



## Legislation Text

File #: 20-0801, Version: 1

Chief Administrative Office, Facilities Division, recommending the Board consider the following:

- 1) Pursuant to Public Contract Code 5101, grant Brazos Urethane, Inc., the apparent low bidder concerning Bid 20-968-023 (to provide roofing overlays at the Placerville Main Library and Administration Buildings A & B) relief from its bid due to a miscalculation in square footage;
- 2) Award Bid 20-968-023 to the second lowest responsive and qualified bidder, Madsen Roofing & Waterproofing, Inc., for \$801,667 and a term of 60 days concerning the Library and 90 days for Administration Buildings A & B, and authorize the Chair to sign Public Works Contract No.4966, subject to review and approval by County Counsel and Risk Management;
- 3) Award Bid 20-968-053 (to provide roofing overlays at the South Lake Tahoe Johnson Center) to the lowest responsive and qualified bidder, Madsen Roofing & Waterproofing, Inc., for \$175,046 and a term of 45 days, and authorize the Chair to sign Public Works Contract No.4967, subject to review and approval by County Counsel and Risk Management; and
- 4) Authorize the Purchasing Agent to sign an Escrow Agreement, if requested by any Contractor and in accordance with Public Contract Code Section 22300, for the purpose of holding Contract retention funds.

**FUNDING:** Accumulated Capital Outlay Fund.

### **DISCUSSION / BACKGROUND**

On May 5, 2020, the Board adopted the plans and specifications and authorized the Chair to sign the request for construction bid documents No. 20-968-023 (Placerville Main Library and Administration Buildings A & B) and bid No. 20-968-053 (South Lake Tahoe Johnson Center) and). The purpose of these bids was to secure construction services to provide roofing overlays.

Five bids were received concerning bid No. 20-968-023 and Brazos Urethane, Inc. was the apparent low bidder with a submittal of \$692,015. ~~Shortly after the bid opening, Bids were due on June 2nd and on June 3rd,~~ the Procurement and Contracts Division was contacted by Brazos informing the County of a square footage miscalculation. They had mistakenly omitted the square footage of the library which drastically impacted their final bid number. Had this mistake not been made it appears as though Brazos would have been the highest of the five bids received. ~~Due to this error, the Division requests that the Board make findings pursuant to Public Contract Code 5101 to grant Brazos relief from this bid and return their bidders bond.~~

Public Contract Code (PCC) Section 5103 requires the following criteria to be met in order for the Board to grant bid relief.

- a) A mistake was made,
- b) The bidder gave written notice within five (5) working days 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 the bidder intended it to be, and
- 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.

Both the Facilities Division and the Procurement and Contracts Division concur in releasing the Brazos Urethane, Inc. from their bid.

The second lowest responsive and qualified bidder concerning No. 20-968-023 is Madsen Roofing & Waterproofing, Inc., for \$801,667 and a term of 60 calendar days regarding the Library and 90 calendar days for Administration Buildings A & B.

Three bids were received concerning bid No. 20-968-053 and Madsen Roofing & Waterproofing, Inc. was the lowest responsive and qualified bidder. The awarded contract amount is \$175,046 with a term of 45 calendar days.

Upon approval by County Counsel and Risk Management, the Division will forward two (2) originals of the Construction Contracts, with the required bonds and the approved Contract Routing Sheets, to the Chair for signature and will issue the notices to proceed shortly thereafter.

#### **ALTERNATIVES**

Should the Board decline to award the bid the Division shall continue to perform short-term repairs.

#### **PRIOR BOARD ACTION**

May 5, 2020; Legistar File 20-0501; No. 4

#### **OTHER DEPARTMENT / AGENCY INVOLVEMENT**

Procurement and Contracts Division

#### **CAO RECOMMENDATION / COMMENTS**

Approve as recommended.

#### **FINANCIAL IMPACT**

This project has been budgeted in Fiscal Year 2020-21 in the Accumulative Capital Outlay Fund. There is no change to Net County Cost.

#### **CLERK OF THE BOARD FOLLOW UP ACTIONS**

- 1) Upon approval by County Counsel and Risk Management, the Division will forward two (2) originals of the Construction Contracts, together with the required bonds and insurance, and the approved Contract Routing Sheets to the Clerk for the Chair's signature.
- 2) The Clerk will forward one (1) fully executed Construction Contract of each to the Facilities Division for further processing.

#### **STRATEGIC PLAN COMPONENT**

Infrastructure

#### **CONTACT**

Russ Fackrell  
Facilities Division Manager