# CITY OF EL PASO, TEXAS
# REQUEST FOR COUNCIL ACTION (RCA)

**DEPARTMENT:** Engineering
**AGENDA DATE:** June 10, 2008
**CONTACT PERSON/PHONE:** R. Alan Shubert, P.E., City Engineer, Phone # 541-4630
Terrence Freiburg, Purchasing Manager, Phone 541-4313
**PROJECT NAME/SOLICITATION NO.** Cedar Grove Sidewalk Improvements, Contract No. 2008-185

**DISTRICT(S) AFFECTED:** 3

**SUBJECT:**

Discussion and action on the award of Solicitation No. 2008-185 for the Construction of Cedar Grove Sidewalk Improvements to Ricardo Lopez, dba Tirayan Construction, El Paso, Texas 79915 as follows: Base Bid $92,088.00 for an estimated total amount of $92,088.00

It is requested that the City Manager of the City of El Paso be authorized to sign any contracts or other documents required to effectuate this award and be authorized to exercise on behalf of the City any extensions of the contract.

Work under this unit price contract is only an estimated value and will be ordered, performed, invoiced, and paid by measured quantity. The actual cost of this contract will be the sum total of unit prices at the end of the contract term.

As part of the award of this contract, the City Engineering Department may, without further authorization from City Council, approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, which are in accordance with applicable law, and which do not make changes to the unit price and which are within the appropriate budget.

This is a low bid, unit-price contract. The Financial Services and Engineering Departments recommend award as indicated to the lowest responsive, responsible bidder.

**BACKGROUND / DISCUSSION:**

The residents living in the Cedar Grove neighborhood will experience a better quality of life once the present sidewalk project is completed. The City of El Paso in its drive to provide for higher quality of life neighborhoods has selected several infrastructure improvements in several areas of the city for the enjoyment of its residents. The City has initiated the reconstruction of sidewalk projects aimed towards this goal. The Cedar Grove Sidewalk Improvements project is one of the many projects within this public works program. The solicitation of bids for this project is based on a Unit-Price contract that is awarded on the basis of the lowest total amount bid for all the items in the solicitation proposal. Ricardo Lopez, dba Tirayan Construction, El Paso, Texas 79915 submitted the next lowest responsive and responsible bid. The purpose of this agenda item is to award this project to Ricardo Lopez, dba Tirayan Construction The approximate total value awarded for this project is estimated to be $92,088.00. Ricardo Lopez, dba Tirayan Construction, El Paso Texas 79936 was not the lowest bidder for this solicitation.

**PRIOR COUNCIL ACTION:**

N/A

**AMOUNT AND SOURCE OF FUNDING:**

Funding for this award is available as follows:

| | |
|---|---|
| Funding Source | FY 2004 C.O's |
| Department | 14200403 |
| Account | 508027 |
| Fund | 29121 |
| Project | PBE04ST107 |

**BOARD / COMMISSION ACTION:**

N/A

**********REQUIRED AUTHORIZATION**********

**LEGAL:** (if required) _____ **FINANCE:** (if required) _____

**DEPARTMENT HEAD:** _____

**(Example: if RCA is initiated by Financial Services, client department should sign also)**

***Information copy to appropriate Deputy City Manager***

**APPROVED FOR AGENDA:**

**CITY MANAGER:** _____ **DATE:** _____

**CONSTRUCTION PROJECT FORM**
**Unit Price**

| | |
|---|---|
| **DATE:** | May 22, 2008 |
| **PROJECT:** | Cedar Grove Sidewalk Improvements |
| **SOLICITATION NO:** | 2008-185 |
| **ACCOUNT NO(S):** | 14200403-508027-29121-PBE04ST107 |
| **FUNDING SOURCE:** | FY 2004 Certificates of Obligation |
| **DEPARTMENT:** | Engineering |
| **DISTRICT(S):** | 3 |

**AGENDA DATE:** June 10, 2008

**Lowest responsive and responsible bidder:**
**CONTRACTOR:** Ricardo Lopez, dba Tirayan Construction
**ESTIMATED AMOUNT:** $92,088.00

**RECOMMENDATION:**
Discussion and action on the award of Solicitation No. 2008-185 for Cedar Grove Sidewalk Improvements to Ricardo Lopez, dba Tirayan Construction for an estimated total amount of $92,088.00

It is requested that the City Manager of the City of El Paso be authorized to sign any contracts or other documents required to effectuate this award.

