



MEMORANDUM
Public Works Department

DATE: November 18, 2022

TO: Ed Arango, Assistant Public Works Director

FROM: Naveen Govind, Senior Project Manager / Parks & Buildings
David Printy, Principal Project Manager/ Parks & Buildings

SUBJECT: Recycling Center Building Retrofit, Project 20-18 Bid Relief Request and Documentation per Public Contract Code 5101 (b)

On October 27, 2022, the City Clerk's Office received four bids for the Recycling Center Building Retrofit Project ranging from \$697,050 to \$1,155,000. The lowest bid was submitted by EVRA Construction, Inc.

On October 28, 2022, one business day after the bid opening, EVRA Construction, Inc. submitted a request to withdraw their bid due to an inadvertent clerical mistake in their bid (Exhibit A). Sections 5101 to 5103 in Division 2, Part 1 "Administrative Provisions" of the California Public Contract Code (CPPC) allows a bidder to request their bid be relieved without forfeiture of their bid security when a clerical error is made when filling out the bid. Section 5103 entitles a bidder to relief when the bidder demonstrates the following: (a) a mistake was made, (b) written notice was provided within five working days after bid opening specifying in the notice in detail how mistake occurred, (c) the mistake made the bid materially different than intended, and (d) the mistake was made out in filling out the bid and not due to an error in judgement or to carelessness in inspecting the site of the work, or in reading the plans and specifications.

EVRA Construction, Inc. provided a letter of explanation (Exhibit A). The bid tabulation submitted with the bid relief request showed pricing for General Conditions, Bond, Project Manager, Overhead Profit and Allowance that were inadvertently excluded from the Base Bid Amount on their submitted Schedule of Values (SOV). The bid tabulation sheet also highlighted several other discrepancies resulting in a wide range of changes from small to large to many other bid items on their SOV which if included would have added approximately \$142,000 more to their base bid. After requests by staff to provide more details on how their bid was calculated, EVRA submitted a "corrected" SOV based on their internal bid tabulation sheet (Exhibit B). The revised SOV indicated that EVRA did not transfer costs for multiple large elements of the work including handrails, asphaltic concrete paving, rooftop supports & equipment screens, and other smaller

elements to the bid forms. The cumulative impact of EVRA's failure to include values for these elements of the work was another material error in preparing their bid.

EVRA Construction, Inc. characterizes each of the errors as a "clerical error in calculating the bid amount". Staff agrees this was a clerical error due to transcription rather than an error in judgement and that the bidder should be allowed to withdraw their bid. EVRA Construction demonstrated a good faith effort with the timeliness provisions of Section 5103 by regularly and clearly communicating with staff regarding the details of the bid irregularity. Given this good faith effort, the cumulative magnitude of the errors, and demonstrating compliance with section 5103, staff recommends their request for bid relief be granted.

Attachments: Exhibit A – Relief of Bid Request and Letter of Explanation.
Exhibit B – Bid Schedule of Values with Corrected Numbers

Approved:  _____ 11-18-2022
Ed Arango, Assistant Public Works Director Date

cc: PCE—Au, PCE—Gonzales, USM, PPM—Printy, SMA—Goedicke, F/c (18-38)



October 28, 2022

City of Mountain View
Public Works Department
Ashraf Shah, Principal Construction Engineer
500 Castro St, Mountain View, CA 94041

EVRA Construction Inc. withdraw its Bid for the City of Mountain View "Recycling Center Building Project" because we made a clerical error in calculating the bid amount.

Due to human error, we have not included the price of the Indirect Cost and Allowance in the Base Bid Amount. (See attached pages with bid calculation)

Sincerely,

Alexandr Yunak
President EVRA Construction, Inc.

A handwritten signature in blue ink, appearing to be "Alexandr Yunak", is written over the typed name and title.

RECYCLING CENTER BUILDING RETROFIT

		Price
DIVISION 2-EXISTING CONDITIONS		
02 41 16	Selective Demo	58,000
02 82 00	Asbestos Abatement	29,000
DIVISION 3-EXTERIOR PAVING		
03 00 00	Concrete	78,200
03 12 16	AC Paving	30,000
DIVISION 5-METAL		
05 51 33	Metal Ladder(fance and gates)	11,500
05 52 00	Handrail and railing	85,000
DIVISION 6-WOOD< PLASTICS, AND COMPOSITES		
06 10 00	Rough Carpentry	49,450
06 41 00	Architectural Wood Casework	8,000
DIVISION 7-THERMAL AND MOISTURE PROTECTION		
07 21 15	Batt Insulation	17,500
07 72 16	Roof Top Supports For Equipment Screens	25,000
07 72 33	Roof Haches	2,500
07 91 26	Sealants	3,000
DIVISION 8-OPENING		
08 11 13	Hollow Metal Doors	20,700
08 71 00	Doors Hardware	-
08 80 00	Glazing	
DIVISION 9-FINISHES		
09 29 00	Gypsum Board	25,500
09 65 00	Flooring	7,000
09 77 33	FRP	5,000
09 90 00	Painting	28,000
DIVISION 10-SPECIALTIES		
10 14 00	Interior Signage	2,000
10 28 13	Toilet Accessories	2,500
DIVISION 20-MECHANICAL		
20 81 26	Split System Air Conditioning	72,000
DIVISION 22-PLUMBING		
22 00 00	Plumbing	60,200
DIVISION 26-ELECTRICAL		
26 00 00	Electrical	69,000
	TOTAL	697,050
	General Condition	40,000
	Bond	15,000
	Project Manager	65,000
	Overhead and Profit	120,000
		937,050

Base Bid	937,050
Allowance	92,000

Base Bid Amount	1,029,050
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CITY OF MOUNTAIN VIEW

RECYCLING CENTER BUILDING RETROFIT, PROJECT 20-18

SCHEDULE OF VALUES

Bidders must provide a Schedule of Values for the work in the Base Bid. The Schedule of Values may be used by the City to process requests for payment by the bidder awarded the contract. The sum of the Schedule of Values must equal the Base Bid amount.

