





**August 12, 2010**

**To:** Transit Committee *Will Kempton*  
**From:** Will Kempton, Chief Executive Officer  
**Subject:** Agreement for Construction of a Parking Structure at Tustin Metrolink Station

**Overview**

On May 24, 2010, the Orange County Transportation Authority Board of Directors authorized the issuance of an invitation for bids for the construction of a parking structure at the Tustin Metrolink Station. Bids were received in accordance with the Orange County Transportation Authority's public works procurement procedures. Board of Directors' approval is requested to execute the agreement.

**Recommendations**

- A. Reject A.W.I. Builders, Inc., as the lowest responsive, responsible bidder.
- B. Authorize the Chief Executive Officer to execute Agreement No. C-0-1529 between the Orange County Transportation Authority and Bomel Construction Company, Inc., the lowest responsive, responsible bidder, in an amount not to exceed \$12,288,600, for construction of a parking structure at the Tustin Metrolink Station.

**Discussion**

The Tustin Metrolink Station opened for service in 2002. Since that time, ridership and station patronage has continued to grow. The current parking utilization is at capacity and there are insufficient spaces to serve the current demand. Due to projected increases in ridership from the expansion of the Metrolink service, parking demand is expected to increase. The construction of a parking structure will increase the parking capacity at the Tustin Metrolink station from the current 317 spaces to 823 spaces.

The Orange County Transportation Authority (OCTA) is the lead agency for design and construction of the facility on behalf of the City of Tustin (City).

In May 2010, OCTA Board of Directors (Board) approved the selection of Griffin Structures, Inc., as the construction management firm for this project. The City will be responsible for ongoing operation and maintenance upon completion of construction.

In order to accommodate the essential components of constructing the parking structure within the project budget, the bid estimates included base items in addition to desired additional alternate items to further enhance the functionality of the parking structure. The base bid came in below the project budget estimate. The difference between the estimate and the bid is approximately 17 percent, or \$1,700,000. Alternate items 1 and 2 noted below can be accommodated within the \$1,700,000.

Alternate 1 - A photovoltaic system that consists of solar panels that generate electrical current from solar radiation and could provide 75 percent of the station's energy needs, cutting back on the City's maintenance costs - \$690,000.

Alternate 2 - Painting the existing guard rails, low fencing, and shelters at the station will integrate the existing facilities at the station with the new structure – \$11,600.

The determination of the lowest responsive, responsible bidder was based on the base bid exclusive of bid alternates. Staff recommends including these two alternate items in the award of the contract. Any project savings will be directed towards other eligible transit projects as approved by the Board. This project is funded with Proposition 116 funds and local sales tax funds. Any savings will be subject to reprogramming requirements of the Proposition 116 Program.

### ***Procurement Approach***

This procurement was handled in accordance with OCTA's procedures for public works and construction projects, which conform to federal and state requirements. Public works projects are handled as sealed bids and award is made to the lowest responsive, responsible bidder.

On May 24, 2010, the Board approved the release of Invitation for Bids (IFB) 0-1529 for the construction of a parking structure at the Tustin Metrolink Station. On June 1, 2010, IFB 0-1529 was released and sent electronically to 1,663 contractors registered on CAMM NET. The project was advertised on June 1, 2010 and June 9, 2010, in a newspaper of general circulation. A pre-bid conference and site visit was held on June 10, 2010, with 39 attendees representing 38 firms. Four addenda were issued to clarify project specifications, provide the list of attendees at the pre-bid conference,

extend the bid due date, and include incentive language for early substantial completion. On July 12, 2010, 17 bids were received.

All bids were reviewed by staff from the Rail Programs Division and Contracts Administration and Materials Management Department to ensure compliance with the terms and conditions, specifications, and drawings. The three lowest responsive, responsible bidders for the construction of a parking structure at the Tustin Metrolink Station are identified below. State law requires award to the lowest responsive, responsible bidder.

<u>Firm and Location</u>	<u>Base Bid Price</u>	<u>Alternate 1</u>	<u>Alternate 2</u>	<u>Total Price</u>
A.W.I. Builders, Inc. Vernon, California	\$9,922,300	\$450,000	\$120,000	\$10,492,300
Bomel Construction Company, Inc. Anaheim Hills, California	\$11,587,000	\$690,000	\$11,600	\$12,288,600
Klorman Construction, Inc. Woodland Hills, California	\$11,873,780	\$789,000	\$40,000	\$12,702,780

The apparent low bidder, A.W.I. Builders, Inc., submitted a written request to withdraw its bid, citing calculation errors during preparation of the bid. The request for withdrawal of the bid was reviewed by OCTA General Counsel and concurrence was provided for the withdrawal of the bid in accordance with the California Public Contract Code Section 5103. The award is being made to the second lowest responsive, responsible bidder, Bomel Construction Company, Inc.

The engineer's estimate for this project is \$14,000,000. The recommended firm's base bid is 17 percent below the engineer's estimate and is considered by staff to be fair and reasonable.

Staff recommends award of the contract for construction of a parking structure at the Tustin Metrolink Station to Bomel Construction Company, Inc., the lowest responsive, responsible bidder, in an amount not to exceed \$12,288,600, which is inclusive of the two alternates.

#### Fiscal Impact

The project was approved in OCTA's Fiscal Year 2010-11 Budget, Rail Programs Division, Account 0010-9084-T5424-SX8, and is funded 50 percent

through Proposition 116 funds to Revenue Account 0010-6022-T5424-XA2 and 50 percent through the Local Transportation Authority funds.

***Summary***

Staff recommends award of Agreement No. C-0-1529 to Bomel Construction Company, Inc., in an amount not to exceed \$12,288,600, for construction of a parking structure at the Tustin Metrolink Station.

***Attachment***

None.

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