Work under this unit price contract is only an estimated value and will be ordered, performed, invoiced, and paid by measured quantity. The actual cost of this contract may be higher or lower than the total estimated value and will be the sum total of unit prices at the end of the contract term.

As part of the award of this contract, the City Engineer may, without further authorization from City Council, approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, which are in accordance with applicable law, and which do not make changes to the unit price and which are within the appropriate budget.

This is a low bid, unit-price contract. The Departments of Financial Services, Purchasing Division and Engineering recommend that the lowest bidder be disqualified as non-responsible and the contract be awarded as indicated to the lowest responsive, responsible bidder.

**DESCRIPTION OR EXPLANATION:**

**Base Bid: $92,088.00**

**TOTAL RECOMMENDED AWARD: $92,088.00**
**TIME FOR COMPLETION:** 40 Consecutive Work Days
**LIQUIDATED DAMAGES:** $280.00 Liquidated Damages/Work Day

**APPROVED:**

Terrence Freiburg
Purchasing Manager

JOHN COOK
MAYOR

ALAN SHUBERT, P.E.
CITY ENGINEER

CITY COUNCIL
ANN MORGAN LILLY, DISTRICT 1
SUSANNAH M. BYRD, DISTRICT 2
VACANT, DISTRICT 3
MELINA CASTRO, DISTRICT 4
RACHEL QUINTANA, DISTRICT 5
EDDIE HOLGUIN JR., DISTRICT 6
STEVE ORTEGA, DISTRICT 7
BETO O'ROURKE, DISTRICT 8

# ENGINEERING DEPARTMENT

May 19, 2008

To: Jaime Huerta, Project Compliance Specialist

From: Sam Rodriguez, Engineering Division Manager SR

Subject: Cedar Grove Sidewalk Improvements, Solicitation No. 2008-185

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We have reviewed the above subject bid submitted by BXW Electrical Builders, Inc. and we recommend that this be rejected for the following reasons; section I-B from contract document "INFORMATION TO BIDDERS", item #6 "METHOD OF AWARD-LOWEST RESPONSIBLE AND RESPONSIVE BIDDER" states that "The owner shall award this contract on the basis of the lowest responsible and responsive bid, provided, however, that the Owner may accept or reject any or all bids, or in case of ambiguity in stating the price bid, the Owner may consider the most advantageous construction thereof or **reject any bids.** Under this section the unit prices including in the bid proposal do not reflect current construction cost; on Bid Item #1 "Mobilization and Demobilization" is showing total amount of $300.00, this amount is not enough to cover mobilization for the removal and disposal of existing sidewalk, grading removal and disposal of existing subgrade, preparation of subgrade, furnish and install concrete sidewalk, furnish and install concrete stemwalls and adjust existing water meter boxes. Bid Item #5 "Furnish and Install Concrete Stem Wall" is showing a unit bid price of $1.75 per linear feet, this amount only covers the cost of the material only, not the labor. Bid Item #6 "Adjust Water Meter Box & Cover" is showing unit bid price of $10.00 per each, price that is not enough to cover the minimum wage rate for labor.

Also, under the same section mentioned above (page I-B-3), it also states that " In determining who is the lowest and best Bidder, in addition to price, the City may consider factors, which may include, but are not limited to, the following:

(2) the ability, capability, and skill of the Bidder to perform the contract or provide the service required;
(3) whether the Bidder has already proven they will and can perform the contract or provide the service promptly, or with the time required, with out delay or interference;
(4) the character, responsibility, integrity, reputation, and experience of the bidder;
(5) the quality of performance on previous Owner contracts;

(6) the previous and existing compliance by the bidder with laws relating to the contract or service;
(8) the sufficiency of the financial resources and ability of the Bidder perform the contract or provide the service;
(11) whether in the opinion of the City, the Bidder has adequate plant, equipment, and personnel to do the work properly and expeditiously;
(14) overall poor performance on previous projects."

