

CITY OF SANTA ROSA
BOARD OF PUBLIC UTILITIES

TO: BOARD OF PUBLIC UTILITIES
FROM: ANDY WILT, ASSOCIATE CIVIL ENGINEER
CAPITAL PROJECTS ENGINEERING
SUBJECT: RELIEF FROM BID AND CONTRACT AWARD – WEST COLLEGE
STORAGE FACILITY PUMPING IMPROVEMENTS

AGENDA ACTION: RESOLUTION

RECOMMENDATION

It is recommended by the Transportation and Public Works Department and the Water Department that the Board of Public Utilities, by resolution, 1) consent to lowest bidder Piazza Construction of Penngrove, CA being relieved of their bid due to a mistake; 2) approve the project; 3) award Construction Contract No. C02284 in the amount of \$966,481.00 to the next lowest responsive bidder, Pacific Infrastructure Corporation of Pleasanton, CA for West College Storage Facility Pumping Improvements; and 4) approve a 15% contingency, authorizing a total contract amount of \$1,111,453.15.

EXECUTIVE SUMMARY

This resolution will 1) relieve Piazza Construction (Piazza) of its lowest responsive, responsible bid due to mistake and allow Piazza to withdraw; 2) approve the project; 3) award a construction contract to the next lowest bidder, Pacific Infrastructure Corporation, in an amount of \$966,481.00; and 4) approve a 15% contingency for the project, bringing the total contract amount to \$1,111,453.15. The West College Wet Weather Storage Facility project (Project) involves the purchase of two mobile pumps of similar capacity and the construction of permanent containment facilities to operate and house said pumps. A containment structure will also be constructed to house disinfection chemicals serving the West College pump station.

BACKGROUND

The West College Wet Weather Storage Facility storage basins allow the City of Santa Rosa (City) to temporarily divert sewage from the Llano trunk sewer system in order to balance flows conveyed to the Laguna Treatment Plant during peak winter storm events. Currently, the City seasonally rents two trailer mounted diesel-powered pumps, placed adjacent to two separate trunk sewer manholes along Pfister Road. When sewer flows

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exceed a certain flow threshold, the pumps are activated and flows are conveyed to the storage basin.

This project includes the purchase and installation of two mobile, diesel powered pumps and fuel tanks; installation of roofless built-in containment structures, piping connections at two separate sites adjacent to trunk sewer manholes along Pfister Rd; and installation of a containment structure serving the West College pump station.

On November 30, 2021, several hours after the bid opening, the apparent low bidder, Piazza Construction of Penngrove, CA, submitted a notification requesting bid relief, due to an error in their bid. California Public Contract Code Section 5100 addresses the criteria for such bid relief which may be considered by the award authority, and it has been determined that bid relief may be appropriate in this circumstance. Pacific Infrastructure Corporation of Pleasanton, CA submitted the next lowest responsive bid.

PRIOR BOARD OF PUBLIC UTILITIES REVIEW

Not applicable

ANALYSIS

This project was advertised on November 15, 2021, and bids were received on November 30, 2021. A total of five (5) bids were received, ranging from \$694,300.00 to \$1,133,369.00. The apparent low bid submitted by Piazza was \$694,300.00 and approximately 11.12% below the Engineer's Estimate of \$781,200.00. The second lowest bid submitted by Pacific Infrastructure Corporation (PIC) was \$966,481.00 and approximately 23.7% above the Engineer's estimate.

On November 30, 2021, the apparent low bidder, Piazza requested to be relieved of their bid. Such relief is allowed by the California Public Contract Code (PCC). The Department has evaluated the documentation provided by Piazza Construction and verified that Piazza Construction made a mistake (clerical error) in developing its bid which adversely impacted the bid price.

Section 2-1.47 (Bid Relief) of the City's bid documents, which utilize Department of Transportation Standard Specification 2010, provides that the City may grant bid relief to a low bidder under PCC Section 5100 *et seq.*

Section 5101 of the PCC does not automatically relieve a low bidder from its bid; instead, the awarding authority may consent to relief from bid where there is a mistake. The City can refuse to consent to withdrawal; however, the low bidder can then pursue an action against the City to force relief if the bidder can establish that the requirements of PCC Section 5103 are met.

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PCC 5103 provides that in order to be relieved of a bid, the Contractor must establish i) a mistake was made, ii) the mistake made the bid materially different than it was intended to be, iii) written notice for relief is provided within five working days after bid opening, and iv) the mistake was made in filling out the bid and was not due to an error in judgement or carelessness in inspecting the site of the work or in reading the plans or specifications.

Piazza provided written notice to the City on the day the bid was submitted and within the required timeframe. Piazza's notice established that Piazza made a mistake regarding the price for one generator versus two, as required for the project. For these reasons, the Department has determined that the requirements of the Public Contract Code to be relieved of a bid have been met and recommends that the Board consent to relieving Piazza from its bid due to mistake.

A comparison of the bid amounts, not including Piazza's bid, indicate that the second lowest bid of \$966,481.00 from PIC is reasonable and that the contract documents were viewed similarly by each bidder. PIC possesses a valid contractor's license of the required class, as verified by the Contractors' State License Board.

Staff also recommends that the Board approve a 15% contingency, for total contract amount of \$1,111,453.15.

Construction is anticipated to begin in February 2022 and to be complete in November 2022.

The Public Participation Plan is not applicable for this project.

FISCAL IMPACT

Approval of this contract has no additional impact on the budget. Funds for this project were previously appropriated in the Capital Improvement Program Budget.

ENVIRONMENTAL IMPACT

This action is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guideline section 15301, Existing Facilities, because it proposes minor alterations involving negligible or no expansion of the existing use.

BOARD/COMMISSION/COMMITTEE REVIEW AND RECOMMENDATIONS

Not Applicable

ATTACHMENTS

- Attachment 1 – Summary of Bids
- Attachment 2 – Location Map

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- Resolution

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