



## Legislation Details (With Text)

|                       |                                                                                                                                                                                                                        |                      |                                             |
|-----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|---------------------------------------------|
| <b>File #:</b>        | 22-794                                                                                                                                                                                                                 | <b>Version:</b>      | 1                                           |
| <b>Type:</b>          | Report                                                                                                                                                                                                                 | <b>Status:</b>       | Agenda Ready                                |
| <b>File created:</b>  | 6/30/2022                                                                                                                                                                                                              | <b>In control:</b>   | REGULAR CITY COUNCIL AND HOUSING AUTHORITY* |
| <b>On agenda:</b>     | 7/19/2022                                                                                                                                                                                                              | <b>Final action:</b> |                                             |
| <b>Title:</b>         | POLICE DEPARTMENT RANGE REMODEL AND UPGRADES PROJECT, CITY PROJECT NO. 22-03                                                                                                                                           |                      |                                             |
| <b>Sponsors:</b>      |                                                                                                                                                                                                                        |                      |                                             |
| <b>Indexes:</b>       |                                                                                                                                                                                                                        |                      |                                             |
| <b>Code sections:</b> |                                                                                                                                                                                                                        |                      |                                             |
| <b>Attachments:</b>   | 1. Agenda Report, 2. 1. Bid Abstract, 3. 2. SS+K Construction Inc. - Bid Withdrawal Request, 4. 3. Bid Protest Letters, 5. 4. Bid Protests and Corresponding Responses, 6. 5. GPa Construction Administration Proposal |                      |                                             |

| Date | Ver. | Action By | Action | Result |
|------|------|-----------|--------|--------|
|------|------|-----------|--------|--------|

### TITLE:

**POLICE DEPARTMENT RANGE REMODEL AND UPGRADES PROJECT,  
CITY PROJECT NO. 22-03**

**DEPARTMENT: PUBLIC WORKS DEPARTMENT/ENGINEERING DIVISION**

**PRESENTED BY: RAJA SETHURAMAN, PUBLIC WORKS DIRECTOR**

**CONTACT INFORMATION: SEUNG YANG, P.E., CITY ENGINEER, (714) 754-5633**

### RECOMMENDATION:

Staff recommends the City Council:

1. Adopt plans, specifications, and working details for the Police Department Range Remodel and Upgrades Project, City Project No. 22-03.
2. Accept the bid withdrawal of SS+K Construction, Inc., 21437 Rios Street, Woodland Hills, CA 91367.
3. Reject the bid submitted by AG Construction, Inc., 18960 Ventura Boulevard, Suite 211, Tarzana, CA 91356 as non-responsive.
4. Reject the bid submitted by Newman Midland Corporation, 1355 Redondo Avenue, Suite 12, Long Beach, CA 90804 as non-responsive.
5. Award a Public Works Agreement (PWA) to Kazoni Construction, Inc., 150 Paularino Avenue, Costa Mesa, CA 92626 in the amount of \$1,931,077.

6. Authorize an additional ten percent (10%) contingency in the amount of \$193,108 as needed for any unforeseen costs related to this project.
7. Authorize the City Manager and City Clerk to execute the PWA and future amendments to the agreement within Council authorized limits.
8. Approve Amendment No. 2 to Gillis & Panichapan Architects (GPa) in order to authorize an additional \$89,000 for construction administration staff support for the Police Department Range Remodel and Upgrades Project.
9. Authorize the City Manager and City Clerk to execute Amendment No. 2 to the original Professional Services Agreement (PSA) for GPa and future amendments to the PSA within Council authorized limits.
10. Authorize the appropriation of \$248,550 from the Capital Improvement Fund (401) Fund Balance for the Police Department Range Remodel and Upgrades Project.

**BACKGROUND:**

The Police Department range is a training facility designed for law enforcement officers to train in marksmanship, tactics, communication, and on-field strategy. It is located in the basement of the Costa Mesa Police Department. The range is required to ensure Peace Officer Standards and Training (POST) mandates and quarterly police training requirements are met. However, the existing range is in poor condition with obsolete and inoperable equipment. The refurbished range allows the Police Department to meet mandates in the most effective and efficient manner, without jeopardizing training standards or requiring police staff to travel off-site to other range locations outside its facilities.

