

# NOTICE OF SPECIAL MEETING

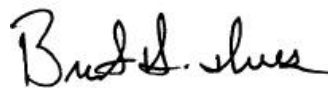
Pursuant to Section 54956 of the Government Code of the State of California, a Special meeting of the **Tracy City Council** is hereby called for:

**Date/Time:** **Monday, April 8, 2013, 2:30 p.m.**  
(or as soon thereafter as possible)

**Location:** **Council Chambers, City Hall**  
**333 Civic Center Plaza, Tracy**

Government Code Section 54954.3 states that every public meeting shall provide an opportunity for the public to address the Tracy City Council on any item, before or during consideration of the item, however no action shall be taken on any item not on the agenda.

1. Call to Order
2. Roll Call
3. Items from the Audience - *In accordance with Procedures for Preparation, Posting and Distribution of Agendas and the Conduct of Public Meetings, adopted by Resolution 2008-140 any item not on the agenda brought up by the public at a meeting, shall be automatically referred to staff. If staff is not able to resolve the matter satisfactorily, the member of the public may request a Council Member to sponsor the item for discussion at a future meeting.*
4. FIND THAT TEICHERT CONSTRUCTION MADE A CLERICAL ERROR AND AUTHORIZE WITHDRAWAL OF ITS BID AND AWARD A CONSTRUCTION CONTRACT TO THE NEXT LOWEST BIDDER FOR THE GRANT LINE ROAD WIDENING BETWEEN EAST OF MACARTHUR DRIVE TO THE EASTERN CITY LIMIT – CIPS 73048, 75046, 76028, 76036, 72025, 72PP040 AND 72PP070, APPROPRIATION OF FUNDS IN THE AMOUNT OF \$3.6 MILLION FROM NEI FUND 351 TO CIPS 76028, 76036, 72PP040 AND 72PP070, AUTHORIZE TRANSFER OF \$2.4 MILLION FROM NEI FUND 357 TO NEI 351, AUTHORIZE TASK ORDER NO. 6 OF MASTER PROFESSIONAL SERVICES AGREEMENT (MPSA) NUMBER HA17 WITH HARRIS AND ASSOCIATES TO PROVIDE DESIGN SUPPORT DURING CONSTRUCTION AND AUTHORIZE THE MAYOR TO EXECUTE THE CONSTRUCTION CONTRACT AND TASK ORDER NO. 6 TO THE MPSA
5. Adjournment



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Mayor

## **April 4, 2013**

The City of Tracy complies with the Americans with Disabilities Act and makes all reasonable accommodations for the disabled to participate in public meetings. Persons requiring assistance or auxiliary aids in order to participate should call City Hall (209-831-6105), at least 24 hours prior to the meeting.

Any materials distributed to the majority of the Tracy City Council regarding any item on this agenda will be made available for public inspection in the City Clerk's office located at 333 Civic Center Plaza, Tracy, during normal business hours.

AGENDA ITEM 4

REQUEST

**FIND THAT TEICHERT CONSTRUCTION MADE A CLERICAL ERROR AND AUTHORIZE WITHDRAWAL OF ITS BID AND AWARD A CONSTRUCTION CONTRACT TO THE NEXT LOWEST BIDDER FOR THE GRANT LINE ROAD WIDENING BETWEEN EAST OF MACARTHUR DRIVE TO THE EASTERN CITY LIMIT – CIPS 73048, 75046, 76028, 76036, 72025, 72PP040 AND 72PP070, APPROPRIATION OF FUNDS IN THE AMOUNT OF \$3.6 MILLION FROM NEI FUND 351 TO CIPS 76028, 76036, 72PP040 AND 72PP070, AUTHORIZE TRANSFER OF \$2.4 MILLION FROM NEI FUND 357 TO NEI 351, AUTHORIZE TASK ORDER NO. 6 OF MASTER PROFESSIONAL SERVICES AGREEMENT (MPSA) NUMBER HA17 WITH HARRIS AND ASSOCIATES TO PROVIDE DESIGN SUPPORT DURING CONSTRUCTION AND AUTHORIZE THE MAYOR TO EXECUTE THE CONSTRUCTION CONTRACT AND TASK ORDER NO. 6 TO THE MPSA**

EXECUTIVE SUMMARY

Award of the recommended construction contract will facilitate completion of the widening of Grant Line Road east of MacArthur Drive to the eastern City limits. The project will improve traffic circulation in the NEI area and will attract new development.

