



Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Katy Allen
Jane Light
Sara L. Hensley

SUBJECT: ALMADEN COMMUNITY CENTER
AND BRANCH LIBRARY

DATE: 04-16-04

Approved:

Date:

Council District: 10

REASON FOR ADDENDUM

In order to maintain the schedule for this project, staff requests Council approval at its April 20, 2004 meeting.

RECOMMENDATION

Adoption of a resolution authorizing the City Manager to award a contract for the construction of the Almaden Community Center and Branch Library Project to the apparent low bidder, West Bay Builders, Inc., to include the base bid and Add Alternate No. 2 in the amount of \$17,564,000, and approval of a contingency in the amount of \$1,757,000, if certain conditions do not occur.

CEQA: Mitigated Negative Declaration, PP02-10-309

BACKGROUND

The new Almaden Community Center and Branch Library is the sixth library and the first joint community center and library to be constructed using City Library and Park Bond Funds. The project is based on the Almaden Community Center, Branch Library and Parma Park Master Plan approved by Council on August 19, 2003. The site is located on Camden Avenue between Bose Lane and Little Falls Drive.

The 65,000 SF two-story joint facility is comprised of a community center which includes a 4,000 SF community room with adjoining commercial kitchen, a gymnasium, aerobic/dance studio, classrooms, computer lab, cooking classroom, children's activity rooms, and a library with various reading areas, tech center, teen area and community program room. The project also includes an outdoor courtyard, public art projects by 3 artists, 169 on site parking spaces and

new park restroom facilities. The joint facility replaces the existing community center and branch library currently occupying the same site.

In addition to the basic comprehensive bid package one Add-Alternate has been included. The Add-Alternate is for exterior and interior stone veneer.

Construction is scheduled to begin in June with completion in January 2006.

ANALYSIS

Bids were opened on April 15, 2004 with the following results:

<u>Contractor</u>	<u>Base Bid</u>	<u>Add. Alt.</u> <u>No. 2</u>	<u>Total Bid</u>	<u>Variance Over/(Under)</u>	
				<u>Amount</u>	<u>Percent</u>
Devcon Construction (Milpitas, CA)	\$18,800,000	\$130,000	\$18,930,000	\$1,032,500	6
S.J. Amoroso Construction (Redwood Shores, CA)	17,857,000	145,000	18,002,000	104,500	1
Engineer's Estimate	17,761,500	136,000	17,895,500	--	--
West Bay Builders, Inc. (San Rafael, CA)	17,439,000	125,000	17,564,000	(333,500)	(2)

<u>Contractor</u>	<u>Add Alt. No. 1</u>	<u>Add Alt. No. 2</u>
Devcon Construction	\$168,000	\$130,000
S.J. Amoroso Construction	180,000	145,000
West Bay Builders, Inc.	185,000	125,000
Engineer's Estimate	87,500	136,000

The apparent low bid submitted by West Bay Builders, Inc., to include the base bid and Add Alternate No. 2 is 2 percent below the Engineer's Estimate. Staff is not recommending the award of Add Alt. No. 1 because the bid price was excessive. The bid is considered acceptable for the work involved.

At this point, West Bay Builders is only the apparent low bidder. Under the City's standard specifications, a bidder has five (5) working days from the opening of the bids to submit a written request to the City to be relieved of its bid because of a mistake. The bids for this project were opened at 3:00 p.m. on Thursday, April 15, 2004. This means that West Bay Builders has until Thursday, April 22, 2004, to request withdrawal of its bid based upon mistake. Accordingly, the award of the construction contract cannot occur until the expiration of the five working-day time period.

Until award of the construction contract, one of the other bidders on the project could file a bid protest. The City would have to acknowledge such a bid protest as being timely, and appropriately respond to the protest. Accordingly, bidders on this project effectively have until Thursday, April 22, 2004 to file bid protests.

In light of the above, staff is requesting that the City Council authorize the City Manager to award the construction contract for the Almaden Community Center and Branch Library Project to West Bay Builders, Inc., to include the base bid and Add Alternate No. 2, under the following conditions:

1. West Bay Builders, Inc. does not submit a written notice within five working days of the bid opening to withdraw its bid based upon mistake; and
2. No bid protest is filed prior to the award of the construction contract to West Bay Builders, Inc.

In accordance with the Green Building Policy, this project was designed and will be built to meet or exceed the equivalent of a "Certified" rating using the LEED rating system. Council Policy provides for a contingency of ten percent on public works projects involving the construction of a building. The standard contingency is appropriate for this project.

PUBLIC OUTREACH

Community input into the master planning and design effort for this facility was accomplished through numerous community meetings and workshops. Community members were notified of these meetings through flyers and staff solicitation of users at the existing facilities and mailers to nearby residents as stated in the Planning Outreach guidelines.

Due to the size of this project general contractors were required to submit a prequalification package for approval prior to being eligible to submit bids for construction. To comply with City policy and to generate interest among subcontractors this project will be listed on the City's Internet Bid Line and advertised in the *San José Post Record*. Bid packages for all Department of Public Works construction projects are provided to various contractor organizations and builder's exchanges.

COORDINATION

This project and memorandum have been coordinated with the Departments of Finance, General Services, Planning, Building and Code Enforcement, City Manager's Budget Office and City Attorney's Office.

COST IMPLICATIONS

1. COST OF RECOMMENDATION:	\$17,564,000
2. COST OF PROJECT:	
Project Delivery	\$ 5,175,500 *
Construction	17,564,000
Contingency	<u>1,757,000</u>
TOTAL	\$24,496,500

* A total of \$2,502,488 was expended/encumbered in 2001-2002 and 2002-2003 for project delivery costs.

3. SOURCE OF FUNDING: 472 - Branch Libraries Bond Projects Fund
471 - Parks and Recreation Bond Projects Fund

4. FISCAL IMPACT: This project is consistent with the Council-approved Budget Strategy Economic Recovery section in that it will spur construction spending in our local economy. The impact to the operating budget from the opening of the library will initially be offset by savings resulting from the closing of the Pearl Avenue Branch scheduled for reconstruction.

BUDGET REFERENCE

Fund #	Appn. #	Appn. Name	RC #	Total Appn.	Amt. For Contract	Adopted Budget Page	Last Budget Action (Date, Ord. #)
471	6906	Almaden Community Center	117913	\$15,682,000	\$11,709,333	Page 728	10/14/03, Ord No. 26997
472	4315	Almaden Branch	120950	\$7,481,000	\$5,854,667	Page 365	10/14/03, Ord No. 26997
		Total		\$23,163,000	\$17,564,000		

Note: An additional \$345,000 is budgeted in the Parks and Recreation Bond Fund in 2004-2005 through 2005-2006 and an additional \$309,000 is budgeted in the Library Bond Fund in 2004-2005 through 2005-2006 for project costs.

HONORABLE MAYOR AND CITY COUNCIL

04-16-04

Subject: Almaden Community Center and Branch Library Supplemental Memo

Page 5

CEQA

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KATY ALLEN

Director, Public Works Department

SARA L. HENSLEY

Director, Parks Recreation and
Neighborhood Services

JANE LIGHT

Library Director

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