



# City of Woodland

## REPORT TO MAYOR AND CITY COUNCIL

AGENDA ITEM

TO: THE HONORABLE MAYOR  
AND CITY COUNCIL

DATE: September 16, 2008

SUBJECT: Award of Construction Contract for Park Irrigation Rehabilitation –  
Camarena/Pedroia Ballfields and Christensen Park, Project No. 07-18

### **Report in Brief**

Bids were opened on August 26, 2008, for the Park Irrigation Rehabilitation – Camarena/Pedroia Ballfields and Christensen Park, Project No. 07-18. Staff has prepared documents and related information to facilitate the City Council's consideration of additional action in association with this project.

The lowest responsible bidder, Jensen Landscape, submitted a bid which contained several errors. First, the bid was signed by the bidder but did not have the corporate seal affixed thereto. Second, the Jansen Landscape bid omitted the extended prices for three additive alternate items, although unit prices were provided.

City staff contacted the City Attorney with regard to these bid errors, who opined that the bid errors were minor irregularities which could be waived by the City Council.

Staff recommends that the City Council a) waive the bid errors identified as minor irregularities as described herein as immaterial, not impacting the price of Jensen Landscape's bid or providing Jensen Landscape with an advantage not afforded other bidders; and b) authorize the City Manager to execute a Construction Contract with Jensen Landscape in the amount of \$379,222 for the Base Bid plus Additive Alternates #1 and #2, and authorize expenditures in the amount of \$417,144 for construction.

### **Background**

The voters approved Measure E in June 2006 and parks projects were identified as a high priority based on three approved advisory measures. The Parks Rehabilitation projects were deemed a top priority in the Parks Capital Program. Staff felt the Measure E Parks Irrigation Project would be a good candidate for Proposition 50 Grant Funding and the application under the Water Use and Efficiency Grant Program was submitted in December 2006. On July 23, 2007 the State of California issued a formal award notification to the City of Woodland, Parks & Recreation Department, for an amount of \$996,200. This is a matching grant program, and the balance of the

project costs will be funded through Measure E sales tax revenues over the next five years and the irrigation rehab project will be implemented in three phases.

The Park Irrigation Rehabilitation – Camarena/Pedroia Ballfields and Christensen Park, Project No. 07-18 includes upgrading obsolete and inefficient manual sprinkler systems at Camarena/Pedroia baseball fields, and Christensen Park. The upgrades will make the parks compatible with the future centralized irrigation controller, which will improve water-use efficiency. Upgrades include a new water service connection, and replacing inefficient piping, valves, and sprinkler heads with new, efficient hardware. In addition, the existing turf will be eradicated and the soil amended and sod laid.

On July 15, 2008, Council approved plans and specifications for the project, and the documents were put out to bid.

**Discussion**

Plans and specifications were advertised for bids and the bid opening was held on August 26, 2008. Two Additive Bid Items were included to allow the City flexibility in awarding the project, based on bid prices for the Base Bid and Alternates. The Base Bid includes the water service and irrigation upgrades. Additive Alternate #1 includes removal of the existing turf, soil amendments and fine grading, and new turf from sod for Camarena and Pedroia Fields. Additive Alternate #2 includes removal of the existing turf, soil amendments and fine grading, and new turf from sod for Christensen Park.

Bids were received from 17 contractors and the bid results are attached for review. The Base bid was 39% under the landscape architect estimate and with both add alternates the total project is 22% under the landscape architect estimate for the improvements to the park. Based on available budget for construction in the PPSS, staff recommends award of the Base Bid plus Additive Alternates #1 and #2.

The lowest bidder is Jensen Landscape from San Jose. Below is a comparison of their bid vs. the Landscape Architect's estimate:

	<u>Stantec</u>	<u>Jensen</u>
Base Bid	\$321,343	\$202,888
Add Alt #1	\$ 38,412	\$ 41,334
Add Alt #2	<u>\$125,391</u>	<u>\$135,000</u>
	\$485,146	\$379,222

Jensen Landscape's bid contained several errors. The first error is set forth in the Bid Form for Additive Alternate No. 1. Jensen Landscape left blank the extended prices for three alternate bid items. Jensen Landscape provided unit prices for the items. With the estimated quantity as well as the total extended price for the alternate No. 1, City staff is able to calculate the extended process of those items and confirm the sum total thereof. The second bid error in the bid was that Jensen

Landscape, a corporation, did not affix its corporate seal to the bid form on the signatory page. The corporate seal is required by the contract documents which provide as follows, “If the bid is made by a corporation ... it shall be signed by its duly authorized officer or officers attested by the corporate seal.” (Section B-4, Contract Documents page I-8.)