DISCUSSION

Scope of the project includes widening and reconstruction of existing Grant Line Road from two lanes to four lanes up to Chrisman Road and six lanes east of Chrisman Road to the City limits. These improvements include demolition of existing roadway and utilities to accommodate widening and reconstruction of new roadway segment with curb, gutter sidewalk, median island, street lights, utilities, traffic signals, landscaping, signing and striping, installation of storm drainage system, waterlines, sewer system and other utilities. The project also includes installation of sewer lift station, irrigation pump station and its associated equipment, and appurtenances. In addition, the project consists of installation of two new traffic signals, modification of two existing traffic signals; flashers and fiber optic interconnect system that connects from east city limit traffic signal to the signal at Mac Arthur Drive. The project also includes construction of a storm drainage channel and culverts to provide the storm drainage system from roadway to the channel.

Due to limited funding and low bid environment, the bid document was divided into a base bid and three additive bid items. This provides the flexibility to award the construction contract based on the base bid with or without the additive bids, depending upon the bid amounts and availability of funds. The additive bid item "A" included installation of a sanitary sewer, with laterals and a sewer lift station located on the north side of Grant Line Road to serve Fire Station 92. The additive bid item "B" included installation of decomposed granite between the back of side walk and the City's right-of-way (ROW). The landscaping of this area is developer responsibility and will be

completed when the individual properties are developed. The additive bid item "C" included grading and hydro seeding between the back of side walk and the City's ROW.

The project plans and specifications were prepared by Harris and Associates of Concord, California. The project was advertised for competitive bids on February 14, and February 21, 2013, and six bids were received and publicly opened on March 25, 2013 as follows:

Contractor	Base Bid	Bid Additive "A"	Bid Additive "B"	Bid Additive "C"	Base Bid & Bid Additive "A" & "C"
Teichert Construction Inc., Davis, CA	\$10,563,870.00	\$1,541,250.00	\$472,500.00	\$ 20,250.00	\$12,125,370.00
Knife River Construction, Stockton, CA	\$11,622,991.00	\$1,120,569.00	\$567,000.00	\$ 4,860.00	\$12,748,420.00
OC Jones & Sons Inc., Berkeley, CA	\$11,861,189.50	\$1,571,210.00	\$382,500.00	\$ 40,500.00	\$13,472,899.50
Bay Cities Paving & Grading Inc. , Concord, CA	\$12,107,827.90	\$1,321,918.00	\$310,500.00	\$ 24,300.00	\$13,454,045.90
De Silva Gates Construction, Dublin, CA	\$12,222,221.00	\$1,572,375.00	\$382,500.00	\$ 8,100.00	\$13,802,696.00
Granite Construction Company, Fresno, CA	\$12,552,565.00	\$2,193,400.00	\$247,500.00	\$ 8,100.00	\$14,754,065.00

Teichert Construction of Stockton, California, the lowest monetary bidder, gave the City written notice that Teichert Construction made a clerical mistake in its bid and it is withdrawing the bid in accordance with the provisions of the specifications (See Attachment B).

Staff, in consultation with the City Attorney's office, has reviewed the withdrawal request and determined that the withdrawal request from Teichert Construction is reasonable and is within the time frame as required by the project specifications. Staff is hereby recommending accepting Teichert Construction's request for withdrawal of their bid.