Bidders must submit the Schedule of Values with the bid.

<u>DIV. NO.</u>	<u>DIVISION DESCRIPTION</u>	<u>LUMP SUM</u>
1a	Mobilization, Demobilization, General, and Special Provisions ¹	\$ 240,000
1b	Construction Contingency Allowance ²	\$ 68,000
1c	Revocable Contract Items ²	\$ 24,000
2a	Existing Conditions—Hazardous Remediation and Disposal	\$ 29,000
2b	Existing Conditions—Demolition and Disposal	\$ 58,000
2c	Landscaping/Planting	\$ 8,200
3	Concrete/Paving	\$ 108,000
5	Metals	\$ 96,500
6	Wood, Plastics, and Composites	\$ 57,450
7	Thermal and Moisture Protection	\$ 48,000
8	Openings	\$ 20,700
9	Finishes	\$ 65,500
10	Specialties	\$ 4,500
20	Heating, Ventilation, and Air Conditioning	\$ 72,000
22	Plumbing	\$ 60,200
26	Electrical and Low Voltage	\$ 69,000
	<u>SUM OF THE SCHEDULE OF VALUES*</u>	\$ 1,029,050

* See III-PF-5 for footnotes.

CITY OF MOUNTAIN VIEW
RECYCLING CENTER BUILDING RETROFIT, PROJECT 20-18

BID SCHEDULE

BASE BID:

<u>ITEM NO.</u>	<u>ITEM DESCRIPTION</u>	<u>LUMP SUM PRICE</u>
1	Furnish all labor, materials, tools, equipment, transportation, expertise, and incidentals ¹ to complete Recycling Center Building Retrofit, Project 20-18, in accordance with the contract documents to the satisfaction of the City Engineer.	\$ <u>605,050</u>
2	Construction contingency allowance ³	Allowance of: \$68,000
3	<u>Revocable Bid Item No. 1:</u> "PROTECTION OF NESTING BIRDS." Allowance for protection of nesting birds for 14 days per Section 25 of the Special Provisions.	Allowance of: \$ <u>1,000</u>
4	<u>Revocable Bid Item No. 2:</u> "30-DAY DELAY ALLOWANCE." Include all costs for extended general conditions, profit, and site and home office overheads as further described in Section 01 22 50 for 30 days of delay based on the Contractor's "Per Diem Delay Rate." ² Per Diem Delay Rate: \$ _____	Allowance of: \$ <u>1,000</u>
5	<u>Revocable Bid Item No. 3:</u> Allowance for hazardous materials testing and remediation at the discretion of the Contractor. Payment will be on a time-and-materials basis from the Contractor's submitted receipts and records of work performed only for this bid item.	Allowance of: \$10,000
6	<u>Revocable Bid Item No. 4:</u> Allowance for miscellaneous landscape items to modify existing irrigation system to meet landscape design intent.	Allowance of: \$5,000
<u>TOTAL BASE BID:</u>		
One Million Twenty Nine Thousand Fifty Dollars (price in words)		\$ <u>1,029,050</u> (price in numbers)

¹ Incidentals include, but are not limited to: fringes, taxes, insurance, overhead, and profit.

² See Section 01 22 50, Revocable Contract Items, for information and instructions related to the "Per Diem Delay Rate."

³ See Section 01 21 00, Allowances. The construction contingency allowance is reserved for additional work deemed by the Engineer to not be included in other items or work and is to be used only upon prior written instructions from the Engineer. The actual amount paid to the Contractor will correspond to the actual amount of work authorized by the Engineer and completed by the Contractor.

⁴ The lowest bid shall be the lowest total of the bid prices on the base contract.

EVRA's INTERNAL BID TABULATION

----- ORIGINAL & CORRECTED SOV

General Conditions overhead and profit added @ approx. \$181k difference

RECYCLING CENTER BUILDING RETROFIT

Original Bid SOV

SOV with corrected numbers

		Price
DIVISION 2-EXISTING CONDITIONS		
02 41 16	Selective Demo	58,000
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20 81 26	Split System Air Conditioning	72,000
DIVISION 22-PLUMBING		
22 00 00	Plumbing	60,200
DIVISION 26-ELECTRICAL		
26 00 00	Electrical	69,000
TOTAL		697,050
General Condition		40,000
Bond		15,000
Project Manager		65,000
Overhead and Profit		120,000
		937,050

1a	\$ 58,650	\$ 240,000
1b	\$ 68,000	\$ 68,000
1c	\$ 43,700	\$ 24,000
2a	\$ 20,700	\$ 29,000
2b	\$ 32,200	\$ 58,000
2c	\$ 15,525	\$ 8,200
3	\$ 78,200	\$ 108,000
5	\$ 11,500	\$ 96,500
6	\$ 49,450	\$ 57,450
7	\$ 20,700	\$ 48,000
8	\$ 20,700	\$ 20,700
9	\$ 65,550	\$ 65,500
10	\$ 5,175	\$ 4,500
20	\$ 77,050	\$ 72,000
22	\$ 60,950	\$ 60,200
26	\$ 69,000	\$ 69,000
	\$ 697,050	\$ 1,029,050

Cummulative shortfall of approx. \$323,000

Missing or different costs for almost every trade indicates multiple mistakes made incorporating line items from Bid Tabulation to Proposal SOV.

Base Bid	937,050
Allowance	92,000
Base Bid Amount	1,029,050