

Livermore Area Recreation and Park District

Staff Report

TO: Chair Furst and Board of Directors

FROM: Mathew Fuzie, General Manager

PREPARED BY: Bruce Aizawa, Parks and Facilities Manager
Patricia Lord, Assistant General Manager
Michelle Newbould, CIP Administrative Aide
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DATE: October 30, 2019

SUBJECT: Consider Bid Protest and Resolution Awarding Contract to Lowest Responsible Bidder, Goodland Construction, Inc., for the construction of Sunset Park Playground, CIP Project No. 719

RECOMMENDATION:

1. That the Board of Directors reject the Green Valley Landscape bid protest as lacking merit after professional legal review.
2. That the Board of Directors adopt Resolution No. ____, accepting the bid and awarding the contract to GoodLand Landscape Construction, Inc., 21080 Mountain House Parkway, in the base bid amount of \$870,524.00 for the construction of the Sunset Park Playground, CIP Project No. 719.

BACKGROUND: At its December 12, 2018 Board of Directors meeting, the Board approved Concept Option #2 conceptual plan for Sunset Park Playground with add-alternate of pour-in-place material instead of wood fiber, and reset the original \$1.2M budget. At its March 28, 2019 Facilities Committee meeting, the Committee recommended to the General Manager that RRM Design Group proceed with Plans and Specifications and authorized the General Manager to go out to bid for the construction of the Sunset Park Playground.

BID PROTEST: Green Valley Landscape Inc. (“GVL”) submitted the second lowest bid on October 1, 2019 for the Sunset Park Playground Project. On October 3, 2019, Green Valley Landscape submitted a timely bid protest regarding apparent low bidder GoodLand Landscape Construction, Inc. (“GLC”) alleging that GLC failed to comply with the instructions because GLC’s bid incorporated pricing for an unspecified product.

Book 1, Section B-11.e requires the Board of Directors to consider the merits of a timely protest prior to award of the project.

Bidders were required to submit bids that conformed and were responsive to the bid documents on the official forms furnished in the Bid Book. (Bid Book 1, A-4). Submission of a bid is conclusive evidence that the bidder has investigated and is satisfied as to the conditions to be encountered, as to the character, quality and scope of work to be performed, the quantities of materials to be furnished, and as to the requirements of the plans, specifications and contract documents. (Bid Book 1, B-3).

On its face, staff has determined that GLC's submitted bid on the official form conforms to and is responsive to the bid documents.

It is not necessary to address GVL's allegation and inference that GLC's bid is nonresponsive because the bid incorporated pricing for an unspecified product. It is, however, sufficient to note, as GLC has ably done in its attached response, that "or equal" substitutions may be submitted after award of the contract, which staff further notes, is entirely consistent with the applicable provisions of Public Contract Code section 3400.

Thus, GVL's protest pertaining to GLC's bid lacks merit.

BID ANALYSIS AND REVIEW: Bids were opened on Tuesday, October 1 at the Robert Livermore Community Center. A total of seven bids were received before the closing time of 1 PM, ranging from the low bid of \$870,524.00 to the highest bid of \$1,373,827.00. The seven bids received were as follows:

Rank	Company Name	Bid Total
1	GoodLand Landscape Construction, Inc.	\$ 870,524.00
2	Green Valley Landscape	\$ 885,016.60
3	Redwood Engineering Construction	\$ 999,054.00
4	Terramark General Engineering Contractors, Inc.	\$1,052,000.00
5	R&R Pacific Construction	\$1,309,479.50
6	Kerex Engineering, Inc.	\$1,324,831.00
7	Star Construction, Inc.	\$1,373,827.70

City of Livermore staff conducted a review of all seven bid proposals that were submitted. The City's vetted bid results documented that the findings for the lowest, responsible bidder are as follows:

- GoodLand Landscape Construction, Inc. has a valid California contractor's license of the appropriate classification (Class A). The licenses (Class A, C27) are current and active.
- GoodLand Landscape Construction, Inc. is bonded by the Guarantee Company of North America Insurance Company, which is licensed to do business in California and is rated "A" by A.M. Best Financial Services. GoodLand Landscape Construction, Inc. has Workers' Compensation with Travelers Property Casualty Company of America.

- GoodLand Landscape Construction, Inc. has worked for LARPD on past projects, including: Bothwell Park Renovations, Robertson Park Sports Field Improvement Project, and the Multi-Park Playground Renovation Project, with positive results.
- Bid documents appear to be in order with all required submissions and certifications.

Pursuant to all relevant Public Contract Code, Labor Code, and the results of contractor license and reference checks, staff recommends that the contract for construction of Sunset Park Playground be awarded to GoodLand Landscape Construction, Inc.

FINANCIAL SUMMARY: Staff have reviewed all spend items, including hard costs, soft costs, and contingency, for this project and have concluded that the project budget is adequate to accommodate the lowest, responsible bid as received by GoodLand Landscape Construction, Inc. (Note: there is one potential add alternate for \$38,700: a south concrete path, but staff do not recommend it as the base bid includes gravel paving that will meet District needs).

The current project projections suggest a project under-run of \$59k versus the approved project budget as summarized in the following outline.

Project Budget (FY18-19 forward)	\$ 1,200,000
RRM Design Group	\$ (81,700) Final Design - 7/23/18 Agreement - spend to date (not to exceed \$81,700)
RRM Design Group	\$ (12,000) Construction Administration Not-to-exceed agreement
O'Dell Engg	\$ (13,572) Project Mgmt - spend to date through Oct19 (from FY18-19 on)
O'Dell Engg	\$ (56,428) Project Mgmt - remaining spend estimate per S Khanna
City of Livermore	\$ (11,140) Permits (actual)
Engeo	\$ (6,000) Estimate - Geotech (soil compression testing, etc...)
Neumiller & Beardsley	\$ (1,500) Est - OPEN item - Legal costs to address formal contesting of Low Bid
City of Livermore	\$ (1,000) Est - OPEN item - estimated COL cost Bid Review Invoice
Hard Costs (LOW BID)	\$ (870,524) Goodland Landscape Construction, Inc.
10% Hard Cost Contingency	\$ (87,052)
Total Project Cost Est	<u>\$ (1,140,916)</u>
Amount Under/(Over) Project Budget	<u><u>\$ 59,084</u></u>