Knife River Construction, of Stockton, California, is the next lowest monetary bidder with a total bid amount of \$12,748,420.00 which includes base bid and additive bid alternates "A" and "C" which is approximately \$623,050 higher than Teichert Construction's bid. However, the Knife River Construction bid is still below the engineer's estimate.

Knife River Construction's bid documents are complete with acknowledgement of all addendums. The bid analysis indicates that Knife River Construction is responsible and

the bid is responsive. The contractor has good references and has completed similar projects for the City and other agencies.

The city has the option to either award this construction contract to Knife River Construction or reject all the bids and authorize staff to rebid the project. Staff has evaluated the options and believes that it is in the city's interest to award the construction contract to Knife River Construction to ensure completion of the majority of construction of this project within the timeline coinciding with the grand opening of the Amazon development south of Grant Line Road. In addition, if all bids are rejected and staff obtains new bids, the new construction bid amounts may not be lower than the Knife River Construction bid amount due to overall increase of construction costs.

Based on available funding, staff recommends that a construction contract for the base bid including additive bid alternates "A" and "C" for widening of Grant Line Road east of MacArthur Drive to the eastern City limits be awarded to the remaining low bidder, Knife River Construction, of Stockton, California, for the bid amount of \$12,748,420.

#### Consultant Design Support Services

Design support services are required from the design consultant during construction to provide miscellaneous services including surveying and design changes due to conflicts with various utilities. Since Harris and Associates prepared the project plans and specifications, it is recommended that their services be retained during construction. Their services will also be needed for review of shop drawings and design clarifications. Harris and Associates submitted a proposal to provide Design Support Services for the above work during construction on an as-needed, hourly basis not-to-exceed \$60,000.

The anticipated cost of construction of this project, if awarded to Knife River Construction, is estimated as follows:

Contractor's Bid for Construction	\$ 12,748,420
Additional ROW for Storm Drain Channel	\$ 500,000
Design Support during Construction	\$ 60,000
Inspection and Construction Management (5%)	\$ 600,000
Citywide Project management	\$ 750,000
Contingency (12%)	\$ 1,500,000
Total Construction Cost	<u>\$ 16,158,420</u>

#### Expenditures to Date

ROW Acquisition, design and Project Management to date \$ 3,946,745

The status of funding for this project is as follows:

**Available funds**

• CIP 73048-Grant Line Road Widening	\$13,700,925
• CIP 72025-Traffic Signal Grant Line Road & Paradise Rd.	\$ 244,000
• CIP 75046- Water Distribution NEI	<u>\$ 45,000</u>
Total Available Funding	\$13,989,925

**Funds to be appropriated**

• Appropriation of \$ 1,294,300 from NEI fund 351 to CIP 76028-Storm Drain Line west of Paradise Road	\$ 1,294,300
• Appropriation of \$ 1,599,500 from NEI fund 351 to CIP 76036-Storm Drain C2 Channel, NEI Area	\$ 1,599,500
• Appropriation of \$ 385,400 from NEI fund 351 to CIP 72PP-040 Traffic Signal Grant Line Road & Chrisman Road	\$ 385,400
• Appropriation of \$ 311,000 from NEI fund 351 to CIP 72PP-070 Traffic Signal Grant Line Road & Chabot Court	\$ 311,000

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Total appropriation from Fund 351 \$ 3,590,200

**Grand Total after the Appropriation \$17,580,125**

If the project is awarded to Knife River Construction, it is anticipated that construction will commence by April 15, 2013 with completion expected by December 30, 2013.

FISCAL IMPACT

There will be no fiscal impact to the General Fund. On August 21, 2012 City Council authorized an appropriation of funds in the amount of \$14 million from NEI Phase II towards this project. A total of \$17,580,125 is available for construction of this project. Appropriation of funds in the amount of \$3.6 million from NEI Fund 351 and transfer of \$2.4 million from NEI Fund \$357 to NEI Fund 351 are required to complete the project.