Jensen Landscape submitted a bid bond for the Project and was bound to its bid by the bid bond. California law permits the waiver of immaterial bid errors if the waiver of such errors would not provide the bidder with an unfair competitive advantage. (*Menefee v. County of Fresno* (1985) 163 Cal. App. 3d 1175.) In *Menefee*, the Court held that the lowest bidder's failure to sign the bid on the appropriate line of the proposal sheet did not invalidate the bid because the bid was signed in other places and the accompanying bid bond was signed. Such is the case here. Jensen Landscape signed various certification forms included in its bid and submitted a properly executed bid bond which bound Jensen Landscape to its bid amount. The failure to affix the corporate seal and the mistaken exclusion of the extended price of the unit price items, has no impact on the determination of the low bidder or otherwise afford a material benefit to Jensen Landscape not afforded other bidders.

Therefore, the City may waive these immaterial bid errors without affording Jensen Landscape an advantage not afforded other bidders. This position has been extensively reviewed by the City Attorney’s Office.

The requested amount for authorization includes a 10% contingency to cover unanticipated changes in the construction.

Construction should commence in early October and be completed by March 2009, pending favorable weather.

### **Fiscal Impact**

The irrigation improvements proposed for Christensen Park and Camarena/Pedroia Ballfields are part of the overall Park Irrigation Rehabilitation, Project No. 07-18. The approved PPSS (September 5, 2007) includes a project budget of \$1,000,000. The Prop. 50 Grant (Fund 502) represents 1/3 of the funding with 2/3 coming from Measure E (Fund 506). The expenditure authorization amount of \$417,144 for construction is within the amount allocated for construction. Additionally, the new computerized irrigation system is estimated to save up to 130 work hours and 25% water saving each year to the City of Woodland.

### **Public Contact**

Posting of the City Council agenda.

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**Recommendation for Action**

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Director Parks & Recreation

Prepared by: Alan Mitchell  
Project Manager  
Ponticello Enterprises

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Mark G. Deven  
City Manager

Attachment: Bid Results

**PROJECT NO. 07-18, CAMARENA LITTLE LEAGUE FIELD AND CHRISTIANSEN PARK IRRIGATION/TURF RENOVATIONS  
 BID OPENING RESULTS - TUESDAY, AUGUST 26, 2008 at 2:00 P.M.**

**BASIS OF AWARD = TOTAL BASE BID AMOUNT + ADD ALT # 1**

<b>CONTRACTOR</b>	<b>A. TOTAL BASE BID</b>	<b>ADD ALT # 1</b>	<b>ADD ALT #2</b>	<b>TOTAL BASE BID AMOUNT + ADD ALT #1</b>
Jensen Landscape & Construction Services	\$202,888.00	\$41,334.00	\$135,000.00	\$244,222.00
Procida Landscape, Inc.	\$210,024.86	\$42,303.36	\$138,370.56	\$252,328.22
JM Slover, Inc.	\$227,797.50	\$28,580.26	\$124,632.88	\$256,377.76
Planned Environments, Inc.	\$209,953.00	\$54,757.00	\$165,525.00	\$264,710.00
BRC Construction, Inc.	\$218,517.50	\$48,631.38	\$90,371.16	\$267,148.88
Hemington Landscape Services	\$224,099.00	\$47,069.00	\$139,459.00	\$271,168.00
Parker Landscape Dev Inc.	\$229,854.09	\$45,157.04	\$145,202.90	\$275,011.13
Odyssey Companies	\$237,912.50	\$46,459.04	\$151,962.84	\$284,371.54
Gold Valley Construction	\$268,187.50	\$36,490.16	\$114,543.36	\$304,677.66
Gateway Landscape Construction, Inc.	\$269,000.00	\$39,000.00	\$131,000.00	\$308,000.00
Valley Crest Landscape Development	\$261,681.25	\$48,818.98	\$151,393.92	\$310,500.23
PPM Construction, Inc.	\$266,266.00	\$67,067.33	\$215,215.00	\$333,333.33
American Civil Constructors	\$301,017.50	\$51,125.34	\$154,694.64	\$352,142.84
Elite Landscaping Inc.	\$301,988.00	\$81,446.26	\$216,083.20	\$383,434.26
Sunworld	\$338,538.45	\$63,743.08	\$198,369.45	\$402,281.53
Decker Landscaping	\$335,519.75	\$80,208.90	\$250,324.40	\$415,728.65
R&R Horn	\$368,350.00	\$53,082.00	\$139,757.00	\$421,432.00
<b>ARCHITECT'S ESTIMATE</b>	<b>\$325,494.00</b>	<b>\$37,474.78</b>	<b>\$122,332.88</b>	<b>\$362,968.78</b>

OPENED BY: City Clerk

READ BY: City Clerk

WITNESSED BY: Ponticello Enterprises