



Midpeninsula Regional  
Open Space District

R-12-76  
Meeting 12-26  
July 25, 2012

## AGENDA ITEM 4

### AGENDA ITEM

Authorization to Reject All Bids Received July 6, 2012 for the Ponds DR07 and DR08 Repair Project at La Honda Creek Open Space Preserve

### GENERAL MANAGER'S RECOMMENDATION

*Just for SEA*

Authorize the General Manager to reject all bids received to implement the Ponds DR07 and DR08 Repair Project (Project) at La Honda Creek Open Space Preserve.

### SUMMARY

The bidding process commenced on May 30, 2012. Bid packages were sent to eight (8) local contractors and five (5) builders' exchanges. A legal notice was posted in the Half Moon Bay Review and San Mateo County Times, and an Invitation to Bid was posted on the District website. A mandatory pre-bid meeting was held on June 8, 2012, and was attended by nine (9) contractors. Five (5) sealed bids were received on July 6, 2012, with TKO General Engineering and Construction, Inc., (TKO) announced as the apparent low bidder. A bid protest was received by Gecko Golf on Wednesday, July 11, 2012. Upon further review and clarification, it was determined that the low bidder did not receive an e-mail dated June 26, 2012 that clarified direction for the item that is the subject of the bid protest. Staff recommends rejecting all bids and soliciting new bids to complete the Project.

### DISCUSSION

#### Project Background

The Ponds DR07 and DR08 Repair Project is located in the former Wool Ranch area of the La Honda Creek Open Space Preserve (Preserve), northwest of the Town of La Honda, adjacent to an unpaved ranch road. The purpose of the Project is to re-contour pond basins, rebuild failed or failing earthen berms, and install vegetation-lined earthen spillways to effectively convey stormwater while improving ponding duration for both the California red-legged frog (CRLF) and livestock. Additional project components include removing invasive and non-native vegetation, installing cattle exclusion fencing, installing an alternate watering source (trough), and preventing erosion and downstream sedimentation.

Repair of Ponds DR07 and DR08 was first identified in the Pond Management Plan prepared by Vollmar Consulting in 2009 for the former Wool Ranch portion of La Honda Creek Open Space Preserve. Restoration of these two ponds was identified as a high priority implementation item

based on water actively flowing across and through the earthen berms. The two ponds are compromised by either early drying (Pond DR08) or sedimentation and choking by invasive wetland vegetation (Pond DR07), which impact CRLF breeding opportunities.

### **Bidding Process**

The bidding process commenced on May 30, 2012. Bid packages were sent to eight (8) local contractors and five (5) builders' exchanges. A legal notice was posted in the Half Moon Bay Review and San Mateo County Times, and an Invitation to Bid was posted on the District website. A mandatory pre-bid meeting was held on June 8, 2012, and was attended by nine (9) contractors. Five (5) sealed bids were received on July 6, 2012 as shown below:

	Bidder	Location	Total Bid	Percent Difference from Cost Estimate of \$100,000
1.	TKO Construction	Woodside, CA	\$68,200	-32%
2.	Gecko Golf	Dublin, CA	\$72,000	-28%
3.	Redwood Engineering	Redwood City, CA	\$97,220	-3%
4.	Applied Water Resources	Santa Clara, CA	\$100,730	+1%
5.	Niles Freeman	Clements, CA	\$141,000	+41%

TKO was announced as the apparent low bidder. A bid protest was received by Gecko Golf on Wednesday July 11, 2012. At issue was the fact that TKO's bid contained a unit cost on base bid items #4 and #11, while all other submitted bids contained a total lump sum cost for these items, as directed in a clarification e-mail sent by the District on Tuesday, June 26, 2012.

Upon further review and clarification, it was determined that TKO, the apparent low bidder, did not receive the clarification e-mail dated June 26, 2012. TKO was the only bidder who was unintentionally left off the contact list for the e-mail, and subsequently the only bidder who did not provide a total lump sum cost for line items #4 and #11. Rejection of all bids is the only option available in order for the District to fairly evaluate and compare bids from all prospective bidders.

The District may, in its discretion, reject all bids in accordance with California Public Contracts Code section 20166 and Section 6 on Page 8 of the Project Instructions to Bidders. Rejection of the bids results in the need for the District to re-bid the project. Staff is currently working to re-release the bid in order to complete the Project this fiscal year.

### **FISCAL IMPACT**

Rejection of bids results in no fiscal impact to the District's capital budget. However, re-release of the bid will result in incurring additional costs to re-publish a notice in the local newspapers. This cost is estimated to be \$337.50. However, this cost is less than those anticipated to extend permits if the Project were to be deferred.

**PUBLIC NOTICE**

All legal notice requirements of the California Environmental Quality Act (CEQA) have been met, in addition to public noticing requirements of the Brown Act.

**CEQA COMPLIANCE**

Staff concludes that rejecting all bids for the project does not constitute a project under the California Environmental Quality Act (CEQA) because this action does not have the potential to result in either a direct physical change, or a reasonably foreseeable indirect physical change, in the environment. The District adopted a Mitigated Negative Declaration and Mitigation Monitoring Program for implementation of the Project on March 14, 2012, which determined that the Project would have no significant or cumulative effects because of implementation and adherence to mitigation measures that will prevent substantial impacts to environmental resources. It was also determined that implementation of the Project would not result in direct and indirect substantial adverse impacts or significant risk to human beings. Rejection of all bids does not change the CEQA findings for the Project.

**NEXT STEPS**

Upon Board authorization to reject all bids, staff will solicit new bids to perform construction services for the Ponds DR07 and DR08 Repair Project and anticipates returning to the Board for award of contract at the August 22, 2012 Board meeting. Once paperwork and contract signatures are in place, the Project is scheduled to begin in early September and be completed by October 2012.

Responsible Department Manager:  
Kirk Lenington, Natural Resources Manager

Prepared by:  
Julie Andersen, Planner II

Contact person:  
Same as above