

GOLDEN GATE BRIDGE, HIGHWAY AND TRANSPORTATION DISTRICT

RESOLUTION NO. 2013-041

**APPROVE ACTIONS RELATIVE TO THE AWARD OF
CONTRACT NO. 2013-BT-2,
SAN RAFAEL TRANSIT CENTER CONNECTIVITY SIGNAGE**

May 10, 2013

WHEREAS, the Board of Directors (Board) of the Golden Gate Bridge, Highway and Transportation District (District) operates Golden Gate Transit bus service; and,

WHEREAS, the District operates and maintains the San Rafael Transit Center (SRTC) at the corner of 3rd and Heatherton Streets in San Rafael, CA, which is a transit hub where the bus routes of several transit agencies, including Golden Gate Transit, all meet; and,

WHEREAS, the Metropolitan Transportation Commission (MTC) adopted a Transit Connectivity Plan (Plan) in 2006, which recommended that existing signage at 24 designated transit hubs in the San Francisco Bay Area ought to be replaced with regionally standardized signage to make wayfinding easier for regionally traveling passengers, and the Plan identified the SRTC as one of the 24 designated transit hubs; and,

WHEREAS, the District prepared Contract No. 2013-BT-2, *San Rafael Transit Center Connectivity Signage* (Contract No. 2013-BT-2) in anticipation of work at the SRTC under the Plan, which includes: (1) removal and disposal of existing overhead and post-mounted signs; (2) fabrication and installation of new overhead signs; (3) fabrication and installation of steel supports for the signs; (4) relocation of existing lighting and electrical; (5) cleaning and painting existing steel framework supporting the signs; (6) modifying the existing bird netting; (7) fabrication and installation of new sign cases; and, (8) all other associated work (Project); and,

WHEREAS, on March 5, 2013, the District advertised Contract No. 2013-BT-2 for bid, and on April 9, 2013, the District received, opened and publicly read three bids that were timely submitted in response to the Contract No. 2013-BT-2 advertisement; and,

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WHEREAS, Arrow Sign Company (Arrow) of Oakland, CA, was the lowest bidder at \$457,385.00, which was later corrected to \$457,391.10, but upon District evaluation was deemed non responsive to the bid solicitation requirement for failure to hold either a Class A General Engineering Contractor License (Class A License) or Class B General Building Contractor License (Class B License), as specified in the Contract; and,

WHEREAS, upon receiving word from the District that it was not responsive to the bid solicitation requirement, Arrow filed a bid protest and made a public comment before the Building and Operating Committee (Committee) at its meeting of April 26, 2013, to the effect that Arrow was qualified to work on the Project despite not holding a Class A License or Class B License; and,

WHEREAS, the District's attorney advised the Committee that Arrow's bid protest was untimely under the District's contract procurement rules, and that even if Arrow's bid protest was timely, Arrow's bid protest fails on the merits pursuant to Section 7059 of the Business and Profession Code, which permits the District to exercise broad discretion with respect to licensing and specification requirements under Contract No. 2013-BT-2; and,

WHEREAS, Arrow chose not to pursue an appeal or make a public comment before the Board at its meeting of May 10, 2013 to dispute the District's evaluation; and,

WHEREAS, CF Contracting, Inc., (CF) of San Francisco, CA, was the second-lowest bidder at \$466,000.00, and upon District evaluation appeared to be the responsive and responsible low bidder to the Contract; and,

WHEREAS, Massa Construction Co., Inc., (Massa) of Kentfield, CA was the third-lowest bidder at \$544,500.00, and upon District evaluation was deemed a responsive and responsible bidder, but not the lowest monetary bidder relative to CF; and,

WHEREAS, upon hearing that the District did not choose it as the responsive and responsible low bidder, Massa filed a bid protest and made a public comment before the Committee at its meeting of April 26, 2013, to the effect that CF was not a responsive and responsible bidder, and so not qualified to work on the Project, for failure to submit subcontractor and supplier information to the District during the bid process; and,

WHEREAS, Massa timely pursued an appeal and made a public comment before the Board at its meeting of May 10, 2013, on substantially similar grounds, as well as on the basis of new information not brought to the Committee's attention; and,

WHEREAS, CF timely rebutted Massa's bid protest with a public comment before the Committee at its meeting of April 26, 2013, and timely rebutted Massa's appeal with a public comment before the Board at its meeting of May 10, 2013; and,

