

**BUSINESS OF THE COUNCIL OF THE CITY OF HALF MOON BAY**

**AGENDA REPORT**

For meeting of: **April 18, 2023**

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**TO:** Honorable Mayor and City Council

**VIA:** Matthew Chidester, City Manager

**FROM:** Maz Bozorginia, Public Works Director/City Engineer  
Jonathan Woo, Assistant Engineer

**TITLE: CONSTRUCTION CONTRACT AWARD FOR THE 2023 STREET MAINTENANCE PROJECT (CIP PROJECT NO. 0514)**

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**RECOMMENDATION:**

Adopt a resolution authorizing the City Manager to award and execute a construction contract to the lowest responsive and responsible bidder, Dryco Construction, Inc. (Dryco), of Fremont, California in the amount of \$281,177 and approve a construction contingency amount not exceeding an amount of \$42,176.55 (15 percent) for potential change orders for the 2023 Street Maintenance Project (CIP Project No. 0514).

**FISCAL IMPACT:**

This project is funded by the Pavement Management and Traffic Safety Program (CIP Project No. 0514). There are sufficient funds to award this contract.

**STRATEGIC ELEMENT:**

This action supports the *Infrastructure and Environment*, and *Healthy Communities and Public Safety* Elements of the Strategic Plan.

**BACKGROUND:**

The 2023 Street Maintenance Project scope consists of performing “dig-out” base repairs, surface milling, asphalt concrete overlay, slurry sealing, traffic markings, traffic striping, and other related work on the following streets:

- Jenna Lane between Pine Avenue and Kelly Avenue
- Arleta Way between Grove Street and Magnolia Street
- Alsace Lorraine Avenue/First Avenue between Granelli Avenue to Filbert Street
- Second Avenue between Metzgar Street and Grove Street

On Wednesday, March 8, 2023, the City advertised a request for public bids for the 2023 Street Maintenance Project.

Construction work will be performed during the day, Monday through Friday, between the hours of 7:00 a.m. and 5:00 p.m. The contractor will be posting public notices in advance of construction. Traffic control and intermittent closures will be required and communicated in advance with affected properties.

**BID SUMMARY:**

The City received five (5) bids before the scheduled bid opening time and date of 2:00 PM on Wednesday, March 29, 2023. The bids and engineer’s estimate are summarized as follows:

<b>Bidder</b>	<b>Base Bid</b>
Engineer’s Estimate	\$398,185.10
Dryco Construction, Inc.	\$281,177.00
G. Bortolotto & Company, Inc.	\$286,915.20
Andreini Brothers, Inc.	\$299,946.00
Half Moon Bay Grading & Paving, Inc.	\$300,935.83
QA Contractors, Inc.	\$355,924.35

**DISCUSSION:**

The lowest responsive and responsible bidder, Dryco Construction, Inc.’s base bid of \$281,177 is approximately 29 percent below the Engineer’s Estimate. City Staff have reviewed the bid from Dryco and determined that it is acceptable and free from significant material discrepancies. Construction contingencies will also be needed for the project.

On April 3, 2023, the City received a “Bid Advisory” via email from the Foundation for Fair Contracting regarding Dryco Construction, Inc., in relation to the 2023 Street Maintenance Project bid, asserting that Dryco has numerous infractions/violations resulting in wage theft and non-compliance with apprenticeship laws. This was not a bid protest by another contractor, but rather an “advisory” by a third-party organization. Dryco has been responsive to staff inquiries into the Bid Advisory and denies the allegations. Dryco explained how prior claims were resolved, either dismissed or settled, and that they abide by state wage and hour laws as well as apprenticeship requirements via timely filing of the of the State’s DAS 140 and 142 forms. Dryco further explained that any inadvertent mistake Dryco may have made in the past was corrected and its internal processes modified to prevent any future mistake.

The City Attorney’s Office has confirmed that prior wage claims against Dryco have been resolved and/or dismissed and found no evidence of any active state investigations. This explanation and evidence of resolution supports Dryco’s commitment to comply with the state and local law as required by the contract with the City. Staff completed the review of Dryco’s bid and found it to be responsive and meets all bid requirements.

Staff continues to recommend awarding the contract to the lowest responsive and responsible bidder, Dryco Construction, in the amount of \$281,177 and approve a construction contingency

amount not exceeding an amount of \$42,176.55 (15 percent) for potential change orders for the 2023 Street Maintenance Project (CIP Project No. 0514).

**ATTACHMENTS:**

1. Resolution
2. Attachment 2 – Foundation for Fair Contracting Email
3. Attachment 3 – Dryco Response Email