) pedestrian-level lights at the Paw Patch, located at Newhall Community Park.

Bids were opened on Wednesday, October 29, 2008, at 11:00 a.m. Sixteen (16) bids were received. The bids ranged from \$41,750 to \$92,286, as shown on the Bid Analysis Sheet. Brown & Fesler, Inc. of Livermore submitted the low bid of \$41,750, which is 15% lower than the Engineer's Estimate of \$49,000.

Staff recommends that the Council award a construction contract in the amount of \$41,750 to Brown & Fesler, Inc. for Project No. 2123, Paw Patch Lighting Improvements at Newhall Community Park; and adopt the project plans and specifications.

**Background**

In June 2008, the Council approved Project No. 2123, Paw Patch Lighting Improvements at Newhall Community Park. The Paw Patch is a secure, fenced area located at Newhall Community Park where dogs can exercise off-leash. The Paw Patch hours of usage are consistent with the hours for Newhall Park (dawn to dusk). During portions of fall and winter, when dusk falls earlier in the day, residents are unable to use the Paw Patch in the early evenings due to their work schedules. This project will provide for the installation of seven pedestrian-level lights that will enhance usage of the facility in the early evenings during fall and winter. See **Attachment 1** for Vicinity Map.

Bids were opened on Wednesday, October 29, 2008, at 11:00 a.m. for Project No. 2123. Sixteen (16) bids were received, ranging from \$41,750 to \$92,286. The Engineer's Estimate is \$49,000, as shown on the Bid Analysis (**Attachment 2**). Brown & Fesler, Inc. of Livermore submitted the low bid of \$41,750.

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**Discussion**

Brown & Fesler, Inc.'s (**BFI**) low bid of \$41,750 is 15% lower than the Engineer's Estimate of \$49,000. Staff contacted the low bidder to obtain confirmation of their bid amount. BFI confirmed that they are comfortable with their bid and are ready to do the work. Additionally, BFI's bid was only 4% to 9% lower than the second, third, fourth, and fifth lowest bids, thus validating the reasonableness of BFI's bid.

BFI has successfully completed similar projects, has satisfactory references and has a proper and valid contractor's license. Based on foregoing information, staff recommends that the Council award a construction contract to Brown & Fesler, Inc. of Livermore as the lowest responsible bidder.

The project is categorically exempt from the requirement for the preparation of an environmental document as provided under Section 15301 of the California Environmental Quality Act. The Notice of Exemption was filed with the County Recorder's office on November 7, 2008.

On July 10, 2007, the Council adopted the California Uniform Public Construction Cost Accounting Act (**CUPCCAA**). This Act allows a local agency to perform public projects up to \$30,000 without bidding the project. However public projects of between \$30,000 and \$125,000 must follow an informal bid process and public projects of more than \$125,000 must follow a formal bid process. All of these processes are outlined in the Policy and Procedures Manual of the CUPCCAA.

Under CUPCCAA Policy and Procedures, the governing body is required to adopt plans, specifications and working details. As noted under the Background section of this Report, the Council approved Project No. 2123 on June 23, 2008. The project plans, specifications and working details substantially comply with the project scope as approved by the Council when it adjusted the FY 2008-09 Capital Improvement Program 10-Year Plan.

The project schedule calls for beginning construction in November 2008, and completing the work in December 2008.

**Fiscal Impact**

The project budget is sufficient to fully fund the construction work.

**Public Contact**

The Notice to Contractors (**NTC**) describing the project and scheduled bid opening was published in the Contra Costa Times for two successive weeks prior to the bid opening date. The NTC, Plans and Specifications were posted on ebidboard.com as of October 13, 2008. The Agenda item was posted.

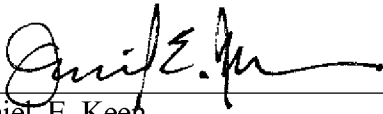
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**Recommendation for Action**

Staff recommends the City Council award a construction contract in the amount of \$41,750 to Brown & Fesler, Inc. for Project No. 2123, Paw Patch Lighting Improvements at Newhall Community Park; and adopt the project Plans and Specifications.



