

CITY COUNCIL AGENDA TOPIC

Motion to reject bid protest submitted by Active Construction, Inc. and to award Bid No. 25022, Northwest Bellevue Walkways and Safety Improvement Project to Pivetta Brothers Construction as the lowest responsible and responsive bidder, in an amount not to exceed \$7,250,166.10, plus all applicable taxes. This project is funded through the 2025-2030 General Capital Improvement Program (CIP). This project is partially funded by the Neighborhood Safety, Connectivity and Congestion Levy.

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Transportation Department

EXECUTIVE SUMMARY**ACTION**

This Motion will reject the bid protest and award Bid No. 25022 to Pivetta Brothers Construction for the Northwest Bellevue Walkways and Safety Improvement Project.

RECOMMENDATION

Move to reject bid protest and to award Bid No. 25022, Northwest Bellevue Walkways and Safety Improvement Project to Pivetta Brothers Construction.

BACKGROUND/ANALYSIS

In consultation with neighbors, schools and stakeholders, the City developed a traffic improvement strategy for the Northtowne area, along 100th Avenue NE, between NE 24th and NE 14th Streets. The project also includes side streets between 100th Avenue Northeast and 98th Avenue NE. The work focuses on addressing concerns about speeding and the need to improve safety for people who walk and bicycle in the neighborhood and around schools nearby. Phase 1 of the project, including the construction of a roundabout at 100th Avenue NE and NE 10th Street and new sidewalk on NE 23rd Street between 98th Avenue NE and 100th Avenue NE, was completed in spring 2021.

On July 9, 2021, the Washington State Department of Transportation (WSDOT) awarded the City a \$790,000 grant to construct elements of the second phase of improvements. This grant is funded through WSDOT's Safe Routes to School program and was adopted by Council on September 20, 2021 (Ordinance No. 6605).

Tonight's action awards the construction contract for the second phase of improvements that is projected to begin construction in late 2025 and will include:

- Sidewalk on the north side of NE 18th Street (98th Avenue NE to 100th Avenue NE), the east side of 98th Avenue NE (NE 18th Street to NE 20th Street), and the north side of NE 21st Street (98th Avenue NE to 100th Avenue NE)
- Shared use pathway on the east side of 100th Avenue NE (NE 14th Street to NE 24th Street)
- Raised intersections with enhanced crosswalks on 100th Avenue NE at NE 15th, 18th, and 21st Streets.
- Raised crosswalks with Rectangular Rapid-Flashing Beacons (RRFBs) will be installed on 100th Avenue NE at NE 14th Street and at NE 23rd Street.

Residents selected the raised intersection at NE 18th Street as a project for the Northwest Bellevue neighborhood in the 2018 Neighborhood Enhancement Program. A water main replacement and pavement maintenance were identified by the Utilities and Transportation Department's maintenance programs.

Following verification of bid submittals, the bids received were as follows:

Sunset Grill Construction	\$6,021,099.60*
Fury Site Works, Inc	\$6,739,460.12*
Marshbank Construction	\$6,997,195.50*
Pivetta Brothers Construction	\$7,250,166.10
Active Construction, Inc.	\$7,460,460.00
Johansen Construction, Inc	\$7,467,865.20
Interwest Construction, Inc	\$7,505,011.50
Earthworks Solutions, LLC	\$7,746,220.93*
Kamins Construction, Inc	\$8,291,579.32*
Gary Merlino Construction Co	\$9,075,377.50*
Engineer's Estimate	\$7,735,527.00

*Non-Responsive

Reasons for the non-responsive bids are as follows:

- Sunset Grill Construction: Missing DBE Written Confirmation form from Silver Streak Trucking
- Fury Site Works: Missing DBE Utilization Certificate
- Marshbank Construction: Missing signed addenda forms
- Earthwork Solutions: Missing DBE documentation
- Kamins Construction: Missing DBE Written Confirmation page for the Hughes Group and DBE Trucking Form for Silver Streak Trucking
- Gary Merlino Construction: Missing DBE Bid Item Breakdown

