Agenda Item #13.4
For Council Meeting of: August 19, 2025

CITY OF SANTA ROSA
CITY COUNCIL

TO: MAYOR AND CITY COUNCIL
FROM: DAN HENNESSEY, DIRECTOR, TRANSPORTATION AND PUBLIC WORKS DEPARTMENT
SUBJECT: CONTRACT AWARD – KAWANA SPRINGS COMMUNITY PARK GARDEN

AGENDA ACTION: MOTION

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RECOMMENDATION

It is recommended by the Transportation and Public Works Department that the Council, by motion: 1) consent to the withdrawal of the bid of S2SERM LLC of San Ramon, California, on Contract Number C02393, Kawana Springs Community Park Garden; and 2) award the contract in the amount of $1,568,283.00 to the lowest responsive and responsible bidder, Ghilotti Bros, Inc. of San Rafael, California; approve a 10% contract contingency; and authorize a total contract amount of $1,725,111.30. The source of funds is Capital Improvement Fund; no City General Fund money is included in this project.

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EXECUTIVE SUMMARY

This motion will consent based on the evidence set forth below to the withdrawal of the bid of S2SERM LLC of San Ramon, California, on Contract Number C02393, Kawana Springs Community Park Garden (“Contract” or “Project”); and award the Contract to Ghilotti Bros, Inc. of San Rafael, California, in the amount of $1,568,283.00, approve a 10% contract contingency, and authorize a total contract amount of $1,725,111.30 for the Contract.

BACKGROUND

The Project will include constructing an Americans with Disabilities Act (ADA) accessible community garden at the intersection of Kawana Springs Road and Amethyst Way. The community garden will include an asphalt concrete driveway, three parking spaces, a new pedestrian crossing, and new/upgraded curb ramps. Additionally, a new concrete pathway will be constructed east of the community garden location connecting the garden to Meda Avenue. Associated construction will include but is not limited to ADA compliant raised garden beds, shaded picnic tables, a concealed portable restroom, and two storage sheds.

PRIOR CITY COUNCIL REVIEW

On November 12, 2019, the City Council, by Resolution No. RES-2019-167, adopted a Mitigated Negative Declaration, including a Mitigation Monitoring and Reporting Program, for Kawana Springs Community Park to include paved trails, community garden with portable restroom enclosure, parking, picnic areas, shade pavilions, children's play area for ages 2-5 and 5-12, restroom building, bocce courts, dog park, bicycle pump track, half basketball court, table tennis, fitness stations, volleyball, multi-use turf area, pedestrian bridge, cross walks and looped walking paths; and adopted the Kawana Springs Community Park Master Plan.

ANALYSIS

1. The project was advertised on July 9, 2025, and bids were received on August 6, 2025. A total of three (3) bids were received, ranging from $773,900.00 to $1,789,000.00. The low bid was 39.87% under the Engineer's estimate and the second lowest bid was 21.85% over the Engineer's estimate.

2. On August 12, 2025, S2SERM LLC, submitted a letter, attached hereto as Attachment 3, requesting that the City consent to relieving S2SERM LLC of its bid. S2SERM LLC states it made a mistake in its bid calculations by, among other things, failing to include certain soil off-haul costs in its bid.

   Pursuant to Public Contract Code section 5103, a bidder requesting relief of its bid shall establish:

   (a) A mistake was made.

   (b) He or she gave the public entity written notice within five working days, excluding Saturdays, Sundays, and state holidays, after the opening of the bids of the mistake, specifying in the notice in detail how the mistake occurred.

   (c) The mistake made the bid materially different than he or she intended it to be.

   (d) The mistake was made in filling out the bid and not due to error in judgment or to carelessness in inspecting the site of the work, or in reading the plans or specifications.

   Attachment 3 demonstrates that S2SERM LLC has met this standard. S2SERM LLC states that it made a mistake in failing to include certain soil off-haul costs in its bid. S2SERM LLC provided the City notice of its mistake within five days of the opening of the bids, detailing how the mistake occurred. The mistake made the bid materially different than S2SERM LLC intended because it "substantially impacted [the] bid total." S2SERM LLC's inadvertent failure to include certain soil off-haul costs in its

bid is a “mistake in filling out the bid” and does not qualify as an error in judgment or carelessness in inspecting the site of the work or reading the plans or specifications.

Based on this evidence, Transportation and Public Works Department recommends that the Council consent to relieve S2SERM LLC of its bid.

3. The second lowest bidder, Ghilotti Bros, Inc. of San Rafael, California, possesses a valid contractor’s license of the required class, as verified by the Contractor’s State License Board, and is registered with the State Department of Industrial Relations (DIR).

4. Construction is anticipated to begin approximately May 2026. The length of the contract is 90 working days.

5. The Public Participation Plan is required and has been approved by the Transportation and Public Works Marketing and Outreach Coordinator.

6. The project includes the Community Workforce Agreement, dated July 1, 2023, and Ghilotti Bros, Inc. of San Rafael, California has provided the City with their Appendix A documentation.

7. The larger/parent project Kawana Springs Community Park is currently at 30% design with an anticipated bid date of approximately Spring 2026.

## FISCAL IMPACT

Funding for this project has been appropriated to Account No.09596.

Funds for this Project were appropriated in a previous fiscal year. Approval of this contract has no additional impact on the budget and funding is available to award this contract.

## ENVIRONMENTAL IMPACT

In accordance with the California Environmental Quality Act (CEQA), an Initial Study was conducted to determine whether the proposed project could have a significant effect on the environment. Based on this study, it was determined that there will not be a significant effect on the environment because mitigation measures have been added to the project and, therefore, a Mitigated Negative Declaration was adopted in November 2019.

The proposed improvements are consistent with the scope of the project analyzed in the adopted Mitigated Negative Declaration. No new or more severe environmental impacts would occur, and no substantial changes to the project or its circumstances have occurred that would require additional environmental review under CEQA Guidelines Section 15162.

Therefore, no further environmental documentation is required, and the project remains in compliance with CEQA based on the previously adopted Mitigated Negative Declaration.

## BOARD/COMMISSION/COMMITTEE REVIEW AND RECOMMENDATIONS

Not applicable.

## NOTIFICATION

Not applicable.

## ATTACHMENTS

- Attachment 1 – Location Map
- Attachment 2 – Summary of Bids
- Attachment 3 – Relief of Bid Letter

## PRESENTER

Peter Porata, Associate Civil Engineer
Gregory Mariscal, Supervising Engineer