



CITY OF POMONA COUNCIL REPORT

October 21, 2024

To: Honorable Mayor and Members of the City Council

From: Anita D. Gutierrez, City Manager

Submitted By: Rene Guerrero, Public Works Director

SUBJECT: ADOPT A RESOLUTION TO AMEND FY 2024-25 CIP BUDGET AND AWARD CONSTRUCTION CONTRACT TO APPARENT SECOND LOWEST BID FOR “GAREY AVENUE REHABILITATION – ALISO STREET TO MONTEREY AVENUE,” PROJECT NO. 428-2590-XXXXX-68573

RECOMMENDATION:

It is recommended that the City Council take the following actions:

- 1) Adopt the following resolution:

RESOLUTION NO. 2024-177 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, AMENDING THE FY 2024-25 CAPITAL IMPROVEMENT PROGRAM (CIP) BUDGET BY RECEIVING, INCREASING REVENUE ESTIMATES, AND APPROPRIATING AN IN-LIEU PAYMENT OF \$675,268 FROM POMONA VALLEY HOSPITAL MEDICAL CENTER TO “GAREY AVENUE REHABILITATION - ALISO STREET TO MONTEREY AVENUE,” PROJECT NO. 428-2590-XXXXX-68573;

- 2) Authorize City Staff to reject the apparent lowest bid from All American Asphalt for “Garey Avenue Rehabilitation – Aliso Street to Monterey Avenue,” Project No. 428-2590-XXXXX-68573, to include all Base Bid items plus Additive Alternate Nos. 1-4;
- 3) Award a construction contract to the apparent second lowest bid from Gentry Brothers, Inc. for “Garey Avenue Rehabilitation – Aliso Street to Monterey Avenue,” Project No. 428-2590-XXXXXX-68573, to include all Base Bid items, plus Additive Alternate No. 4, in the amount of \$6,792,470;
- 4) Find that the project referenced above is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301(c) and that the proposed project will not have a significant effect on the environment;

- 5) Approve a cooperative agreement with Pomona Valley Hospital Medical Center (PVHMC) to jointly perform the work as one project to reduce conflicts and costs;
- 6) Authorize the City Manager, or designee, to execute the cooperative agreement with PVHMC and any future amendments on behalf of the City and approval as to form by the City Attorney; and
- 7) Authorize the City Manager, or designee, to execute the construction contract and any subsequent change orders on behalf of the City.

EXECUTIVE SUMMARY:

Adoption of Resolution No. 2024-177 will amend the CIP budget for “Garey Avenue Rehabilitation – Aliso Street to Monterey Avenue,” Project No. 428-2590-XXXXXX-68573 (Project) with the acceptance and appropriation of a \$675,268 in-lieu payment from PVHMC. Approval of the recommended actions will approve a cooperative agreement with PVHMC, and reject the apparent lowest bid proposal received from All American Asphalt. Approval will also award a construction contract to Gentry Brothers, Inc., the apparent second lowest bidder, in the amount of \$6,792,470 to provide construction improvements for the Project.

SB1439/GOVERNMENT CODE §84308 APPLICABILITY:

When this box is checked, it indicates the agenda item is subject to the Levine Act SB1439 requirements. Councilmembers are reminded to check their campaign contributions and determine whether they have received a campaign contribution of \$250 or more that would require disclosure and/or recusal from discussing or acting on this agenda item. Campaign contributions of \$250 or more made 1) by any person or entity who is identified in the agenda report as the applicant or proposer or 2) on behalf of the applicant or participant, including a parent, subsidiary or otherwise related business entity, or 3) by any person who has a financial interest in the agenda item requires a councilmember to comply with SB1439.

FISCAL IMPACT:

Approval of the recommended actions will award a construction contract in the amount of \$6,792,470. The following table details the fiscal impacts associated with the recommended actions:

Category	“Garey Avenue Rehabilitation – Aliso Street to Monterey Avenue,” Project No. 428-2590-XXXXX-68573
Beginning Budget (includes 2024-25 CIP & American Rescue Plan, Fair Share Fees, In-Lieu Fee – Reimbursement from Developer, Prop C Fund, Series “BG (AU/AV)” Bond Proceeds, and Series “BI (AW)” Bond Proceeds prior Appropriations)	\$8,661,015
Appropriation of Available In-Lieu Payment from Pomona Valley Hospital Medical Center	\$675,268
Revised Budget	\$9,336,283
Expenditures/Encumbrances (as of October 2, 2024)	(\$1,806,094)
Construction Contract Award	(\$6,792,470)
Budget Remaining	\$737,719

PUBLIC NOTICING REQUIREMENTS:

In accordance with Section 2-1003 - Formal Procedure of the City’s Purchasing Ordinance, Bids No. 2024-49 for the construction of “Garey Avenue Rehabilitation – Aliso Street to Monterey Avenue,” Project No. 428-2590-XXXXX-68573 was posted on the City’s electronic bidding platform, Planet Bids, on August 21, 2024. The notification of the Invitation for Bids was also advertised in the Inland Valley Daily Bulletin on September 9, 2024 and September 16, 2024.