The scope of the project is to improve the lighting, replace antiquated equipment, improve the protective baffling and sound proofing, address the range's electrical controls, repair the heating and ventilation, and improve the existing inadequate ammunition storage facility.

Furthermore, accessibility issues will be addressed in the officers' locker room facilities and necessary upgrades will be made in order to meet current building code requirements. In addition, the existing substandard elevator will be replaced as part of meeting the accessibility requirements.

---



**Police Department Range (Current Condition)**

### **ANALYSIS:**

The scope of work generally consists of upgrading the existing police range, upgrading targeting systems, soundproofing, safety baffles, camera installations, and replacing exhaust and air supply systems per design plans and specifications. As part of the range upgrades, there are also accessibility improvements at the basement level in the men's and women's locker rooms, specifically for the restroom and shower facilities. The existing elevator is currently not functioning to its full capacity and will be replaced with a new lift-style elevator.

The bid opening was conducted on June 13, 2022, and the City Clerk received and opened eight (8) bids for this project. The results of this bid opening is summarized in the attached bid abstract (Attachment 1).

After the bid opening, staff received a bid withdrawal request from SS+K Construction, Inc. (Attachment 2) and bid protest letters from Newman Midland Corporation; Kazoni Construction, Inc.; and All About Cabinets, Inc. *dba* Home Masters International. These bid protest letters are included in Attachment 3.

The bid protest letters were reviewed by staff and the City Attorney's office. Staff officially responded to these bid protest letters and sent this response by certified mail on July 1, 2022. The bid protests and corresponding responses are included in Attachment 4.

The following are staff's determinations with respect to the bid withdrawal of SS+K Construction, Inc.; and determinations with respect to bid rejections of AG Construction, Inc. and Newman Midland Corporation; and the award to Kazoni Construction, Inc.

### **Bid Withdrawal of Apparent Low Bidder, SS+K Construction, Inc.:**

SS+K Construction, Inc. was the apparent low bidder with a bid proposal of \$1,527,000. After the bid opening, SS+K Construction, Inc. submitted a letter withdrawing its bid based on mistakes,

omissions, and clerical errors. Per California Public Contract Code (PCC), Section 5103, a bidder may withdraw if a mistake was made and a written notice to the agency is made within five (5) working days. Staff confirms that SS+K Construction's written request to withdraw its bid was made on June 13, 2022, which is clearly within the five working days, as shown in Attachment 2. Therefore, staff recommends that City Council accept SS+K Construction's request to withdraw its bid.

Bid Rejection of Apparent Second Low Bidder, AG Construction, Inc.:

AG Construction is the apparent second low bidder with a base bid proposal of \$1,805,495. Staff has determined that AG Construction's bid proposal is non-responsive for not complying with the Equivalent Materials and pre-bid substitution request procedures detailed in the "Information for Bidders" portion of the project's bid documents and specifications. Staff notified AG Construction and explained the City's determination of non-responsiveness in Attachment 4.

Based on this, staff has determined that AG Construction's bid does not conform to the terms of the bid package and is therefore, disqualified as non-responsive. Therefore, staff recommends that the City Council reject AG Construction's bid as non-responsive.

Staff notified AG Construction, Inc., the City's determination that its bid was non-responsive on July 1, 2022 (Attachment 4).

Bid Rejection of Apparent Third Low Bidder, Newman Midland Corporation:

Newman Midland Corporation (Newman Midland) is the apparent third low bidder with a base bid proposal of \$1,848,130. Staff has determined that Newman Midland's bid proposal is non-responsive for not complying with the Equivalent Materials and pre-bid substitution request procedures detailed in the "Information for Bidders" portion of the project's bid documents and specifications. Staff notified Newman Midland and explained the City's determination of non-responsiveness in Attachment 4.

Based on this, staff has determined that Newman Midland's bid does not conform to the terms of the bid package and is therefore, disqualified as non-responsive. Therefore, staff recommends that the City Council reject Newman Midland's bid as non-responsive.