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WHEREAS, the District's attorney advised the Committee at its meeting of April 26, 2013, that Massa's bid protest fails on the merits under the California Subletting and Subcontracting Fair Practices Act, which did not require CF to include certain types of subcontractor and supplier information; and,

WHEREAS, the District's attorney advised the Board at its meeting of May 10, 2013, that Massa's appeal fails on substantially similar grounds, as well as on the basis of new information not brought to the Committee's attention, which was untimely; and,

WHEREAS, the District received initial funding for the Project at an original estimated cost of \$500,000.00, of which 34% is from the MTC and the remaining 66% is from the Federal Transit Administration (FTA); and,

WHEREAS, in the District Engineer's professional opinion, additional unforeseen work may be necessary during Contract No. 2013-BT-2 performance and a construction contingency of \$46,600.00 (10% of the contract award amount) shall be sufficient to cover such work; and,

WHEREAS, since receiving initial funding for the Project, the District found that site conditions at the SRTC require further work necessitating a budget increase in the FY 12/13 Bus Transit Division Capital Budget in the amount of \$278,600.00, for a revised project budget of \$778,600.00, of which 20% is from the MTC and the remaining 80% is from the FTA; and,

WHEREAS, the Building and Operating Committee at its meeting of April 25, 2013 has so recommended; now, therefore, be it

RESOLVED that the Board of Directors (Board) of the Golden Gate Bridge, Highway and Transportation District hereby denies the bid protest of Arrow Sign Company (Arrow) of Oakland, CA, as untimely and on the merits, relative to Contract No. 2013-BT-2, *San Rafael Transit Center Connectivity Signage* (Contract No. 2013-BT-2); and, be it further

RESOLVED that the Board hereby denies the bid protest of Massa Construction Co., Inc., of Kentfield, CA, as untimely and on the merits, relative to Contract No. 2013-BT-2; and, be it further

RESOLVED that the Board hereby rejects the low bid received from Arrow as non-responsive, relative to Contract No. 2013-BT-2; and, be it further;

RESOLVED that the Board hereby authorizes the award of Contract No. 2013-BT-2 to CF Contracting, Inc., of San Francisco, CA, in the amount of \$466,000.00; and, be it further

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RESOLVED that the Board hereby authorizes a Contingency Fund for Contract No. 2013-BT-2 in the amount of \$46,600.00, equal to 10% of the contract award amount; and, be it further

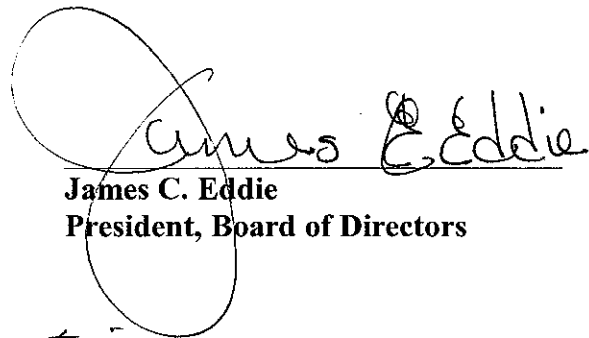
RESOLVED that the Board hereby authorizes an increase in the FY 12/13 Bus Transit Division Capital Budget in the amount of \$278,600.00, to be funded with Federal Transit Administration grant funds, for a revised total project budget of \$778,600.00, as concurred with the Finance-Auditing Committee at its meeting of April 26, 2013.

ADOPTED this 10th day of May, 2013, by the following vote of the Board of Directors:

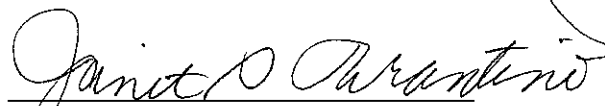
AYES (16): Directors Arnold, Belforte, Cochran, Fredericks, Pahre, Rabbitt, Reilly, Sears, Snyder, Sobel, Theriault, Wiener and Yee; Second Vice President Stroeh; First Vice President Grosboll; President Eddie

NOES (0): None

ABSENT (3): Directors Breed, Campos and Moylan



James C. Eddie
President, Board of Directors

ATTEST: 
Janet S. Tarantino
Secretary of the District