RECOMMENDATION

That City Council, by resolution accept Teichert Construction's request for withdrawal of its bid and award a construction contract to Knife River Construction of Stockton, California, for the base bid and additive bid alternates "A" and "C" in the amount of \$12,748,420 for the Widening of Grant Line Road east of MacArthur Drive to the eastern City limits CIPS 73048, 75046, 76028, 76036, 72025, 72PP040 and 72PP070; authorize the appropriation of funds in the amount of \$3.6 million from NEI Fund 351 to CIPS 76028, 76036, 72PP040 and 72PP070; authorize transfer of \$2.4 million from NEI Fund 357 to NEI fund 351; authorize Task Order No. 6 to the Professional Services Agreement with Harris and Associates to provide design support during construction;

and authorize the Mayor to execute the construction contract and Task Order No. 6 to the Professional Services Agreement.

Prepared by: Paul Verma, Senior Civil Engineer

Reviewed by: Kuldeep Sharma, City Engineer

Approved by: Andrew Malik, Development Services Director  
R. Leon Churchill, Jr., City Manager

#### ATTACHMENTS

Attachment A – Task Order No. 6 of MPSA Number HA17 with Harris and Associates  
Attachment B – Teichert Construction's Request to Withdraw Bid Based on Clerical Error

**CITY OF TRACY  
TASK ORDER NO. 6 OF  
MASTER PROFESSIONAL SERVICES AGREEMENT No. HA17  
FINAL DESIGN GRANT LINE ROAD WIDENING PROJECT**

THIS Task Order is made and entered into by and between the CITY OF TRACY, a municipal corporation (hereinafter "CITY"), and **Harris & Associates, Inc.** a California Corporation (hereinafter "CONSULTANT").

**RECITALS**

- A. CONSULTANT has entered into a Master Professional Services Agreement No. HA17 ("Agreement"), Resolution No. 99-489, with the CITY, by which the CONSULTANT has agreed to provide design engineering services related to the Northeast Industrial Area. This included the widening of Grant Line Road. Development of the Northeast Industrial Area required design documents for roadway and storm drainage facilities and preparation of documents to secure easements and right of way acquisition.
- B. Under the MPSA, five (5) tasks were awarded which included preparation of street precise plan, preparation of legal plats and maps, design of utility services, geometric design of the street, and complete the project improvement plans, specifications and contract documents up to the bidding level.
- C. At the request of the City, in October 2012, CONSULTANT submitted a proposal to perform the design services described in this agreement under Task Order No. 6 to the Master Professional Services Agreement. Pursuant to Tracy Municipal Code Section 2.20.140 (b)(2), the City Manager has made a written finding that the CONSULTANT is the only source with the history and knowledge of the Grant Line Road Widening Project to provide the continued design services. CONSULTANT was the original designer for the Grant Line Road Project in 1999 and has continued this role since 1999. CONSULTANT is extremely knowledgeable of the Northeast Industrial Area having prepared the Finance and Implementation Plan. Therefore, compliance with the CITY's proposal procedure is not in the best interest of the CITY because it is more efficient, consistent and cost effective to continue with the same firm for final design services. After negotiations between the CITY and CONSULTANT, the parties have reached an agreement for the performance of design services in accordance with the terms set forth in this Agreement.

**NOW THEREFORE, THE PARTIES MUTUALLY AGREE AS FOLLOWS:**

1. **INCORPORATION OF MASTER AGREEMENT.** This Task Order hereby incorporates by reference all terms and conditions set forth in the Master Agreement for this project, unless specifically modified by this Task Order.

**CITY OF TRACY –TASK ORDER NO. 5 MPSA HA 17**  
**Final Design of Grant Line Road**  
**Page 2 of 3**

**2. SCOPE OF SERVICES.**

- a. Consultant shall perform the services described in Exhibit "A" attached hereto and incorporated herein by reference.
- b. In addition to the services described in subsection a, above, CONSULTANT shall perform contingency services, which are necessary in order to efficiently process technical design services for the project, only if:
  - i. An amendment to this Agreement for such services is entered into and authorized by CITY's Director of Development Services; and
  - ii. A written notice to proceed is issued by CITY.

