

**TOWN OF FAIRFAX
STAFF REPORT**

To: Mayor, Members of the Town Council
From: Michael Rock, Town Manager/Public Works Director 
Date: March 7, 2012
Subject: Review and Accept Bid Results for the Street Light Energy Efficiency Project

RECOMMENDATION

Review and accept the bid results for the Street Light Energy Efficiency Project.

DISCUSSION

On January 11, 2012, the Town Council authorized staff to advertise for bids for the Street Light Energy Efficiency Project.

Street Light Energy Efficiency	Base Bid	Bid Alternate
Republic ITS	\$ 97,680	52,140
Bradley Electric	\$ 112,002	63,492

The Base Bid requires the removal of the entire lamp post and the bid alternate requires only the actual lamp be replaced. The apparent low bidder is Republic ITS. Staff reviewed Republic ITS' bid and determined that has met all the requirements of the bid documents and its bid is therefore responsive

A bid protest was filed by Bradley Electric hours after the bids were opened on February 9, 2012. The Town Attorney and I reviewed the Bid Protest and find that it is based on conjecture about how Republic ITS intends to provide its services. Under state law, only information within the bid document can be used to determine whether a bid is responsive. Republic ITS' bid contains all required information and constitutes a binding offer to do what the bid requires. As a result, the bid is responsive and the protest is without merit. (The bid protest letter is attached.) In addition, Republic ITS is fully licensed under state law and I am satisfied that it is a responsible bidder. As a result, in accordance with state law, I recommend that the bid be award to the lowest responsive and responsible bidder, Republic ITS.

FISCAL IMPACT

The California Energy Commission awarded the Town a \$38,000 grant and all contractor costs will be paid from the grant

ATTACHMENTS

Bid Protest letter from Bradley Electric

AGENDA ITEM # 8

WBE



February 9, 2012

**Electrical • Telcom • Security • Network
Audio Visual • Traffic Signal**

Mr. Michael Rock
Public Works Director
142 Bolinas Ave
Fairfax, Ca. 94960

Via email: mrock@townoffairfax.org
Fax 415-453-1618

Reference: Street light Retrofit Project
Town of Fairfax Bid Date 2/9/12

Subject: Bid Protest

Dear: Mr. Rock,

We have reviewed the bid documents and itemized unit prices submitted by the apparent low bidder Republic ITS. After comparing their unit prices to the available material quotes and State and Federal wage rates, it appears that Republic ITS is proposing to furnish lighting equipment and labor that is not consistent with the project specifications. When calculating their charges for items such as fixtures, labor, photocell, tax, markup, equipment and installation, we find that their prices correspond with the use of fixtures not in compliance with the project specifications and labor wages not in compliance with State and Federal prevailing Wage rates.

Under the "Labor and Wage Code Guidelines" states: The contractor is required to pay the higher of either state or federal prevailing wage for the same trade. Since the trade of "Lighting Fixture Maintenance" does not currently exist under the Federal Prevailing Wages, the contractor is not allowed to substitute the "Lighting Fixture Maintenance" for the "Electrician" trade on any technical electrical work that requires an electrician.

These items may have been on oversight by Republic ITS. W. Bradley Electric did not bid on possible non-compliant fixtures or used Lighting Fixture Maintenance labor rates when preparing our bid proposal ultimately leading to an unfair advantage to all other bidders.

We respectfully request that City staff request that Republic ITS notify them which fixture or retrofit kit they intend to use, its manufacture location, show that California State tax will be paid based on the location of installation. Show the wage rates that will be paid as required by the Electrician rate prior to recommending award of the contract to the City Council.



2/9/12

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Reviewing this information after award is too late. As by this point, Republic would have unfairly secured the contract.

Please review the published project requirements and require Republic ITS to provide this information prior to award. If Republic ITS does not provide this information then we respectfully request that City Staff determine their bid to be non-responsive.

Based on the above, W. Bradley Electric should be deemed the rightful lowest qualified responsive bidder,

Respectfully,

A handwritten signature in black ink, appearing to read "Rick Brumm".

Rick Brumm
Chief Estimator

Cc: Republic ITS Novato