As explain below the Bidder fails to satisfy several of the listed factors,

- The bidder's poor workmanship was evident during their construction services for the June 2005 City Wide ADA Compliance project which included the installation of concrete sidewalks and accessible ramps. The ramps were rejected multiple times by City Engineering for poor quality and non-compliancy with specifications and had to be re-constructed.
- The bidder's poor quality of work was also apparent during the September 2005 Fire Station No. 20 project. The sealing of the expansion joints and concrete accessible ramps were rejected by City Engineering for poor workmanship and had to be re-constructed.
- During their construction services for the September 2006 City Hall 2nd floor remodeling project, the bidder failed to perform the contract requirements within the required time. As a result, the City obtained the services of another contractor to complete the work.
- Concerns regarding the bidder's ability and construction skills were raised when the bidder called to request definitions for common construction terms, such as silt fence, SWP3, import fill, etc. which were found in multiple line items listed on the proposal for the Westside Park Improvements project.

As explained above, the bidder has shown poor construction skills that have resulted in inefficiency, poor quality and unsuccessful fulfillment of contract requirements in past City projects.

We recommend that Base Bid be awarded to Tirayan Construction, Inc. as the most responsive and responsible bidder meeting specifications. Total estimated contract award of $92,088.00

Base Bid $92,088.00

If you have any questions, please call me at 541-4023.

# City of El Paso
## Scope of Work

## Cedar Grove Sidewalk Improvements
## Solicitation No. 2008-185

**BASE BID :** (Unit Price Schedule)

The Cedar Grove Sidewalk Improvements project consists of the removal of existing sidewalk and subgrade and the installation of new concrete sidewalk with concrete stem walls in the Cedar Grove area. Existing water meter box adjustment.

Prior to commencement of any work contractor should submit and obtain approval from El Paso Engineering Department for the Sequence of Construction, Schedule of Work, Traffic Control Plan, and Haul/Waste Route to an approve disposal site. Contractor shall provide written approved documentation from the owner or operator of the waste site.

The description of this scope of work, as shown above, is only a general overview of this project. Contractor shall refer to the project plans and specifications for further information.

