

DATE SUBMITTED 04/13/22
 SUBMITTED BY Public Services
 DATE ACTION REQUIRED 04/20/22

COUNCIL ACTION
 PUBLIC HEARING REQUIRED
 RESOLUTION
 ORDINANCE 1ST READING
 ORDINANCE 2ND READING
 CITY CLERK'S INITIALS ab

**IMPERIAL CITY COUNCIL
 AGENDA ITEM**

SUBJECT: Reject Bid Proposals	DISCUSSION/ACTION: 1. Reject all Bid Proposal for Bid No. 2022-04 Filter Pipe Replacement Project. Discussion & Direction
DEPARTMENT INVOLVED: Public Services - WTP	
BACKGROUND/SUMMARY: Recommending to reject all bids received for Bid 2022-04 Filter Pipe Replacement Project. The City received two bid proposals for project; both were over double the engineer's estimate and would like to re-bid project with future larger project. <u>Bid Proposals Received:</u> <ul style="list-style-type: none"> • Kay Construction - \$648,172.00 • VGL Construction - \$603,343.00 Engineer's Estimate: \$300,000 City has received Bid Protest from apparent high bidder.	
FISCAL IMPACT: n/a	FINANCE INITIALS <u>[Signature]</u>
STAFF RECOMMENDATION: Staff direction is to reject all bids.	
MANAGER'S RECOMMENDATION: <i>approve staff recommendation to reject all bids</i>	CITY MANAGER'S INITIALS <u>[Signature]</u>
MOTION: SECONDED: APPROVED <input type="checkbox"/> REJECTED <input type="checkbox"/> AYES: DISAPPROVED <input type="checkbox"/> DEFERRED <input type="checkbox"/> NAYES: ABSENT: REFERRED TO:	



Corporate Headquarters

3788 McCray Street
Riverside, CA 92506
951.686.1070

Palm Desert Office

36-951 Cook Street #103
Palm Desert, CA 92211
760.568.5005

Murrieta Office

41391 Kalmia Street #320
Murrieta, CA 92562
951.686.1070

April 13, 2022

Mr. Jackie Loper
City of Imperial
420 South Imperial
Imperial, California 92251

RE: Bid Review for the Filter Pipe Replacement Project – Bid No. 2022-04

Dear Mr. Loper:

We have reviewed the two (2) bid proposals received on April 7, 2022 for the above referenced project. Bid proposals were received from Kay Construction Company, Inc. of Santee, California in the amount of \$648,172.00 and from VGL Construction Inc., of El Centro, California in the amount of \$603,343.00.

Based upon our review and evaluation of the bid proposals and the engineer's estimate of \$300,000, Webb recommends that the City reject both the bids based them both being over double the engineer's estimate and re-bid the project as part of a future larger project.

Should you have any questions or require additional information, please contact our office.

Sincerely,
ALBERT A. WEBB ASSOCIATES

A handwritten signature in black ink that reads "Shane Bloomfield". The signature is written in a cursive, flowing style.

Shane Bloomfield, PE
Senior Engineer



www.webbassociates.com

Jackie Loper

From: Amy Kay <amyk@kayconstructionco.com>
Sent: Friday, April 8, 2022 4:01 PM
To: Jillian Mehdipour; Jackie Loper
Cc: shane.bloomfield@webbassociates.com; Geoffrey P. Holbrook; Katherine Turner; Jon Kay
Subject: NOTICE OF PROTEST__Filter Pipe Replacement Project CPR 2022-0043
Attachments: Fwd: Imperial Filter Piping Replacement Project at the WTP
Importance: High

CAUTION: This email originated from outside the City of Imperial. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good Afternoon,

This email serves as our Formal Protest to the acceptance of the bid by VGL for the above referenced Project on the grounds that the acceptance is in violation of the Solicitation procedures.

1. *NTB-1 paragraph 1 of the Project Specifications states:*

NOTICE IS HEREBY GIVEN that sealed bids for the above project shall be received in the offices of the City Clerk at the City of Imperial at 420 So. Imperial Ave, Imperial, CA 92251, until **2:00 p.m.** Pacific Standard Time, on **April 7, 2022**. Bids will not be accepted in person from Bidders. Bidders will be required to have their bids delivered by one of the following: FedEx, UPS, or USPS. Bids will be opened on **April 7, 2022** at **2:05 p.m.** Pacific Standard Time. Bidders and the public will not be allowed to view the bid opening, however the bid opening will be recorded and placed onto the City's website for viewing, along with a tabulated spreadsheet of the bid.

In violation of the specified delivery method, VGL's bid package was hand delivered some time on April 7, 2022. The Bids were opened at 2:23 pm without video recording for public viewing.

2. *BF-2 and BF-4 footnotes regarding pricing for Item 101 of the Project Specifications states:*

(2) Payment shall not exceed 5% of the total for Bid Schedule I.

** Mobilization cannot exceed 5% of the total bid amount

VGL's price for Item 101 exceeds 5% of the total for Bid Schedule I.

3. *List of proposed Subcontractors of the Project Specifications requires submission of the following information:*

Names and Addresses Work of Subcontractors	Description of DIR Registration Number to be Subcontracted
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No DIR registration numbers for listed Subcontractor's was provided by VGL.

We hereby request the bid by VGL be disqualified from award. The bid package should not have been accepted or opened. The acceptance of VGL's bid submitted by hand delivery results in an unfair advantage over the other Bids

submitted in accordance with the required procedure. By accepting the hand delivery of the bid, VGL was given additional time to obtain competitive pricing for the project. We received pricing from an alternative painting Subcontractor (see attached) that would have lowered our bid price after we had dropped off our bid package at Fed Ex in time to be delivered to the City before 2:00 pm. Additional pricing would have been solicited by us in order to provide the lowest possible price to the City if hand delivery of the bid package was allowed.

If additional information is needed to consider this Protest, please let me know.

Thank you,

Amy Kay
Kay Construction Company, Inc.
Mobile: 619.654.9099
Email: amyk@kayconstructionco.com
WWW.KAYCONSTRUCTIONCO.COM



From: Jillian Mehdipour <jmehdipour@cityofimperial.org>
Sent: Friday, April 8, 2022 2:12 PM
To: Amy Kay <amyk@kayconstructionco.com>; Jackie Loper <jloper@cityofimperial.org>
Cc: Jon Kay <jonk@kayconstructionco.com>; shane.bloomfield@webbassociates.com; Geoffrey P. Holbrook <gholbrook@cityofimperial.org>; Katherine Turner <kturner@cityofimperial.org>
Subject: RE: FOIA Request for Bid Documents__Filter Pipe Replacement Project CPR 2022-0043

Hello Amy,

VGL hand delivered their sealed bid to the front office of City Hall, it was accepted by one of the customer service representatives. Attached is the stamped sticky note that was on top of the envelope from acceptance. Sorry the scan is not well the sticky note would not process well with the scanner.

Thank you,

Jillian Mehdipour
Public Records Analyst
City Managers Office



420 South Imperial Avenue
Imperial, CA 92251
Phone: (760)355-3334 Fax: (760) 355-4718