



AGENDA ITEM

Public Utilities Commission

City and County of San Francisco



DEPARTMENT Water Enterprise AGENDA NO. _____
 MEETING DATE September 22, 2009

Construction Award: Consent Calendar
Project Manager: Thinh Nguyen

Contract No. WD-2604, Award CDD 2009-2010 As-Needed Paving Contract for Main Replacement by CDD Crews

Summary of Proposed Commission Action:	Approve the plans and specifications, and award Water Enterprise Program funded Contract No. WD-2604, City Distribution Division (CDD) 2009-2010 As-Needed Paving Contract for Main Replacement by CDD Crews in the amount of \$3,699,100 to the lowest, qualified, responsible and responsive bidder, A. Ruiz Construction, to provide pavement restoration for water main replacement.
Background:	This as-needed paving contract is to provide the pavement restoration for water main replacement performed by CDD crews. The water main replacements are part of the CDD multi-year water main repair, replacement and retrofit program.
Result of Inaction:	A delay in awarding this contract will delay the permanent pavement restoration of excavated areas.
Budget & Costs:	Baseline Budget: \$4,112,990 Engineer's Estimate: \$4,112,990 Award: \$3,699,100 Funding: Project No. CUW2600001, Local Repair & Replacement
Schedule:	NTP: October 2009 End: September 2010 Duration: Three hundred sixty-five (365) consecutive calendar days

APPROVAL:

DEPARTMENT / BUREAU _____

FINANCE Todd L. Rydstrom

COMMISSION SECRETARY Mike Housh

GENERAL MANAGER Ed Harrington

Compliance With Chapter 14B: Local Business Enterprise (LBE) And Non-Discrimination In Contracting Ordinance:	Set: 10% LBE Submitted: 17.35% LBE															
Environmental Review:	The project was found to be exempt under CEQA Guidelines Section 15301, Class 1 Existing Facilities.															
Bid History:	<p>Advertised: July 2, 2009 Bids Received: Sealed bids were received from two (2) firms on August 13, 2009, as follows:</p> <table border="1" data-bbox="511 735 1534 997"> <thead> <tr> <th data-bbox="511 735 852 829">Bid Rank</th> <th data-bbox="852 735 1031 829">Bid Amount</th> <th data-bbox="1031 735 1201 829">Bid Preference</th> <th data-bbox="1201 735 1372 829">Adjusted Bid</th> <th data-bbox="1372 735 1534 829">Adjusted Rank</th> </tr> </thead> <tbody> <tr> <td data-bbox="511 829 852 892">1 CF Archibald Paving</td> <td data-bbox="852 829 1031 892">\$3,542,800</td> <td data-bbox="1031 829 1201 892">0%</td> <td data-bbox="1201 829 1372 892">\$3,542,800</td> <td data-bbox="1372 829 1534 892">2</td> </tr> <tr> <td data-bbox="511 892 852 997">2. A. Ruiz Construction</td> <td data-bbox="852 892 1031 997">\$3,699,100</td> <td data-bbox="1031 892 1201 997">10%</td> <td data-bbox="1201 892 1372 997">\$3,329,190</td> <td data-bbox="1372 892 1534 997">1</td> </tr> </tbody> </table> <p>Application of bid preferences, in accordance with Chapter 14B of the San Francisco Administrative Code, changed the final ranking of A. Ruiz Construction, from 2nd place to 1st place.</p> <p>Protest: CF Archibald Paving filed a protest, alleging that the HRC 10% bid preference was inapplicable to this contract, citing that the contract documents did not state exactly where the work would take place. HRC and staff reviewed the protest allegation and determined that the protest had no merit, based upon the fact that the contract documents clearly state that all work shall be performed within the City of San Francisco.</p>	Bid Rank	Bid Amount	Bid Preference	Adjusted Bid	Adjusted Rank	1 CF Archibald Paving	\$3,542,800	0%	\$3,542,800	2	2. A. Ruiz Construction	\$3,699,100	10%	\$3,329,190	1
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Description of Scope of Work:	Restore the street pavement over excavations made by CDD crews to install new water mains and services for various projects within the City.															
Recommendation:	SFPUC staff recommends that the Commission adopt the attached resolution.															
Attachments:	<ol style="list-style-type: none"> 1. SFPUC Resolution 2. HRC Memo 															

PUBLIC UTILITIES COMMISSION

City and County of San Francisco

RESOLUTION NO. 09-0158

WHEREAS, Contract No. WD-2604, CDD 2009-2010 As-Needed Paving Contract for Main Replacement by CDD Crews was advertised on July 2, 2009; and