**This is a Unit Price Project.**

# CITY OF EL PASO BID TABULATION

**BID TITLE:** CEDAR GROVE SIDEWALK IMPROVEMENTS
**BID DATE:** MAY 7, 2008
**BID NO:** 2008-185
**DEPARTMENT:** STREETS

| ITEM # | EST. QTY | UNITS | DESCRIPTION | ALLEN CONCRETE, INC. EL PASO, TEXAS | | AMIGO BUILDING CORP. EL PASO, TEXAS | | BEACON SERVICES CONSTRUCTION DIV. EL PASO, TEXAS | | B X W ELECTRICAL REBUILDERS, INC. EL PASO, TEXAS | | C. F. JORDAN L.P. EL PASO, TEXAS | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | UNIT BID PRICE | TOTAL AMOUNT | UNIT BID PRICE | TOTAL AMOUNT | UNIT BID PRICE | TOTAL AMOUNT | UNIT BID PRICE | TOTAL AMOUNT | UNIT BID PRICE | TOTAL AMOUNT |
| BASE BID - UNIT PRICE SCHEDULE | | | | | | | | | | | | | |
| 1 | 1 | LS | MOBILIZATION | $5,151.58 | $5,151.58 | $21,499.40 | $21,499.40 | $16,241.74 | $16,241.74 | $300.00 | $300.00 | $8,000.00 | $8,000.00 |
| 2 | 1,521 | SY | REMOVAL AND DISPOSAL OF CONCRETE SIDEWALK | $9.50 | $14,449.50 | $24.00 | $36,504.00 | $23.01 (Contractor's Total) ($34,993.88) | $34,998.21 | $9.25 (Contractor's Total) ($14,073.45) | $14,069.25 | $25.00 | $38,025.00 |
| 3 | 1,521 | SY | GRADING,REMOVAL AND DISPOSAL OF EXISTING SUBGRADE (AVERAGE 8" THICK, THICKNESS VARIES), PREPARATION OF OF SUBGRADE | $9.75 | $14,829.75 | $9.80 (Contractor's Total) ($14,981.85) | $14,905.80 | $34.78 (Contractor's Total) ($52,897.72) | $52,900.38 | $6.62 (Contractor's Total) ($10,066.75) | $10,069.02 | $25.00 | $38,025.00 |
| 4 | 1,521 | SY | FURNISH AND INSTALL CONCRETE SIDEWALK | $36.90 | $56,124.90 | $3.25 (Contractor's Total) ($44,489.25) | $4,943.25 | $18.73 (Contractor's Total) ($28,483.39) | $28,488.33 | $18.77 (Contractor's Total) ($28,546.90) | $28,549.17 | $45.00 | $68,445.00 |
| 5 | 1,635 | LF | FURNISH AND INSTALL CONCRETE STEM WALL | $6.50 | $10,627.50 | $5.00 | $8,175.00 | $4.16 (Contractor's Total) ($6,804.05) | $6,801.60 | $1.75 | $2,861.25 | $13.00 | $21,255.00 |
| 6 | 40 | EACH | ADJUST EXISTING WATER METER BOX AND COVER | $175.00 | $7,000.00 | $200.00 | $8,000.00 | $89.18 (Contractor's Total) ($3,567.00) | $3,567.20 | $10.00 | $400.00 | $115.00 | $4,600.00 |
| SUM TOTAL BASE BID (LINE ITEMS 1-6 ) | | | | | $108,183.23 | | $94,027.45 (Contractor's Total) ($133,650.10) | | $142,997.46 (Contractor's Total) ($142,988.00) | | $56,248.69 (Contractor's Total) ($56,248.35) | | $178,350.00 |
| BID BOND SUBMITTED | | | | YES | | YES | | YES | | CASHIER'S CHECK | | YES | |
| AMENDMENTS ACKNOWLEDGED | | | | NONE ISSUED | | NONE ISSUED | | NONE ISSUED | | NONE ISSUED | | NONE ISSUED | |

APPROVED BY: MWP

# CITY OF EL PASO BID TABULATION

BID TITLE: CEDAR GROVE SIDEWALK IMPROVEMENTS
BID DATE: MAY 7, 2008
BID NO: 2008-185
DEPARTMENT: STREETS

| ITEM # | EST. QTY | UNITS | DESCRIPTION | CON-TEX CONSTRUCTION, CO. EL PASO, TEXAS | | F. T. JAMES CONSTRUCTION, INC. EL PASO, TEXAS | | HRT ROOFING AND CONSTRUCTION, INC. EL PASO, TEXAS | | MARTINEZ BROS. CONTRACTORS, LLC EL PASO, TEXAS | | MATYEAR CONSTRUCTION CO., INC. EL PASO, TEXAS | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | UNIT BID PRICE | TOTAL AMOUNT | UNIT BID PRICE | TOTAL AMOUNT | UNIT BID PRICE | TOTAL AMOUNT | UNIT BID PRICE | TOTAL AMOUNT | UNIT BID PRICE | TOTAL AMOUNT |
| BASE BID - UNIT PRICE SCHEDULE | | | | | | | | | | | | | |
| 1 | 1 | LS | MOBILIZATION | $12,569.55 | $12,569.55 | $22,918.00 | $22,918.00 | $25,000.00 | $25,000.00 | $15,000.00 | $15,000.00 | $36,000.00 | $36,000.00 |
| 2 | 1,521 | SY | REMOVAL AND DISPOSAL OF CONCRETE SIDEWALK | $44.10 | $67,076.10 | $15.00 | $22,815.00 | $26.00 | $39,546.00 | $9.80 | $14,905.80 | $31.27 | $47,561.67 |
| 3 | 1,521 | SY | GRADING,REMOVAL AND DISPOSAL OF EXISTING SUBGRADE (AVERAGE 8" THICK, THICKNESS VARIES), PREPARATION OF OF SUBGRADE | $8.40 | $12,776.40 | $15.00 | $22,815.00 | $35.00 | $53,235.00 | $7.28 | $11,072.88 | $19.57 | $29,765.97 |
| 4 | 1,521 | SY | FURNISH AND INSTALL CONCRETE SIDEWALK | $47.25 | $71,867.25 | $60.00 | $91,260.00 | $31.00 | $47,151.00 | $36.00 | $54,756.00 | $42.97 (Contractor's Total) ($65,375.37) | $65,357.37 |
| 5 | 1,635 | LF | FURNISH AND INSTALL CONCRETE STEM WALL | $12.60 | $20,601.00 | $15.00 | $24,525.00 | $5.00 | $8,175.00 | $11.25 | $18,393.75 | $19.46 | $31,817.10 |
| 6 | 40 | EACH | ADJUST EXISTING WATER METER BOX AND COVER | $47.25 | $1,890.00 | $300.00 | $12,000.00 | $95.00 | $3,800.00 | $60.00 | $2,400.00 | $156.00 | $6,240.00 |
| SUM TOTAL BASE BID (LINE ITEMS 1-6 ) | | | | | $186,780.30 | | $196,333.00 | | $176,907.00 | | $116,528.43 (Contractor's Total) ($116,520.83) | | $216,742.11 (Contractor's Total) ($216,760.11) |
| BID BOND SUBMITTED | | | | YES | | YES | | YES | | YES | | YES | |
| AMENDMENTS ACKNOWLEDGED | | | | NONE ISSUED | | NONE ISSUED | | NONE ISSUED | | NONE ISSUED | | NONE ISSUED | |