**3. TIME OF PERFORMANCE.** CONSULTANT shall commence performance, and shall complete all required services no later than the dates set forth in Exhibit "A."

**4. COMPENSATION.** For services performed by CONSULTANT in accordance with this Task Order, CITY shall pay CONSULTANT on a time and expense basis, at the billing rates set forth in Exhibit "B," attached hereto and incorporated herein by reference. CONSULTANT's fee for this Task Order is Not To Exceed the following amounts:

- a. Thirty Thousand Dollars (\$60,000.00) CONSULTANT's billing rates shall cover all costs and expenses of every kind and nature for CONSULTANT's performance of this Agreement. No work shall be performed by CONSULTANT in excess of the Not To Exceed amount without the prior written approval of the CITY.

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**CITY OF TRACY –TASK ORDER NO. 5 MPSA HA 17**  
**Final Design of Grant Line Road**  
**Page 3 of 3**


**5. SIGNATURES.** The individuals executing this Task Order represent and warrant that they have the right, power, legal capacity, and authority to enter into and to execute this Task Order on behalf of the respective legal entities of the CONSULTANT and the CITY. This Task Order shall inure to the benefit of and be binding upon the parties hereto and their respective successors and assigns.

IN WITNESS WHEREOF the parties do hereby agree to the full performance of the terms set forth herein.

CITY OF TRACY

CONSULTANT  
Harris & Associates

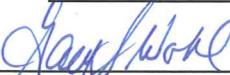
\_\_\_\_\_  
By: Brent H. Ives  
Title: Mayor  
Date: \_\_\_\_\_

  
\_\_\_\_\_  
By: Russell Moore, PE  
Title: Vice President  
Date: March 13, 2013  
Fed. Employer ID No. \_\_\_\_\_

Attest:

94-2385238  
\_\_\_\_\_

\_\_\_\_\_  
By: Sandra Edwards  
Title: City Clerk  
Date: \_\_\_\_\_

  
\_\_\_\_\_  
By: Gary Wohl  
Title: Chief Financial Officer  
Date: 3/13/13

Approved As To Form:

\_\_\_\_\_  
By: Daniel G. Sodergren  
Title: City Attorney  
Date: \_\_\_\_\_

## Exhibit "A"

**City of Tracy**  
**Grant Line Road Widening Project - Design Services During Construction**

### Scope of Work

<b>1.0 Design Services During Construction</b>		
<b>1.1 Preconstruction Meeting</b>	We will attend the preconstruction meeting scheduled by the City to answer design intent questions from the contractor awarded the project.	Meeting notes, including questions asked of us and responses given by us.
<b>1.2 Review Shop Drawings and Contractor Submittals</b>	We will review all contractor submittals and make recommendations to the City.	Written evaluation of submittals.
<b>1.3 Change Order Assistance</b>	We will provide the City with the necessary documentation for change order processing of up to 10 change orders. We will do site visits as needed to support change order design.	Written response and engineering detail and recommendation for each change order.
<b>1.4 Revision to Paradise/Grant Line Road Intersection</b>	With the newly acquired right-of-way at the NW corner of Paradise/Grant Line intersection, we will revise and reissue civil and traffic signal plans for an alignment change	Reissued drawings
<b>1.5 Added Surveying and Traffic Control</b>	We will provide additional topo surveying and right-of-way engineering as needed	Field notes and Right-of-Way documents

### Time of Completion

The scope of work described above will be completed by December 31, 2013.



