



## **CITY OF MENIFEE**

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SUBJECT: Bid Award and Agreement with All American Asphalt for Construction Services for the Kay Cenicerros Parking Lot Renovation and the La Ladera Park Enhancement Projects

MEETING DATE: May 15, 2024

TO: Mayor and City Council

PREPARED BY: Evelyn Solano, Engineering Technician II

REVIEWED BY: Nicolas Fidler, Public Works Director

APPROVED BY: Armando G. Villa, City Manager

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### **RECOMMENDED ACTION**

1. Award bid and authorize the City Manager to execute a Contract Services Agreement with All American Asphalt for construction services for the Kay Cenicerros Parking Lot Renovation Project, Capital Improvement Program (CIP) Project No. CIP 24-06 and the La Ladera Park Enhancements Project, CIP Project No. CIP 24-12, in a total not-to-exceed amount of \$121,999.

### **DISCUSSION**

The Kay Cenicerros Parking Lot Renovation Project, CIP No. 24-06 and the La Ladera Park Enhancements Project, CIP No. 24-12 ("Projects"), aim to enhance the existing infrastructure at the Kay Cenicerros Senior Center and La Ladera Park by providing improvements to the parking lots at both locations. The Projects would be performed in two parts to include the application of crack sealing followed by application of type I slurry seal to the current pavement. Crack sealing work would be performed two months ahead of slurry sealing efforts to ensure proper curing of the crack sealant. The Projects would also include the removal and replacement of pavement sections in both parking lots, as necessary.

The Projects were formally bid under a single solicitation to take advantage of savings related to mobilization costs and quantity discounts for required materials. On April 11, 2024, an electronic bid opening was held following the administration of a formal competitive bid process for construction services for the Projects. The bid opening resulted in the receipt of five bid submissions with several bids coming in under the Engineer's Estimate, as summarized in Table 1 on the following page.

**TABLE 1 – BID RESULT SUMMARY**

| Firm Name                     | Total Base Bid Amount | Lowest and Responsible Bidder |
|-------------------------------|-----------------------|-------------------------------|
| <i>Engineers Estimate</i>     | <i>\$132,000.00</i>   |                               |
| Prestige Paving Company*      | \$90,530.06           |                               |
| American Asphalt South, Inc.* | \$116,560.00          |                               |
| <b>All American Asphalt</b>   | <b>\$121,999.00</b>   | <b>X</b>                      |
| Pavement Coatings Co.         | \$122,864.00          |                               |
| Roy Allan Slurry Seal, Inc.   | \$125,068.00          |                               |

*\*Bids deemed nonresponsive.*

Staff reviewed the two apparent lowest bids and determined that neither bid met the requirements outlined within the bid and contract documents solicitation package. Under the Instruction to Bidders and Provisions section 7 – Work by Bidder’s Own Forces states, “It is the intention and requirement of the Agency to award a contract only to a Bidder who will perform with such Bidder’s own forces (those who are in direct employment of the Bidder’s organization) at least 50 percent (50%) of the work...”. The apparent lowest bidder, Prestige Paving Company, failed to meet this requirement, rendering their bid nonresponsive. Additionally, the Notice Inviting Bids (NIB) section stipulated that a hard copy of the entire bid package, including required notarized documents, must be submitted within 24 hours of the submittal deadline. The second lowest bidder, American Asphalt South, Inc., failed to meet this requirement, resulting in their bid being deemed nonresponsive as well.

Staff reviewed the third lowest bid and determined that All American Asphalt met the requirements for recommendation as the lowest responsive and responsible bidder. The total cost for construction services with All American Asphalt is \$121,999. Construction management and inspection services would be provided by City staff and ancillary services, such as labor compliance and materials testing services, would be procured separately.

The total estimated construction cost for the Projects is \$179,199 which includes construction services with All American Asphalt, ancillary services such as labor compliance and materials testing, as well as other unforeseen costs that may arise during construction. If approved by the City Council, the tentative Projects schedule would be as follows:

|                                 |                     |
|---------------------------------|---------------------|
| Construction Start:             | June 2024           |
| Construction End:               | August 2024         |
| <u>City Council Acceptance:</u> | <u>October 2024</u> |

*The timeline above assumes no delays due to weather or unforeseen conditions.*

### **Environmental Impact**

The proposed Projects have been determined to be Categorically Exempt under the California Environmental Quality Act (“CEQA”) and CEQA Guidelines, Section 15301, Existing Facilities. Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use. Class 1 includes the following example of a project that would be exempt under this section: (c) [minor alterations to Existing highways and streets, sidewalks, gutters, bicycle and pedestrian trails, and similar facilities (this includes road grading for the purpose of public safety), and other alterations such

as the addition of bicycle facilities, including but not limited to bicycle parking, bicycle-share facilities and bicycle lanes, transit improvements such as bus lanes, pedestrian crossings, street trees, and other similar alterations that do not create additional automobile lanes. The Projects are for the minor alteration of an existing paved parking lot for public safety, all within the existing City right-of-way ("ROW"). No additional automobile lanes will be created by the Projects. The proposed Projects are the minor alteration of an existing public facility ("City Street") involving a negligible expansion of the existing use. The Projects are exempt per Section 15301.

The proposed Projects are also exempt under the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA (Section 15061(b)(3)). There is no possibility that the activity in question would have a significant effect on the environment because the proposed project is occurring in an area that is heavily disturbed and is not environmentally sensitive.

The amount of the proposed Contract Services Agreement ("Agreement") exceeds the City Manager's signing authority. Pursuant to Menifee Municipal Code §3.12.040, any contract amount that exceeds the City Manager's signing authority shall be approved by the City Council.

### **STRATEGIC PLAN OBJECTIVE**

Safe and Vibrant Community

### **FISCAL IMPACT**

The fiscal impact of the proposed Agreement with All American Asphalt is not-to-exceed \$121,999. Funding for the Agreement is available within the Fiscal Year 2023/2024 budget, as summarized in Table 2 below.

**TABLE 2 – FY 2023/2024 EXISTING PROJECT BUDGET**

| <b>Fund</b>                       | <b>Project Name</b>                   | <b>Account No.</b> | <b>Available Budget</b> | <b>Anticipated Cost</b> |
|-----------------------------------|---------------------------------------|--------------------|-------------------------|-------------------------|
| <b>DIF 17 – Public Facilities</b> | Kay Cenicerros Parking Lot Renovation | 507-4555-58179     | \$73,841                | \$73,841                |
| <b>General Fund</b>               | Kay Cenicerros Parking Lot Renovation | 100-4555-58179     | \$10,631                | \$6,608                 |
| <b>CSA 145</b>                    | La Ladera Park Enhancements           | 480-4555-58185     | \$188,211               | \$41,550                |
| <b>TOTALS</b>                     |                                       |                    | <b>\$272,683</b>        | <b>\$121,999</b>        |

No additional budget appropriation action(s) is required.

### **ATTACHMENTS**

1. Project Location Map
2. Agreement – All American Asphalt