WHEREAS, The baseline budget amount is \$4,112,990 and the Engineer's Estimate is \$4,112,990 for this construction contract work to restore the street pavement over excavation areas done by CDD crews to install water mains and services; and

WHEREAS, The contract duration is 365 consecutive calendar days; and

WHEREAS, The project was found to be exempt under CEQA Guidelines Section 15301, Class 1 Existing Facilities; and

WHEREAS, Two (2) bids were received and opened publicly on August 13, 2009; and

WHEREAS, San Francisco Public Utilities Commission (SFPUC) staff and Human Rights Commission (HRC) review of the bids for qualifications, responsibility, responsiveness and application of bid preferences resulted in the establishment of A. Ruiz Construction as the lowest, qualified, responsible and responsive bidder; and

WHEREAS, A HRC subcontracting goal of 10% Local Business Enterprise (LBE) participation has been established for this contract; and

WHEREAS, The firm being awarded a contract by the SFPUC must be in compliance with the Equal Benefits Provisions of Chapter 12B of the City's Administrative Code either at the time of the award, or within 2 weeks of the date of the Commission award; failure of the bidder to obtain compliance certification from HRC may result in award of the contract to the next lowest, responsible and responsive bidder, or re-bidding of the contract at the discretion of the City; and

WHEREAS, Failure to comply with all City contracting requirements within two (2) weeks of notification of the Commission award may result in award of the contract to the next lowest, responsible and responsive bidder, or re-bidding of the contract at the discretion of the City; and

WHEREAS, Funds are available from Project No. CUW2600001, Local Repair & Replacement; and

RESOLVED, That this Commission hereby approves the plans and specifications and awards Water Enterprise Program funded Contract No. WD-2604, CDD 2009-2010 As-Needed Paving Contract for Main Replacement by CDD Crews in the amount of \$3,699,100 to the lowest, qualified, responsible and responsive bidder, A. Ruiz Construction.

I hereby certify that the foregoing resolution was adopted by the Public Utilities Commission at its meeting of _____ *September 22, 2009*



Secretary, Public Utilities Commission



Gavin Newsom
Mayor

Contract Compliance
Dispute Resolution/Fair Housing
Small and Micro Business Enterprise
Lesbian Gay Bisexual Transgender & HIV Discrimination

Theresa Sparks
Executive Director

MEMORANDUM

Date: September 3, 2009
 To: Thinh Nguyen, Project Manager, PUC
 Pauline Lam, Contract Administration, PUC
 Jon Winge, Contract Administration, PUC
 From: Mindy Lee, Contract Compliance Representative, HRC
 Subject: WD-2604 CDD 2009-2010 As-Needed Paving Contract for Main Replacement by CDD Crews

The Human Rights Commission ("HRC") has reviewed the bids submitted for the above referenced project, applied the appropriate bid discounts, and determined responsiveness to Chapter 14B pre-award requirement. A subcontracting goal of 10% was established for this project. The following two firms submitted bids: C.F. Archibald Paving, Inc.; and A. Ruiz Construction Co. & Assoc., Inc. Below is a summary of HRC's review.

Bidder	Base Bid	LBE Bid Discount	Adjusted Bid with Bid Discount
C.F. Archibald Paving, Inc.	\$3,542,800	N/A	\$3,542,800
A. Ruiz Construction	\$3,699,100	10% = \$369,910	\$3,329,190

A. Ruiz Construction Co. & Assoc., Inc. ("A. Ruiz"), an HRC certified LBE-MBE firm, is the lowest responsive bidder. A. Ruiz met the 10% LBE subcontracting goal by listing the following LBE firms:

Subcontractor	Scope of Work	Status	Listed Amount	Participation
Lou's Concrete	Sawcut concrete	LBE-OBE	\$150,000	4.055%
P & J Utility Co.	Concrete/ Partial #1 & 9	LBE-OBE	\$160,000	4.325%
Eighteen Trucking	Trucking	LBE-MBE	\$125,900	3.403%
M. Heavy Construction Co.	Partial #1	LBE-WBE	\$206,000	5.568%
TOTAL			\$641,900	17.351%

Based on the foregoing, HRC has determined that A. Ruiz has complied with pre-award HRC 14B requirements. Should you have any questions, or if I can be of further assistance, please do not hesitate to contact me at (415) 554-3136.



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