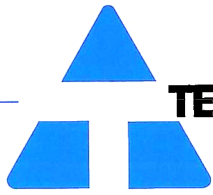
**Exhibit "B"**

**ESTIMATED LEVEL OF EFFORT**

City of Tracy

Grant Line Road Widening- Design Services During Construction

		HARRIS & ASSOCIATES		
		PROJ MGR	PROJ ENGR	CLERICAL
<b>TASK</b>				
<b>1.0</b>	<b>DESIGN SERVICES DURING CONSTRUCTION</b>			
1.1	Pre-Construction Meeting	3	3	0
1.2	Review Shop Drawings and Submittals	8	38	8
1.3	Change Order Assistance (10 budgeted)	50	100	8
1.4	Revision to Paradise/Grant Line Road Intersection	30	90	8
1.5	Added Surveying and Traffic Control	30	50	8
	HARRIS HOURS PER POSITION	121	281	32
	HOURLY RATE (TYPICAL)	\$200	\$120	\$65
	FEE ESTIMATE PER POSITION	\$24,200	\$33,720	\$2,080
	<b>TOTAL HARRIS FEE ESTIMATE</b>			<b>\$60,000</b>



# TEICHERT CONSTRUCTION

Established 1887

ATTACHMENT B

Stockton District  
265 Val Dervin Parkway  
Stockton, CA 95206-4001  
P.O. Box 1118  
Stockton, CA 95201-1118  
(209) 983-2300 • FAX (209) 983-2375

April 1, 2013

**VIA FACSIMILE AND U.S. MAIL**

City of Tracy  
Development and Engineering Services  
Attn: Ripon Bhatia  
325 Civic Center Plaza  
Tracy, CA 95376  
PH: 209-831-6455  
FAX: 209-831-4636

Re: Statement to support Relief of Bid  
Grant Line Road Widening Project East of MacArthur Drive  
Bid Date: March 25, 2013 @ 2:00 pm

Dear Mr Bhatia:

Teichert Construction regrets to inform you that we have made a substantial clerical error in our Base Bid and Alternate A Items Bid. Please accept this letter as Teichert's Request for Relief of bid.

**The following will further explain our clerical error:**

We have come to realize that we have misappropriating a significant amount of the cost to build the Base Bid items into Alternate A. This is evident in the comparison of the Base Bid results as we are 10% lower than the 2<sup>nd</sup> bidder and conversely 38% higher than the 2<sup>nd</sup> bidder on Alternate A. This same trend is similar with the other four bidders. This error caused our bid to be materially different than we intended it to be. Over the past several days we have reviewed our bid and have determined that Teichert Construction will experience a significant financial loss and hereby submits the following statement in support of its request for relief of bid regarding the "Grant Line Road Widening Project".

Per specifications, General Provisions 1-2009 section 2.12 Withdrawal of Bids, the following will describe our error further:

Clerical mistakes occurred in the calculations of our Base Bid items and the Alternate A items. These mistakes were unknown at the time of bid, we have since discovered these errors.

**Explanation as to the mistake in the bid and how the mistake was made.**

Teichert uses "SharpeSoft" estimating software to develop estimates for projects that Teichert intends to bid. Based upon the data input by the estimator, the SharpeSoft software performs the calculations necessary for the estimate that is used to arrive at Teichert's bids, including multiplying the bid quantities by the proposed unit prices to arrive at extensions for unit priced line items.

Teichert used the SharpeSoft software to develop its bid for this project. A function within Sharpsoft Software allows for estimating in prorates. A prorate is where multiple bid items of similar type can be combined and priced as one and then proportionally spread back to the individual bid items. For the Base Bid items and Alternate A items, our prorate included our general conditions expense and overhead expense. The value of the general conditions expense and overhead expense prorate is \$658,293. In this case the error occurred when the entire prorate was spread to Alternate A bid items with none of the prorate being allocated to the Base Bid Items. Within the prorate part of the SharpSoft Program one must manually spread this cost back to the bid items proportionate to the value of each individual bid item. This is where the error occurred, as this cost never was spread to the Base Bid Items and therefore omitted from our Base Bid. As you can see, if awarded only the Base Bid, Teichert will have a significant deficiency of budget to construct the project. We request relief of bid under the General Provisions.

