



## CITY COUNCIL AGENDA REPORT

**Meeting Date:** September 3, 2020

**From:** Director of Public Works/City Engineer

**Subject:** Award Construction Contract for Kings Road Roadway Protection Project (No. 920C)

**Community Goal/Result:** Safe Community

### Purpose

To award a construction contract to build a retaining wall in the 400 block of Kings Road.

### Recommendation

1. Relieve contractor HM Construction of their bid pursuant to California Public Contract Code §5101, and do not require forfeiture of the bidder's bond submitted with their proposal.
2. Award the construction contract for Kings Road Roadway Protection Project in the amount of \$237,000 to Granite Rock Company.

### Background

City Council approved funding for this project in the amount of \$250,000 at its 9/3/20 meeting.

### Discussion:

The city received four bids for this project on October 1, 2020:

HM Construction	\$164,928.00
Graniterock	\$237,000.00
CF Contracting Inc.	\$284,678.00
Brannon Corporation	\$443,060.00
Engineer's Estimate:	\$229,550.00

During staff's review of the proposal, it was noted that the extension of the estimated quantity and unit price for item 3 in HM Construction's did not match the total cost in the bid form. Correcting this error resulted in a downward revised bid total of \$81,118.40.

HM Construction subsequently submitted a letter on 10/5/20, requesting they be relieved of their bid. Staff has reviewed the written request and in consultation with the contractor note the following; a mistake was clearly made, the contractor gave the city written notice within five days after the opening of the bids and specified how the mistake occurred, the mistake made the bid materially different than intended by the contractor, and the mistake was made

in filling out the bid form (i.e., the contractor inserted a value other than the one intended in the unit cost for bid item 3 of the bid form).

The second low bidder's proposal was reviewed and found to be responsive, and the contractor was found to be responsible.

**Fiscal Impact**

The approved project funding will come from the City' General Fund.

**Measure of Success:** Protection of the public and public infrastructure.

**Attachments**

1. HM Construction letter dated 10/5/20

*R.L. Breault*

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Randy Breault, Public Works Director



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Clay Holstine, City Manager

# ***HM Construction.***

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[Hmer123@gmail.com](mailto:Hmer123@gmail.com)

October 5, 2020

**City Of Brisbane**  
50 Park Place, Brisbane, CA, 94005

Attn: **DIRECTOR**

**RANDY BREAU LT P.E**

Regarding Project 920

– Kings Road

Dear Mr. Randy:

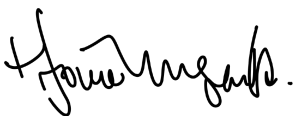
In accordance with Public Contract Code Sections 5100-5107, please accept this correspondence as a formal request for relief from our bid on the above referenced project. In preparing our bid for this project a mathematical transposition error was made on bid day which was not discovered until after bid opening. This mistake made our bid materially different than the bid we intended to submit.

All of our bid documents, records and estimates are available for your review. As we were looking forward to completing this project, we sincerely regret this error. We apologize for any inconvenience this may cause you and thank you for your consideration of our request.

If you should have any questions or require any additional information, please do not hesitate to contact me.

Thank you,

Hocine Merzouk



Principal