

DATE SUBMITTED 12/28/2023  
 SUBMITTED BY COMMUNITY DEVELOPMENT DIRECTOR  
 DATE ACTION REQUIRED 01/03/2024

COUNCIL ACTION (x)  
 PUBLIC HEARING REQUIRED ( )  
 RESOLUTION ( )  
 ORDINANCE 1<sup>ST</sup> READING ( )  
 ORDINANCE 2<sup>ND</sup> READING ( )  
 CITY CLERK'S INITIALS ( )

**IMPERIAL CITY COUNCIL  
 AGENDA ITEM**

SUBJECT: DISCUSSION/ACTION: HWY 86 FENCE REPLACEMENT FROM 2 <sup>ND</sup> STREET TO MARSHALL AVENUE BID  1. REJECT ALL BIDS  2. ADOPT RESOLUTION TO AUTHORIZE THE CITY MANAGER TO PROCEED WITH DAY LABOR CONSIDERING REDUCTION IN SCOPE	
DEPARTMENT INVOLVED: COMMUNITY DEVELOPMENT	
BACKGROUND/SUMMARY:  Community Development staff has reviewed all bids received on December 18, 2023 for the Hwy 86 fence replacement from 2 <sup>nd</sup> Street to Marshall Avenue and determined that it is in the City's best interest to reject all bids. Staff recommends rejecting all bids. Staff also recommends adopting resolution to authorize the City Manager to proceed with day labor with consideration of reduction in scope.  See attached bid opening sheet.	
FISCAL IMPACT: \$160,000 Local Transportation authority funds	ADMIN SERVICES SIGN INITIALS <u>UHM</u>
STAFF RECOMMENDATION:  Staff recommends rejecting all bids. Staff also recommends adopting resolution to authorize the City Manager to proceed with day labor with consideration of reduction in scope.	DEPT. INITIALS <u>OM</u>
MANAGER'S RECOMMENDATION:  <i>approve staff recommendation</i>	CITY MANAGER'S INITIALS <u>DM</u>
MOTION:  SECONDED: APPROVED ( ) REJECTED ( ) AYES: DISAPPROVED ( ) DEFERRED ( ) NAYES: ABSENT: REFERRED TO:	

**RESOLUTION NO. 2024-02**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL, CALIFORNIA, AUTHORIZING CITY MANAGER TO PROCEED BY DAY LABOR WITH CONSIDERATION IN REDUCTION IN SCOPE FOR HWY 86 FENCE REPLACEMENT PROJECT FROM 2ND STREET TO MARSHALL AVENUE BID NO. P2023-04**

**WHEREAS**, on November 23, 2023, the City of Imperial (“City”) advertised a bid to remove and replace a fence on Highway 86 from 2<sup>nd</sup> Street to Marshall Avenue at the Imperial County Fairgrounds, referred to as “HWY 86 fence Replacement Project from 2nd street to Marshall Avenue-BID NO. P2023-04” (“Project”); and

**WHEREAS**, two primary concerns for this Project are keeping the total staff cost and contractor expenses within the allocated grant of \$160,000 obtained by the Local Transportation Authority and completing the entire Project before the opening of the Imperial County Fair; and

**WHEREAS**, a total of four (4) bids were received and opened by City staff on December 18, 2023 and one bid protest was received related to the Project; and

**WHEREAS**, the California Public Contract Code (“Code”) authorizes the City Council to reject all bids and pursuant to section 20167 of the Code, after rejecting bids, the legislative body may pass a resolution by a four-fifths vote of its members declaring that the Project can be performed more economically by day labor, or the materials or supplies furnished at a lower price in the open market; and

**WHEREAS**, staff recommends the Council adopt by a four-fifths vote of its members declaring the Project can be performed more economically by day labor, or the materials or supplies furnished at a lower price in the open market.

**NOW THEREFORE, BE IT RESOLVED**, that the City Council of the City of Imperial declares by a four-fifths vote of its members declaring that the Project can be performed more economically by day labor, or the materials or supplies furnished at a lower price in the open market.

**NOW THEREFORE, BE IT FURTHER RESOLVED**, that the City authorizes the City Manager to cause the Project to be performed by day labor, or the materials or supplies furnished at a lower price in the open market.