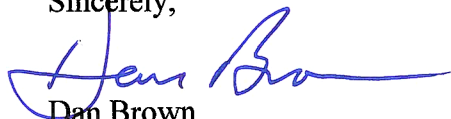
**How the mistake made the bid materially different than intended.**

The total cost for the above mentioned prorate item is \$658,293. This equates to an additional \$549,842 in our Alternate A items that is not included in the Base Bid Item. The difference in the value, \$108,451, is what should have only been spread in the Alternate A items. Our base bid total should have been \$ 11,113,712 and Alternate A \$991,408 for a total Base Bid plus Alternate A and Alternate C of \$12,125,370.

By inadvertently misappropriating our general conditions expense and overhead expense prorate cost Teichert cannot accept an award of the Grant Line Road Project.

If you have any questions, please feel free to contact me at 209-983-2300.

Sincerely,



Dan Brown  
Estimating Manager  
Teichert Construction

## RESOLUTION \_\_\_\_\_

AUTHORIZING WITHDRAWAL OF TEICHERT CONSTRUCTION COMPANY'S BID AND AWARDING A CONSTRUCTION CONTRACT TO KNIFE RIVER CONSTRUCTION FOR THE GRANT LINE ROAD WIDENING BETWEEN EAST OF MACARTHUR DRIVE TO THE EASTERN CITY LIMIT – CIPS 73048, 75046, 76028, 76036, 72025, 72PP040 AND 72PP070, APPROPRIATING FUNDS IN THE AMOUNT OF \$3.6 MILLION FROM NEI FUND 351 TO CIPS 76028, 76036, 72PP040 AND 72PP070, AUTHORIZING TRANSFER OF \$2.4 MILLION FROM NEI FUND 357 TO NEI 351, AUTHORIZING TASK ORDER NO. 6 OF MASTER PROFESSIONAL SERVICES AGREEMENT (MPSA) NUMBER HA17 WITH HARRIS AND ASSOCIATES TO PROVIDE DESIGN SUPPORT DURING CONSTRUCTION, AND AUTHORIZING THE MAYOR TO EXECUTE THE CONSTRUCTION CONTRACT AND TASK ORDER NO. 6 TO THE MPSA

WHEREAS, This scope of the project includes widening and reconstruction of existing Grant Line Road from two lanes to four lanes up to Chrisman Road and six lanes east of Chrisman Road to the City limits; and

WHEREAS, The project also includes construction of a storm drainage channel and culverts to provide the storm drainage system from roadway to the channel; and

WHEREAS, Due to the availability of limited funds and low bid environment, the bid document was divided into a base bid and the following three additive bid items:

- Additive bid item “A” included installation of a sanitary sewer, with laterals and a sewer lift station located on the north side of Grant Line Road to serve Fire Station 92;
- Additive bid item “B” included installation of decomposed granite between the back of side walk and the City’s right-of-way;
- Additive bid item “C” included grading and hydro seeding between the back of side walk and the City’s right-of-way

WHEREAS, The project was advertised for competitive bids February 14, 2013 and February 21, 2013, and six bids were received and publicly opened on March 25, 2013; and

WHEREAS, Teichert Construction of Stockton, California, the lowest monetary bidder, gave the City written notice that Teichert Construction made a clerical mistake in its bid and it is withdrawing the bid in accordance with the provisions of the specifications

WHEREAS, Staff, in consultation with the City Attorney’s office, has reviewed the withdrawal request and determined that the withdrawal request from Teichert Construction is reasonable and is within the time frame as required by the project specifications. Staff is hereby recommending accepting Teichert Construction’s request for withdrawal of their bid.

WHEREAS, Knife River Construction, of Stockton, California, is the next lowest monetary bidder with a total bid amount of \$12,748,420.00 which includes base bid and

additive bid alternates “A” and “C” which is approximately \$623,050 higher than Teichert Construction’s bid. However, the Knife River Construction bid is still below the engineer’s estimate.