PREVIOUS RELATED ACTION:

On December 6, 2021, the City Council approved Resolution No. 2021-154 amending the FY 2021-22 CIP Budget creating three (3) new CIP projects, including “Garey Avenue Rehabilitation – Aliso Street to Monterey Avenue,” Project No. 428-2590-XXXXX-68573, and appropriating \$1,600,000 of American Rescue Plan (ARP) Funds to the Project.

On February 28, 2022, the City Council approved Resolution No. 2022-34, approving and accepting a Corridors Specific Plan in-lieu fee payment of \$286,710 from Greystar for certain public improvements along a portion of Garey Avenue, ultimately increasing the Project budget.

On May 16, 2022, the City Council approved an update to the ARP expenditure spending plan.

On June 6, 2022, the City Council approved Resolution No. 2022-94 approving the FY 2022-23 to FY 2026-27 CIP, adopting the CIP Budget for FY 2022-23, and appropriating \$4,800,000 of ARP funds to the Project.

On June 5, 2023, the City Council approved Resolution No. 2023-98 adopting the CIP Budget for FY 2023-24 and appropriating \$1,000,000 of Prop C funding to the Project, \$500,000 of which was reappropriated to CIP 428-67930 on December 4, 2023.

On December 4, 2023, the City Council approved the award of professional consultant services agreements to RKA Consulting Group for Design and Construction Management services in the cumulative amount of \$1,747,230.

On June 3, 2024, the City Council approved Resolution No. 2024-85 adopting the CIP Budget for FY 2024-25, and appropriating \$1,474,305 of Prop C, Fair Share Fees, and Bond Proceeds funding to the Project.

ENVIRONMENTAL IMPACT:

The Project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301(c) in that it meets the guidelines for the implementation of CEQA because the Project consists of the operation, repair, and maintenance of existing facilities.

DISCUSSION:

The Project will construct landscaped medians, provide pavement rehabilitation, and sidewalk/corner ramp improvements for enhanced walkability on Garey Avenue from Aliso Street to Jefferson Avenue. Staff may negotiate and execute change orders with the Contractor for alternative project construction limits within the Project bid limits. It is the City’s intention to build stronger neighborhoods and communities through beautification, and increased access to community amenities and improved pedestrian routes.

Additionally, the PVHMC Specific Plan identified a mitigation measure to install a traffic signal at the intersection of Garey Avenue and I-10 EB off-ramp. Improvements associated with the Project are proposed through the same intersection. Rather than having multiple contractors performing separate construction work associated with both the Project and the new traffic signal installation at the same time, the City and PVHMC have agreed to jointly perform the work as one project to reduce conflicts and cost.

On August 21, 2024, the City issued Invitation for Bids (IFB) No. 2024-49 “Garey Avenue Rehabilitation – Aliso Street to Monterey Avenue,” Project No. 428-2590-XXXXX-68573 via the City’s electronic bidding platform, Planet Bids. The solicitation was disseminated to 584 potential bidders, with 85 of them downloading the IFB, resulting in the City receiving five (5) proposals. Bids were due on September 18, 2024, and were thoroughly qualified. The bids received are reflected in the table below:

	Contractor	Total Base Bid	Total Additive Alternates (1-4)	Total Base Bids & All Additive Alternates 1-4
1	All American Asphalt*	\$8,202,000	\$13,797,627	\$21,999,627
2	Gentry Brothers, Inc.	\$6,267,990	\$16,701,582	\$22,969,572
3	R.J. Noble Company	\$7,971,575	\$15,367,600	\$23,339,175
4	CT&T Concrete Paving Inc.	\$13,672,993	\$14,569,811	\$28,242,804
5	Nationwide Contracting Services, Inc.	\$10,011,690	\$19,372,533	\$29,384,223
	Engineer’s Estimate	\$5,536,825.00	\$9,378,748	\$14,915,573

***All American Asphalt bid rejected due to irregularities.**

The City is recommending rejecting the apparent lowest bid proposal received from All American Asphalt, for both the base bid and additive alternatives, to provide construction improvements for the Project. After the City’s review of the bids, the City found highly irregular bid discrepancies within the bid from All American Asphalt and has lost confidence in their bid. In accordance with Pomona Municipal Code Section 2-1003(1)(i), the City Council may reject any and all bids, accept or reject any one or more items of a bid, or waive any irregularities or informalities in the bids or the bidding process if to do so is deemed to best serve the interest of the City. Approval of the recommended action to reject the apparent lowest bid will result in the waiving of minor irregularities and the award of the construction contract to the apparent second lowest bid, Gentry Brothers, Inc., in the amount of \$6,792,470 to provide construction improvements for the Project.

If approved by the City Council, the Project will construct landscaped medians, provide pavement rehabilitation, and Corridor Specific Plan and sidewalk/corner ramp improvements along Garey Avenue from Aliso Street to Jefferson Avenue, as funds allow. If approved, construction is expected to begin in April 2025.

Prepared by:

Alex Vu
Associate Civil Engineer

ATTACHMENT(S):

- Attachment No. 1 – Resolution No. 2024-177
- Attachment No. 2 – Exhibit ‘A’ Draft Pomona PVH Cooperative Agreement