

City of Piedmont
COUNCIL AGENDA REPORT

DATE: January 16, 2024

TO: Mayor and Council

FROM: Rosanna Bayon Moore, City Administrator

SUBJECT: Acceptance of the Withdrawal of Low Bid by Bay Construction and Rejection of All Bids for the Piedmont Park Bridge Replacement and Authorize Re-Bidding of the Project

RECOMMENDATION

By a single motion, take the following actions regarding the Piedmont Park Bridge Replacement Project:

1. Accept withdrawal of low bid by Bay Construction and reject all bids received for the Piedmont Park Bridge Replacement Project.
2. Authorize staff to re-issue modified bid documents for the same scope of work.

BACKGROUND

At the beginning of 2023, a pedestrian bridge at the southwesterly portion of Piedmont Park partially failed with the collapse of protective railings due to rotten wood. As a safety measure, temporary railings were constructed. Given the age of the existing bridge and the state of disrepair, staff recommended replacement and the City Council allocated resources to move forward with the programming of the capital project. Construction drawings were completed in late October 2023 and the cost of the bridge replacement was estimated at \$142,879. In accordance with both City and State requirements, the project was circulated for bids in November 2023.

DISCUSSION

The proposed design was initiated in late 2022 and was reviewed at the Park Commission on January 4, 2023; February 1, 2023; August 2, 2023; and November 1, 2023. Visual graphics of the proposed bridge were presented at the August and November meetings. The Park Commission found the design to be appropriate and consistent with the setting in the Park. Additionally, the project was subject to the Piedmont Design Review process and was issued a permit by the Planning & Building Department. The Planning & Building Department has determined that the proposed project is consistent with the criteria and standards of the Municipal Code and Design Review Guidelines.

Bids for the project were opened on December 6, 2023. Seven bids were received ranging in price from \$216,570 to \$545,250. The low bid was received from Bay Construction. Staff

evaluated the Bid from Bay Construction and found it acceptable; however, on December 12, 2023 the City received a letter from Bay Construction stating that due to a material error, the bid was being withdrawn.

In a review of the other bids submitted, the second and third lowest bidders had mathematical mistakes in their bids. After recalculating the bids pursuant to the specific procedures contained in the bid documents, both bids were found to be excessively high (\$4,122,000 and \$4,420,800, respectively). Following review of the fourth lowest bid by Corcus Construction, a comparison of the the estimated project cost of \$142,879 versus the bid of \$296,600 informed staff's recommendation to reject all bids.

City staff has consulted with the City Attorney's office to assist in evaluating Bay Construction's request to withdraw their bid, as well as to determine the appropriate next steps. The City Attorney's office supports the bid withdrawal per Public Contracts Code Section 5103. Staff recommends allowing Bay Construction to withdraw their bid, rejecting all bids received, and authorizing staff to rebid the project.

In consideration of re-bidding the project, staff evaluated all bids to see if there were items that could be changed or eliminated to help reduce the cost, as all bids received were over the estimate for the project. If the Council accepts the recommendation to reject all bids and rebid the project, staff has identified that replacement of irrigation and electric lines that attach to the bottom of the bridge structure, as well as removal and replacement of two short sections of existing railing could be performed by Public Works staff and eliminated from the project. Based on the bids that were submitted, elimination of these items may reduce the bid amount by \$30,000 to \$40,000.

SCHEDULE OF CONSTRUCTION

If all bids are rejected, staff is ready to immediately re-bid the project with the changes mentioned. If advertisement occurs in January, construction could begin in late March or early April.

ENVIRONMENTAL REVIEW

This project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15301(c), in that the project involves replacement of an existing facility with no expansion of capacity.

FISCAL IMPACT

When awarded, this project will be funded through a combination of Prop 68 Funds and Facilities Capital Funds. The sum of \$150,000 is budgeted for the construction phase in Fiscal Year 2023-24, with Proposition 68 funds accounting for \$105,000 and Facilities Capital Funds accounting for the remaining \$45,000. While there are no assurances, City staff is optimistic that a re-bid with modifications will result in a conforming bid for an amount less than the current low conforming bid.

CITY ATTORNEY REVIEW

The City Attorney has reviewed these matters and agrees with staff's recommendations from a legal perspective.

By: Daniel Gonzales, Public Works Director
John Wanger, City Engineer