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**Title:** CONSIDER AWARDING A PUBLIC WORKS CONTRACT TO KISBA CONTRACTING, INC. TO FURNISH AND INSTALL CARPET ON THE FIRST FLOOR OF CITY HALL (CITY COUNCIL)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Exhibit 1 - Kisba Estimate, 2. Exhibit 2 - Public Works Contract Kisba

Date	Ver.	Action By	Action	Result
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**Report to Mayor and City Council**

Tuesday, November 15, 2022

Consent

**SUBJECT:**

**CONSIDER AWARDING A PUBLIC WORKS CONTRACT TO KISBA CONTRACTING, INC. TO FURNISH AND INSTALL CARPET ON THE FIRST FLOOR OF CITY HALL (CITY COUNCIL)**

**I. SUMMARY**

Carpet conditions within City Hall have deteriorated over several years of use. Despite maintenance staff's efforts to clean and repair the carpet, the color and texture have degraded to the point that many areas are showing signs of permanent stains, tears, and other damage that are no longer acceptable for office standards. As part of the larger City Hall first floor refurnishing project, staff is proposing the replacement of nearly 24,000 square feet of carpet in all staff areas as well as select publicly accessible spaces.

Staff has completed an informal bid process and has determined that Kisba Contracting, Inc. is the lowest responsible and responsive bidder. As a result, City Council is asked to consider awarding a Public Works Agreement to this vendor in an amount not to exceed \$174,772.95, on a conditional basis.

**II. RECOMMENDATION**

TAKE the following actions:

1. APPROVE the proposed Public Works Agreement with Kisba Contracting, Inc., a California corporation, to furnish and install carpeting on the first floor of City Hall in the amount not to exceed \$174,772.95, conditioned upon no bid protest being filed by November 17, 2022 that results in any change to City's ability to award the contract to Kisba Contracting, Inc.; and

2. AUTHORIZE Mayor to execute the Public Works Agreement following approval as to form by the City Attorney.

### **III. ALTERNATIVES**

TAKE another action deemed appropriate by the City Council as allowed by law.**IV. BACKGROUND**

On October 18, 2022, City Council approved a Purchase Agreement with Goforth & Marti (G/M Business Interiors) to deliver and install modular office furniture for various employee work areas on the first floor of City Hall. Prior to the vendor completing that work, the larger project is to include the replacement of all first-floor carpeting to ensure a new and refreshed look for all areas.

Staff compiled a bid specification for the removal of existing dilapidated carpet and the installation of new uniform carpet to match with a similar recarpeting project already approved for the second floor of City Hall. Pursuant to Carson Municipal Code 2612 and Public Contract Code 22030 *et seq.* for public works and maintenance projects estimated at \$200,000 or less, an informal bid solicitation was posted and distributed electronically on October 24, 2022 via Planet Bids. The bid opening occurred on November 3, 2022 at 5:00PM, with a total of nine vendors submitting proposals.

Staff has verified that each of the bidders attended the pre-bid job walk held on October 27<sup>th</sup> and were allowed the opportunity to ask questions and take measurements. All are registered and active with the DIR which are minimum qualifications to meet the prevailing wages requirement for the work.

Based on the results, Floor Tech America, Inc. ("Floor Tech") was initially identified to be the lowest responsible and responsive bidder with a total proposal cost of \$148,557.00. Staff issued a Notice of Intent to Award ("NOI") on November 4 to all bidders. However, on the morning of November 10, 2022, Floor Tech notified City staff that in fact they are not able to meet City's insurance requirements. As a result, Floor Tech's bid was thereafter determined to be non-responsive to City's solicitation resulting in staff making the determination that the next lowest bidder, Kisba Contracting, Inc. ("Kisba"), has submitted the lowest responsive bid.

That same morning (November 10), staff issued another NOI notifying all bidders of City's intent to award the contract to Kisba while rescinding the NOI issued November 4. The 5 business day protest period required under the Carson Municipal Code following the issuance of the NOI will not have been concluded as of the date of the City Council meeting. In order to provide all bidders with the full 5 business day period to file a protest, staff is recommending that City Council award of the contract to Kisba take effect only after

the requisite protest period has expired on November 17, 2022, and only then, without anyone filing a protest. In the event a protest is filed within the protest period, City Council's award of the contract to Kisba would be automatically suspended pending resolution of the protest. If the protest results in no changes to City's ability to award the contract to Kisba, then no further action will be needed by City Council; otherwise, City Council's conditional award to Kisba would then be automatically revoked and staff will need to reconsider project award for Council's consideration during a future meeting.

## **V. FISCAL IMPACT**

Funds for this project were included in the adopted FY 2022-23 Capital Improvement Program budget under project number PW1666 in Account No. 101-99-999-904-8008.

## **VI. EXHIBITS**

1. Kisba Contracting, Inc. Estimate
2. Public Works Agreement with Kisba Contracting, Inc.

Prepared by: Robert Lennox, Assistant City Manager