WHEREAS, Design support services are required from the design consultant during construction to provide miscellaneous services including surveying and design changes due to conflicts with various utilities; and

WHEREAS, Harris and Associates submitted a proposal to provide Design Support Services during construction on an as-needed, hourly basis not-to-exceed \$60,000; and

WHEREAS, Knife River Construction’s bid documents are complete with acknowledgement of all addendums. The bid analysis indicates that Knife River Construction is responsible and the bid is responsive. The contractor has good references and has completed similar projects for the City and other agencies.

WHEREAS, The anticipated cost of construction of this project, if awarded Knife River Construction of Stockton, California, is estimated as follows:

Contractor’s Bid for Construction	\$ 12,748,420
Additional ROW for Storm Drain Channel	\$ 500,000
Design Support during Construction	\$ 30,000
Inspection and Construction Management (5%)	\$ 600,000
Citywide Project management	\$ 750,000
Contingency (12%)	\$ 1,500,000
Total Construction Cost	\$ 16,128,420

**Expenditures to Date**

ROW Acquisition, design and Project Management to date	\$ 3,946,745
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The status of funding for this project is as follows:

**Available funds**

- CIP 73048-Grant Line Road Widening \$13,700,925
- CIP 72025-Traffic Signal Grant Line Road & Paradise Rd. \$ 244,000
- CIP 75046- Water Distribution NEI \$ 45,000

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Total Available Funding	\$13,989,925
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**Funds to be appropriated**

- Appropriation of \$ 1,294,300 from NEI fund 351 to CIP 76028- \$ 1,294,300

Storm Drain Line west of Paradise Road	
• Appropriation of \$ 1,599,500 from NEI fund 351 to CIP 76036- Storm Drain C2 Channel, NEI Area	\$ 1,599,500
• Appropriation of \$ 385,400 from NEI fund 351 to CIP 72PP-040 Traffic Signal Grant Line Road & Chrisman Road	\$ 385,400
• Appropriation of \$ 311,000 from NEI fund 351 to CIP 72PP-070 Traffic Signal Grant Line Road & Chabot Court	\$ 311,000
<hr/>	
Total appropriation from Fund 351	\$ 3,590,200
<b>Grand Total after the Appropriation</b>	<b>\$17,580,125</b>

WHEREAS, It is anticipated that construction will commence by April 15, 2013 with completion expected December 30, 2013; and

WHEREAS, There will be no fiscal impact to the General Fund. On August 21, 2012 City Council authorized an appropriation of funds in the amount of \$14 million from NEI Phase II towards this project. A total of \$17,580,125 is available for construction of this project. Appropriation of funds in the amount of \$3.6 million from NEI fund 351 and transfer of \$2.4 million from NEI fund \$357 to NEI fund 351 are required to complete the project.

NOW, THEREFORE BE IT RESOLVED That City Council, by resolution,

- Awards a construction contract to Knife River Construction in the amount of \$12,748,420 for the widening of Grant Line Road east of MacArthur Drive to the eastern City limits CIPS 73048, 75046, 76028, 76036, 72025, 72PP040 and 72PP070; and
- Authorizes the appropriation of funds in the amount of \$3.6 million from NEI FUND 351 to CIPS 76028, 76036, 72PP040 and 72PP070; and
- Authorizes transfer of \$2.4 million from NEI fund 357 to NEI fund 351; and
- Authorizes Task Order Number Six (6) of the Master Professional Services Agreement (MPSA) with Harris and Associates to provide design support during construction; and
- Authorizes the Mayor to execute the construction contract and task order number six (6) of the MPSA.

\* \* \* \* \*



Resolution \_\_\_\_\_  
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The foregoing Resolution No. \_\_\_\_\_ was adopted by the City Council of the City of Tracy on the 8<sup>th</sup> day of April, 2013, by the following vote:

AYES:	COUNCIL MEMBERS:
NOES:	COUNCIL MEMBERS:
ABSENT:	COUNCIL MEMBERS:
ABSTAIN:	COUNCIL MEMBERS:

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK