

HAYWARD CITY COUNCIL

RESOLUTION NO. 19-_____

Introduced by Council Member _____

RESOLUTION AWARDING THE CONSTRUCTION CONTRACT TO ASBESTOS MANAGEMENT GROUP OF CA, INC., FOR THE ABATEMENT AND DECONSTRUCTION FOR ROUTE 238 BYPASS PROPERTY PROJECT, PHASE II, PROJECT NO. 05276, AND AUTHORIZING THE CITY MANAGER TO APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR FUTURE PHASES

WHEREAS, by resolution on November 13, 2018, the City Council authorized the City Manager to Approve Plans and Specifications and Call for Bids for future phases of the Route 238 Bypass Property Project; and

WHEREAS, a call for bids received on October 2, 2019 for Phase 2 was issued, and was subsequently revised to be received on October 9, 2019; and

WHEREAS, on October 9, 2019, four bids were received ranging from \$1,300,708 to \$1,504,260; Asbestos Management Group of CA, Inc., of Oakland, California, submitted the lowest bid in the amount of \$1,300,708, which is 8.42% below the Engineer's Estimate of \$1,420,300; and

WHEREAS, on October 15, 2019, the City received a written bid protest from Resource Environmental, Inc., asserting that AMG's bid was non-responsive due to material miscalculations on its bid sheet with respect to line item 37 which calls for the unit price of BAAQMD notifications, with an estimated quantity of 18; and

WHEREAS, line item 37 on AMG's bid sheet contains an entry where "twenty-two thousand four hundred" is entered as its unit price and total price; and

WHEREAS, the bid specifications for this project, at P3 "DIRECTIONS TO BIDDERS" specifies the method for evaluating situations where the unit price and total price are identical for unit based items; and

WHEREAS, utilizing the method specified in the bid specifications, AMG's "Total" entry of \$22,400 would be accepted as the total price and the unit price would be obtained by dividing \$22,400 by 18 (the estimated quantity), yielding a unit price of \$1,244.44; and

WHEREAS, the bid specifications provide a mechanism for evaluating the specific situation contained in AMG's bid, AMG's entry for line item 37 is an inconsequential deviation from the bid requirements that did not affect the bid amount or provide an advantage over other bidders; and

WHEREAS, the City Council may waive any informalities or irregularities in bids received.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that Asbestos Management Group of CA, Inc., of Oakland, California, is the lowest responsible bidder whose bid complies with the specifications and is hereby awarded the construction contract for the Abatement and Deconstruction for Route 238 Bypass Property Project, Phase II, Project No. 05276, in the amount of \$1,300,708, and in accordance with the aforementioned plans and specifications on file in the office of the City Clerk of the City of Hayward; The irregularities described in the bid protest by Resource Environmental Inc. are determined to be non-substantial deviations from the bid requirements and are hereby waived. The bid protest by Resource Environmental Inc., is hereby rejected. All other bids are hereby rejected.

BE IT FURTHER RESOLVED by the City Council of the City of Hayward that expenditure of \$130,071 for Administrative Change Orders is hereby authorized.

BE IT FURTHER RESOLVED by the City Council of the City of Hayward that the Director of Public Works is authorized to expend up to \$520,283 for project design and administration, construction inspection & testing costs, and LCA/WFA (workforce agreement) to complete the project.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized and directed to execute the contract with Asbestos Management Group of CA, Inc., of Oakland, California, in the name of and for and on behalf of the City of Hayward, in a form to be approved by the City Attorney and is also authorized to approve plans and specifications and call for bids for the deconstruction of buildings on other City owned properties as those buildings are vacated.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2019

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
 MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
 City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward