



Minutes
Town of Atherton
CITY COUNCIL/ATHERTON CHANNEL
DRAINAGE DISTRICT
May 25, 2010
10:00 A.M.
Town Council Chambers
91 Ashfield Road
Atherton, California
Special Meeting

Mayor McKeithen called the meeting to order at 10:03 a.m.

ROLL CALL Lewis, Dobbie, Marsala, McKeithen, Carlson

PUBLIC COMMENTS

None.

REGULAR AGENDA

1. **AWARD OF CONTRACT TO G. BORTOLOTTO & CO. FOR THE MIDDLEFIELD ROAD AT ENCINAL AVENUE INTERSECTION IMPROVEMENT PROJECT NUMBER 56009 IN AN AMOUNT NOT TO EXCEED \$356,251.39 PLUS A TEN PERCENT CONSTRUCTION CONTINGENCY, FOR A TOTAL AUTHORIZATION OF \$391,876.53.**

Report: Public Works Director Duncan Jones

Recommendation: Award the contract for Middlefield Road at Encinal Avenue Intersection Improvement Project, project number 56009 to G. Bortolotto & Co., the lowest responsive bidder on the May 12, 2010 bids, for \$356,251.39, with a 10% construction contingency of \$35,625.14, for a total authorization of \$391,876.53; and to authorize the City Manager to sign the contract on behalf of the Town.

Public Works Director Jones informed Council that this item was pulled from the regular City Council meeting the previous week because the bids from the four low bidders were non-responsive. Three of the four (Gallagher & Burk, O'Grady Paving and Pavex Construction) did not meet the Town's fifty percent fulfillment requirement (the prime contractor must perform more than 50% of the work) and Redgwick Construction did not have the required bid bond at the time of the bid opening.

Council Member Carlson asked why so many of the bidders were confused and missed the Town's requirements. Jones said several bidders thought it was a specialty item and it was not.

Council Member Lewis was concerned that the RFP was not clear.

Mike, Gallagher and Burk, said they were not aware of the 50% clause because it was in the standard specifications and not the special provisions. He added that four out of seven bidders missed it and that the fifth bidder, Bortolotto & Co. has almost identical sub listings to his bid; however there is a large percentages difference for the underground work.

Vice Mayor Dobbie was concerned that figures may have been misrepresented in some bids.

Public Works Director Jones assured Council that staff inspects and monitors during construction and subcontractors would be sure to tell him if they are not getting the work that was agreed to.

Robert Bortolotto, fifth lowest bidder, said his firm has the ability to do trenching and supply the subcontractors with all equipment and whatever else is needed to the job beyond the figure they were subcontracted to perform.

Mayor McKeithen asked what it would take to rebid the entire project. Jones said staff would need at least three weeks. McKeithen said if we rebid the project it gives the Town a chance to make a good faith effort to get the lowest possible bid with everyone aware of the provisions.

Council Member Marsala asked if there are any legal issues with rebidding the project. Jones said Council has the right to reject all bids and rebid the project, but it will give less working days for the project.

Council Member Carlson asked if the project is rebid will it be possible for the lowest bidder to get the work done by the deadline. Jones said the working days would be reduced but it is possible.

MOTION by Carlson, second by Dobbie to reject all bids, rebid the project and bring it back to Council at their regular meeting on June 16, 2010. The motion passed.

Ayes: 5 Nays: 0 Abstain: 0 Absent: 0

PUBLIC COMMENT

None.

ADJOURN

MOTION by Carlson, second by Lewis to adjourn the meeting. The motion passed unanimously.

Mayor McKeithen adjourned the meeting at 10:50 a.m.

Respectfully submitted,

/s/ Theresa DellaSanta

**Theresa DellaSanta
Deputy City Clerk**