Staff notified Newman Midland the City's determination that its bid was non-responsive on July 1, 2022 (Attachment 4).

Selection of Actual Lowest Responsible Bidder, Kazoni Construction, Inc.:

Although ranked as the apparent fourth low bidder with a bid proposal of \$1,931,077, Kazoni Construction, Inc. (Kazoni) is the actual lowest responsible bidder based on its submittal of a complete and responsive bid proposal.

Staff has determined that Kazoni complied with the procedures and requirements outlined in the project's bid documents and specifications.

The license and references of Kazoni have been checked and staff has found them to be in good standing.

Upon City Council award of the PWA, Kazoni will furnish the necessary bonds and insurance, which

will be approved as to form by Risk Management. After the award and subsequent execution of the agreement, a "Notice to Proceed" will be issued.

Staff requests that City Council award the project to Kazoni Construction, Inc. as the lowest responsible bidder.

A copy of specifications and working details are available for review in the Office of the City Clerk or in the Public Works Department, and are posted on the City's website at:

<https://www.costamesaca.gov/city-hall/city-departments/public-works/capital-improvement-projects>

Additionally, staff requests that City Council approve Amendment No. 2 to Gillis & Panichapan Architects (GPa) an additional \$89,000 for construction administration staff support.

Given the complexities of this project, staff is requesting that GPa be retained to provide needed support to staff during the course of construction administration. GPa is the prime architect who designed the police range remodel with a team of consultants who are qualified to assist staff in answering questions and providing guidance throughout construction.

GPa's proposal for construction administration is included in Attachment 5.

### **ALTERNATIVES:**

The alternative would be to reject all bids, re-advertise, and re-bid the project. Staff has determined that re-advertising and re-bidding this project will result in significant delays and will not necessarily result in lower bids.

### **FISCAL REVIEW:**

The Police Department Range Remodel and Upgrades Project is included in the Fiscal Year 2021-22 and 2022-23 Capital Improvement Program. Staff requests a budget adjustment, authorizing the use of Fund Balance in the Capital Improvement Fund (401) in the amount of \$248,550 and appropriate said funds to the Police Department Range Remodel and Upgrades Project to meet project funding needs including contingency.

### **LEGAL REVIEW:**

The City Attorney's Office has reviewed this report and approves it as to form. The PWA for Kazoni Construction, Inc. and Amendment No. 2 to GPa will be drafted by the City Attorney's office.

### **CITY COUNCIL GOALS AND PRIORITIES:**

This project supports the following City Council Goal:

- Strengthen the Public's Safety and Improve the Quality of Life

### **CONCLUSION:**

Staff recommends the City Council:

1. Adopt plans, specifications, and working details for the Police Department Range Remodel and Upgrades Project, City Project No. 22-03.

2. Accept the bid withdrawal of SS+K Construction, Inc., 21437 Rios Street, Woodland Hills, CA 91367.
3. Reject the bid submitted by AG Construction, Inc., 18960 Ventura Boulevard, Suite 211, Tarzana, CA 91356 as non-responsive.
4. Reject the bid submitted by Newman Midland Corporation, 1355 Redondo Avenue, Suite 12, Long Beach, CA 90804 as non-responsive.
5. Award a Public Works Agreement (PWA) to Kazoni Construction, Inc., 150 Paularino Avenue, Costa Mesa, CA 92626 in the amount of \$1,931,077.
6. Authorize an additional ten percent (10%) contingency in the amount of \$193,108 as needed for any unforeseen costs related to this project.
7. Authorize the City Manager and City Clerk to execute the PWA and future amendments to the agreement within Council authorized limits.
8. Approve Amendment No. 2 to Gillis & Panichapan Architects (GPa) in order to authorize an additional \$89,000 for construction administration staff support for the Police Department Range Remodel and Upgrades Project.
9. Authorize the City Manager and City Clerk to execute Amendment No. 2 to the original Professional Services Agreement (PSA) for GPa and future amendments to the PSA within Council authorized limits.
10. Authorize the appropriation of \$248,550 from the Capital Improvement Fund (401) Fund Balance for the Police Department Range Remodel and Upgrades Project.