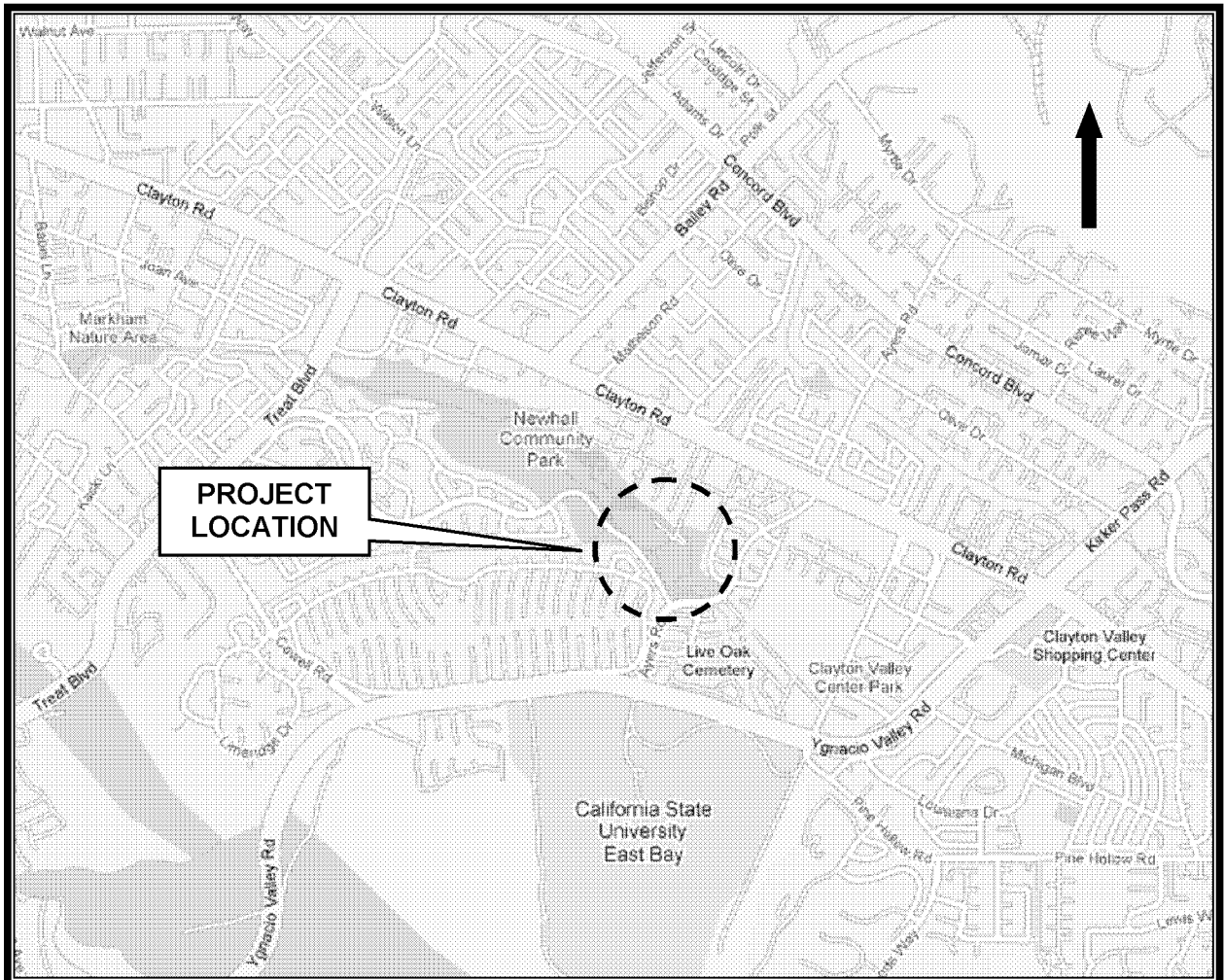
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Attachments: Attachment 1 – Vicinity Map  
Attachment 2 – Bid Analysis



**VICINITY MAP**



CITY OF CONCORD  
**Bid Analysis Sheet**

Bidder	Bid Amount
1. Brown & Fesler, Inc.	\$41,750
2. Smith Denison Construction Co.	\$43,160
3. Heaps Electrical Contractor, Inc.	\$45,000
4. James Breneman	\$45,000
5. Columbia Electric Inc.	\$45,937
6. Mike Brown Electric Company	\$48,639
7. SRP Company	\$48,950
8. Hodge Construction	\$54,337
9. G&G Builders	\$56,787
10. Steiny and Company, Inc.	\$57,760
11. POSCON Electric, Inc.	\$59,500
12. EMARD Engineering	\$63,000
13. RAN Electric, Inc.	\$73,000
14. Tennyson Electric, Inc.	\$73,846
15. RODAN Builders, Inc.	\$81,000
16. Delta Electrical Construction, Inc.	\$92,286
<b>Engineer's Estimate</b>	<b>\$49,000</b>
<b>Project No. and Title:</b> 2123, Paw Patch Lighting Improvements at Newhall Community Park	
<b>Project Description:</b> The project will provide for the installation of seven pedestrian-level lights at the Paw Patch, Newhall Community Park.	
<b>Bids were opened on: Wednesday, October 29 at 11:00 a.m.</b>	
It is recommended that a construction contract be awarded to Brown & Fesler, Inc. of Livermore as the lowest responsible bidder in the amount of \$41,750 for Project No. 2123, Paw Patch Lighting Improvements at Newhall Community Park.	

CITY ENGINEER