

HAYWARD CITY COUNCIL

RESOLUTION NO. 18-_____

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 I, AUTHORIZING THE CITY MANAGER TO APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR FUTURE PHASES AND APPROPRIATION OF FUNDS

WHEREAS, By resolution on July 24, 2018, the City Council approved the plans and specifications for the Abatement and Deconstruction for Route 238 Bypass Property Project, Phase I, and called for bids to be received on October 16, 2018; and

WHEREAS, On October 16, 2018, four bids were received ranging from \$906,250 to \$1,293,225; Asbestos Management Group of CA, Inc., of Oakland, California, submitted the lowest bid in the amount of \$906,250, which is 4.61% below the Engineer's Estimate of \$950,000; and

WHEREAS, On October 22, 2018 the City received a written bid protest from Resource Environmental Inc. which challenged the low bid of Asbestos Management Group of CA, Inc. on the basis that Asbestos Management Group of CA, Inc failed to list a subcontractor for the hydroseeding portion of the project and does not possess the C-61/D-59 license to perform the work, in violation of Public Contract code section 4106; and

WHEREAS, Asbestos Management Group of CA, Inc. provided a written response to the bid protest on October 24, 2018 wherein it asserted its ability to properly perform the work based on the fact that it holds the necessary licenses (General Building Contractor B license, Asbestos Abatement C-22 license, and Demolition C-21 license) to carry out the tasks required by the project, including hydroseeding, pursuant to Business and Professions Code section 7057; and

WHEREAS, Section 832.61 of Title 16, Division 8 of the California Code of Regulations allows a specialty contractor, to perform work within the field and scope of the operations of the C-61 limited specialty license if the work is consistent with established usage and procedure in the construction industry and is related to the specialty contractor's classification; and

WHEREAS, Asbestos Management Group of CA, Inc. holds a C-21 specialty contractor demolition license and pursuant to the provisions of Section 832.61 may perform work within the scope of the C-61 license classification, including D-59 hydroseeding, without holding a C-61/D-59 license; and

WHEREAS, Staff has determined that the hydroseeding scope of work is consistent with established usage and procedure in the construction industry for C-21 demolition contractors and is related to AMG's C-21 demolition classification.

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 I, in the amount of \$906,250, and in accordance with the aforementioned plans and specifications on file in the office of the City Clerk of the City of Hayward; and to award an additional \$181,250 for potential additional work and Administrative Change Orders, for a total not-to-exceed amount of \$1,405,000. 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 the Director of Public Works is authorized to expend up to \$317,500 for project design and administration, construction inspection and testing costs 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.

BE IT FURTHER RESOLVED by the City Council of the City of Hayward to approve an appropriation of \$1,405,000 from Fund 411 – 238 Property Development Fund Balance to Fund 411 – 238 Property Development Program 67100.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2018

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