



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Reject All Bids and Authorize Staff to Re-package and Re-advertise the Project for Bid Proposals, McCandless Park Project No. 2005, No.5102, and No. 7076
Category:	Consent Calendar-Community Services and Sustainable Infrastructure
Meeting Date:	3/2/2021
Staff Contact:	Steve Erickson, 408-586-3301
Recommendation:	Reject All Bids and Authorize Staff to Re-package and Re-advertise the Project for Bid Proposals, McCandless Park Project No. 2005, No. 5102, and No. 7076

Background:

The McCandless Park Project No. 2005, 5102, and 7076 ("Project") is in the adopted 2020-2025 Capital Improvement Program. The project provides for the construction of a new 5-acre City park adjacent to McCandless Drive next to the Mabel Mattos Elementary School. The new park is partially funded through a Santa Clara County All-Inclusive Playground grant and will include play areas for children, sports field, community garden, butterfly garden, picnic areas, dog play areas, pathways, and restrooms facilities.

The Project plans and specifications were advertised for bid on digital construction trade publications and in the Milpitas Post on October 9 and 16, 2020, in accordance with the bidding requirements of the Uniform Public Construction Cost Accounting Act. Bid opening was held on February 10, 2021, and five sealed bids were received.

Analysis:

The following is a tabulation and summary of the five bids received and it is included in the agenda packet as **Attachment 1**.

Bidder	Location	Base Bid
Engineer's Estimate		\$7,159,655
McGuire & Hester, Inc.	Alameda, CA	\$6,396,959
Marina Landscape, Inc.	Orange, CA	\$6,686,130
Suarez & Munoz Construction	Alameda, CA	\$7,706,500
California Plus Engineering	Campbell, CA	\$8,176,500
Galeb Paving, Inc.	Saratoga, CA	\$8,234,010

The bid pricing submitted varies between 15% under to 15% over the Engineer's Estimate. The low bid was submitted by McGuire & Hester, Inc., with a Bid amount of \$6,396,959.

Unfortunately, Staff has reviewed all five bid packages and has determined that all five bids received include bid errors and all bids are recommended to be rejected. All five bidders submitted bids with problems related to the installation of the playground play surface. The bidders either failed to list a California licensed subcontractor registered with the California Department of Industrial Relations (DIR), or they did not list a subcontractor that is trained and certified by the manufacturer of the play surface for installation of the specified playground surface. Therefore, staff recommends City Council reject all bids in accordance with

Public Contract Code sections 20166 and 22038, and authorize staff to revise, re-package, and re-advertise the Project for new bid proposals.

Policy Alternatives:

Alternative 1: Not to reject all bids for the Project.

Pros: None.

Cons: Not rejecting all bids will delay construction of the Project and may jeopardize completion of the Project within the deadline for the grant, which is January 2023.

Reason not Recommended: The grant funding agreement with County of Santa Clara stipulates that the all-inclusive playground is to be open to the public by January 2023. A delay in the completion of the Project will result in loss of grant funding for both the City and Milpitas Unified School District's play areas.

Fiscal Impact:

Adequate funds are available in the Project budget and no additional funding appropriation will be required at this time.

California Environmental Quality Act:

In accordance with California Environmental Quality Act Guidelines Section 15164, an Addendum to the June 3, 2008 Transit Area Specific Plan Environmental Impact Report to address minor changes and additions was created and adopted by the City Council on February 4, 2020.

Recommendation:

Reject All Bids and Authorize Staff to Re-package and Re-advertise the Project for Bid Proposals.

Attachments:

Attachment 1: Bid Results