On August 4, the City received a formal bid protest from Active Construction, Inc. disputing the Disadvantaged Business Enterprise (DBE) status of one of Pivetta Brothers Construction's subcontractors, Out West Landscaping. Following receipt of the protest, the City contacted the Office of Minority and Women's Business Enterprises (OMWBE) on August 12 and August 13, 2025, and confirmed Out West Landscaping's active DBE status at the time of bid opening. The City subsequently received written confirmation from the OMWBE that Out West Landscaping is currently a certified DBE

and was certified at the time of bid opening and also received the DBE Written Confirmation Document for Out West Landscaping as part of supplemental information provided by Pivetta Brothers Construction.

Based on the information received, the City did not find merit in the bid protest and recommends that Council reject the protest from Active Construction, Inc. and award the contract to Pivetta Brothers Construction as the lowest responsible and responsive bidder.

To the best of our knowledge and professional judgment, all factors that normally contribute to construction expenses have been accounted for in the Plans, Specifications, and Estimates (PS&E). Based on prior experience, projects of this type may result in some field changes. All claims are rigorously reviewed and only those that are clearly necessary to fulfill the intent of the contract, but have not been provided for, will be paid.

POLICY & FISCAL IMPACTS

Policy Impact

Award of this construction contract is consistent with the following policies in the Transportation Element of the Comprehensive Plan:

- TR-22. Incorporate pedestrian and bicycle facility improvements into roadway projects to provide complete and connected active transportation networks.
- TR-25. Design, implement and maintain transportation system improvements and deliver transportation services and programs in accordance with the Americans with Disabilities Act (ADA).
- TR-97. Construct, maintain and repair facilities for active transportation in accordance with current standards and guidelines.
- TR-106. Improve the opportunities for pedestrians to safely cross streets at intersections and designated mid-block locations.
- TR-140. Employ traffic calming measures that adhere to Vision Zero and Complete Streets principles to slow vehicular travel speed along residential streets and to discourage cut-through traffic.

Fiscal Impact

Awarding this bid will obligate the City to pay an amount up to \$7,250,166.10, plus all applicable taxes, to construct the Northwest Bellevue Walkways and Safety Improvements Project. This amount is approximately 7 percent below the Engineer's Estimate.

This contract is fully funded through the 2025-2030 General Capital Improvement Program (CIP) as shown below.

CIP Plan No.	Description	Amount
PW-WB-76	Neighborhood Sidewalks	\$5,217,371.10
PW-R-199	Neighborhood Safety, Connectivity and Congestion Levy	\$1,500,000.00
PW-R-156	Smart Mobility Implementation Program	\$116,236.00

W-16	Small Diameter Water Main Replacement	\$ 256,559.00
NEP-2	Neighborhood Enhancement Program	\$160,000.00
Total Funding		<u>\$7,250,166.10</u>

This project is partially funded by the Neighborhood Safety, Connectivity and Congestion Levy approved by voters in November 2016. The Neighborhood Safety and Connectivity component (CIP Plan PW-R-199) of the Levy funds five project types including safety, sidewalks, bicycle facilities, intelligent transportation systems, and maintenance.

OPTIONS

1. Reject Active Construction, Inc.'s bid protest and award Bid No. 25022, Northwest Bellevue Walkways and Safety Improvements Project. to Pivetta Brothers Construction as the lowest responsible and responsive bidder, in an amount not to exceed \$7,250,166.10, plus all applicable taxes.
2. Award the bid to the next lowest bidder if the low bidder is rejected.
3. Reject all bids and provide alternative direction to staff.

ATTACHMENTS

- A. Vicinity Map
- B. CIP Project Description (PW-WB-76)
- C. CIP Project Description (PW-R-156)
- D. CIP Project Description (PW-R-199)
- E. CIP Project Description (W-16)
- F. CIP Project Description (NEP-2)

AVAILABLE IN COUNCIL LIBRARY

N/A