**APPROVED, PASSED AND ADOPTED**, at the regular meeting of the City Council this 3<sup>rd</sup> day of January 2024.

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ROBERT AMPARANO  
Mayor

ATTEST:

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KRISTINA M. SHIELDS,  
City Clerk

**CERTIFICATION**

I, Kristina M. Shields, City Clerk of the City of Imperial, California, hereby certify that the foregoing resolution was duly adopted at a meeting of the City Council of said City at its meeting held on the 3<sup>rd</sup> day of January, 2024 by the following vote, to wit:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the official seal of the City of Imperial, California, this 3<sup>rd</sup> day of January, 2024.

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KRISTINA M. SHIELDS,  
City Clerk



# BID Opening Act

BID No. P2023-04

HWY 86 FENCE REPLACEMENT PROJECT  
FROM 2ND ST TO MARSHALL AVENUE

Bids received by: Aimee Osuna

Were opened at 400 S. Imperial Ave on 12/18/23

By: Aimee Osuna (EOC)

Witnessed by:

Signature

Othon Mora

[Signature]

Jesus VUEGAS

[Signature]

Isaura Gonzalez

[Signature]

Company	Bid Amount	Bid Bond
<u>Quality Fence Co</u>	<u>\$281,900.00</u>	<u>Yes</u>
<u>Red Hawk Services</u>	<u>\$198,869.05</u>	<u>yes</u>
<u>Pyramed Construction</u>	<u><del>\$410,000.00</del> 373,531.00</u>	<u>yes</u>
<u>Big J Fencing</u>	<u>\$156,1600.00</u>	<u>check</u>
_____	_____	_____
_____	_____	_____

Bids were given to Othon Mora for study and recommendation for City Council.

[Signature]

12/18/23  
Date



**PYRAMID  
CONSTRUCTION  
AND AGGREGATES, INC.**

**General Engineering Contractor**

**State Contractor Lic. No. 866533**

859 Dogwood Road Heber CA, 92249  
Ph 760-337-5839 Fax 760-337-5993  
DIR # 1000004930

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City of Imperial  
420 S Imperial Avenue  
Imperial CA 92251

Re: Hwy 86 Fence Replacement Project from 2<sup>nd</sup> Street to Marshall Avenue

Mr. Dennis Morita,

Pyramid Construction and Aggregates, Inc. is formally protesting the City of Imperial's bid Hwy 86 Fence Replacement Project from 2<sup>nd</sup> Street to Marshall Avenue. We are protesting on numerous grounds:

**Big J Fence Inc.**

1. Did not include pages 37 and 38 of bid proposal.
2. Did not include page 41, list of subcontractors.
3. Did not include page 45, non-collusion affidavit.
4. Did not include page 46, EEO Certification Exhibit 12-E.
5. Did not include page 47, Debarment and Suspension Certification Exhibit 12-E.
6. Did not include page 48 - 51, Non-Lobbying Certification For Federal Aid Contracts 12-E.
7. Did not list a cost for item's 3 and 5 on page 52 Proposal Bid Sheet 1 of 2
8. Did not include page 53 Proposal Bid Sheet 2 of 2
9. Did not include page 54, Certificate of Compliance with Economic Sanctions in Response to Russia's Actions in Ukraine
10. Did not include Good Faith Effort as described on page 12 of Contract Documents and Specifications.

**Red Hawk Services Inc.**

1. Did not include subcontractor for Geotechnical testing.
2. The amount of Item # 8 on Proposal Bid Sheet Page 1 of 2 is incorrect, amount should be 114,860.00.
3. The amount of Item # 9 on Proposal Bid Sheet Page 1 of 2 is incorrect, amount should be 34,038.40
4. The two items mentioned above make the Total Bid Proposal amount incorrect.
5. Did not include Good Faith Effort as described on page 12 of Contract Documents and Specifications.



**PYRAMID  
CONSTRUCTION  
AND AGGREGATES, INC.**

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Quality Fence Co., Inc.

1. Did not list a subcontractor for Line Item #4 Construction Staking and Line Item #5 Geotechnical testing on page 41, list of subcontractors.
2. Did not include Good Faith Effort as described on page 12 of Contract Documents and Specifications.

We ask that all three bidder's bid proposals be rejected for missing documents, incorrect bid totals, and missing Good Faith Effort documents.

Sincerely,

A handwritten signature in blue ink that reads "Ryan Dickerson".

Ryan Dickerson  
Pyramid Construction and Aggregates, Inc.  
Project Manager