APPROVED BY: MWP

# CITY OF EL PASO BID TABULATION

BID TITLE: CEDAR GROVE SIDEWALK IMPROVEMENTS
BID DATE: MAY 7, 2008

BID NO: 2008-185
DEPARTMENT: STREETS

| ITEM # | EST. QTY | UNITS | DESCRIPTION | SINALOA CONSTRUCTION EL PASO, TEXAS | | TIRAYAN CONSTRUCTION EL PASO, TEXAS | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | UNIT BID PRICE | TOTAL AMOUNT | UNIT BID PRICE | TOTAL AMOUNT | UNIT BID PRICE | TOTAL AMOUNT | UNIT BID PRICE | TOTAL AMOUNT | UNIT BID PRICE | TOTAL AMOUNT |
| BASE BID - UNIT PRICE SCHEDULE | | | | | | | | | | | | | |
| 1 | 1 | LS | MOBILIZATION | $14,000.00 | $14,000.00 | $4,000.00 | $4,000.00 | | $0.00 | | $0.00 | | $0.00 |
| 2 | 1,521 | SY | REMOVAL AND DISPOSAL OF CONCRETE SIDEWALK | $16.24 (Contractor's Total) ($24,689.00) | $24,701.04 | $8.00 | $12,168.00 | | $0.00 | | $0.00 | | $0.00 |
| 3 | 1,521 | SY | GRADING,REMOVAL AND DISPOSAL OF EXISTING SUBGRADE (AVERAGE 8" THICK, THICKNESS VARIES), PREPARATION OF OF SUBGRADE | $20.63 (Contractor's Total) ($31,371.00) | $31,378.23 | $8.00 | $12,168.00 | | $0.00 | | $0.00 | | $0.00 |
| 4 | 1,521 | SY | FURNISH AND INSTALL CONCRETE SIDEWALK | $26.06 (Contractor's Total) ($39,629.00) | $39,637.26 | $32.00 | $48,672.00 | | $0.00 | | $0.00 | | $0.00 |
| 5 | 1,635 | LF | FURNISH AND INSTALL CONCRETE STEM WALL | $11.67 (Contractor's Total) ($19,080.00) | $19,080.45 | $8.00 | $13,080.00 | | $0.00 | | $0.00 | | $0.00 |
| 6 | 40 | EACH | ADJUST EXISTING WATER METER BOX AND COVER | $350.00 | $14,000.00 | $50.00 | $2,000.00 | | $0.00 | | $0.00 | | $0.00 |
| SUM TOTAL BASE BID (LINE ITEMS 1-6 ) | | | | (Contractor's Total) ($142,769.00) | $142,796.98 | | $92,088.00 | | $0.00 | | $0.00 | | $0.00 |
| BID BOND SUBMITTED | | | | YES | | YES | | | | | | | |
| AMENDMENTS ACKNOWLEDGED | | | | NONE ISSUED | | NONE ISSUED | | | | | | | |

APPROVED BY: MWP