

REGIONAL TRANSIT ISSUE PAPER

Agenda Item No.	Board Meeting Date	Open/Closed Session	Information/Action Item	Issue Date
4	09/24/12	Open	Action	09/11/12

Subject: Rejecting All Bids and Authorizing Re-Solicitation of Bids to Reroof Regional Transit Warehouses Located at 2501 and 2531 Land Avenue

ISSUE

Whether or not to reject all bids and authorize re-advertisement for the 2501 and 2531 Land Avenue Roof Project

RECOMMENDED ACTION

Adopt Resolution No. 12-09-____, Rejecting all Bids and Authorizing Re-Solicitation of Bids to Reroof Regional Transit Warehouses Located at 2501 and 2531 Land Avenue.

FISCAL IMPACT

This action does not involve the expenditure of funds. The contract award, which will involve expenditure of funds, will be presented to the Board as a future action.

DISCUSSION

Under Resolution Number 12-05-0067, dated May 14, 2012, the RT Board authorized the solicitation of bids to reroof the RT owned warehouses located at 2501 and 2531 Land Avenue.

On Friday, June 29, 2012, Sacramento Regional Transit District (RT) received and opened four (4) bids for the subject project. The bids received were as follows:

1. MCM Roofing Company, Inc. with a bid of \$299,600.00
2. Barker & Associates DBA Star Construction with a bid of \$343,685.00
3. California Single Ply, Inc. with a bid of \$405,960.00
4. Pacific Builders & Roofing, Inc. with a bid of \$506,300.00

The apparent responsive low bidder, MCM Roofing Company, Inc.'s bid was submitted with Bid Form 4.8 FTA Buy America Certification – Alternative B Certificate of Non-Compliance with Section 165(a) signed.

When RT staff asked MCM Roofing Company, Inc. why Alternative B was signed on the Buy America Certificate, they stated that according to their supplier of materials the mechanical fasteners were not American made and were coming from outside the United States.

RT staff investigated whether or not the mechanical fasteners are readily available and made in the United States and to determine if there was a price difference of 25% or more on the material cost. Prior to RT staff completing its investigation, MCM Roofing Company provided a letter from their supplier's Legal Department stating that the mechanical fasteners met the Buy America

Approved:

Presented:

Final 09/17/12

General Manager/CEO

Director, Facilities

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requirements and sent a letter to the FTA requesting a waiver on signing the incorrect Alternative on the Buy America Certificate included with the Bid Documents.

On July 9, 2012, MCM Roofing submitted a waiver request to the FTA for relief from signing the incorrect Buy America certification. Under this process, the grantee (RT) cannot award the contract under this procurement until FTA acts upon the requested waiver. To date, no waiver has been granted and there is no indication when, or whether, such a waiver is likely.

The work needs to be completed as soon as possible to protect RT's two existing warehouses from further damage and to prevent any damage occurring to office and light rail equipment stored at the 2501 Land Avenue warehouse. Accordingly, given the exigent need for the roofing work and the uncertainty of FTA action, RT management has determined that rejecting all bids and starting over is the most expeditious means of having this critical work completed.

Accordingly, RT Management (Lynn Cain, Director of Facilities and Mark Lonergan, Chief Operating Officer) have determined that rejecting all bids and starting over is the most expeditious means of getting this work completed, since RT cannot award a contract for this work until the FTA Chief Counsel issues his/her determination. The work needs to be completed as soon as possible to protect RT's two (2) existing warehouses from further damage and to prevent any damage occurring to office and light rail equipment stored within the 2501 Land Avenue warehouse.

The schedule for re-bidding this project, award a contract and issue Notice to begin construction is as follows:

1. Release Bid Documents and Advertise Public Notice: Thursday, September 27, 2012.
2. Pre-Bid Meeting/Job Walk: Wednesday, October 10, 2012
3. Bid Due Date: Tuesday, October 23, 2012
4. Board Award Contract: Monday, November 12, 2012
5. Contract Executed and Issue Notice to Proceed: November 26, 2012.

RT typically sets a 30 day bid period for a public works project of this size. This is a re-bid project and the same firms will likely be competing for the contract. Staff, however, does not recommend reducing the 30 day bid period because there may be firms bidding the project for the first time who could be at a competitive disadvantage if a shorter bid period was set in an attempt to expedite an award of contract.

The scope of work includes new roofs on 2501 and 2531 Land Avenue warehouses. Completing this work before the rainy season is critical. Failing to complete this work prior to the rainy season puts the facilities, office and light rail equipment at risk of water damage.

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All other bids were deemed to be responsive. With a difference of \$44,085.00 between the apparent low bidder and the 2nd apparent low bidder, Star Construction, it was determined that rejecting all bids and rebidding the project will be the least expensive means for getting the project awarded and completed.

Pursuant to the requirements in the Invitation to Bid documents, staff recommends that all bids be rejected and the project be re-solicited.

RESOLUTION NO. 12-09-_____

Adopted by the Board of Directors of the Sacramento Regional Transit District on this date:

September 24, 2012

**REJECTING ALL BIDS AND AUTHORIZING RE-SOLICITATION OF BIDS TO
REROOF REGIONAL TRANSIT WAREHOUSES LOCATED AT 2501 AND 2531
LAND AVENUE**

BE IT HEREBY RESOLVED BY THE BOARD OF DIRECTORS OF THE
SACRAMENTO REGIONAL TRANSIT DISTRICT AS FOLLOWS:

THAT, pursuant to RT Procurement Ordinance Section 1.509, the Board hereby
rejects the bids received to Reroof Regional Transit Warehouses Located at 2501 and
2531 Land Avenue.

THAT, the Invitation to Bid Re-Soliciting Bids to Reroof the Regional Transit
Warehouses Located at 2501 and 2531 Land Avenue are hereby approved and authorized
for release.

THAT, the Invitation to Bid be advertised pursuant to the provisions of the RT
Procurement Ordinance.

BONNIE PANNELL, Chair

A T T E S T:

MICHAEL R. WILEY, Secretary

By: _____
Cindy Brooks, Assistant Secretary