



CITY OF MOUNTAIN VIEW

**MEMORANDUM**

Public Works Department

**DATE:** January 18, 2022

**TO:** Edward Arango, Assistant Public Works Director / City Engineer

**FROM:** David Printy, Senior Project Manager/Capital Projects  
Robert Gonzales, Principal Civil Engineer/Capital Projects

**SUBJECT:** **Rengstorff Park Aquatics Center Replacement, Project 18-38, Bid Relief Request and Documentation per Public Contract Code 5101 (b)**

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On December 15, 2021, the City Clerk's Office received three bids for the Rengstorff Park Aquatics Center Replacement, Project 18-38 ranging from \$19,817,600 to \$21,868,140. The lowest bid was submitted by Thompson Builders Corporation (TBC).

On December 21, 2021, four business days after the bid opening, TBC 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 the mistake occurred, (c) the mistake made the bid materially different than intended, and (d) the mistake was made in filling out the bid and not due to an error in judgment or to carelessness in inspecting the site of the work, or in reading the plans and specifications.

After the bid relief request was received, staff immediately notified TBC to provide additional details for evaluation of the request. TBC responded that due to the holiday season its chief estimator responsible for this bid was not available to provide the requested information. On December 23 and 27, TBC submitted the additional details in support of the request for withdrawal of their bid. TBC furnished a letter of explanation (Exhibit B) with a portion of their estimate sheets as well as a copy of the landscape subcontractor's bid. The partial bid estimate sheet submitted showed that the pricing for landscaping specification section 32 9300 was erroneously recorded in their bid. Based on a copy of the sub-contractor bid submitted by Marina Landscaping, the intended amount for this line item should have been \$469,000 instead of the \$46,900 recorded in TBC's bid tabulation spreadsheet. After general contractor overhead and profit markups are

applied, this error caused the bid to be approximately \$450,000 below what was intended. The failure of TBC to include a correct amount for this work was a material error in preparing their bid.

TBC's letter characterizes the error as "inadvertent" and a "clerical mistake." Staff agrees this was a clerical error due to transcription rather than an error in judgment and that the bidder should be allowed to withdraw their bid. TBC demonstrated a good faith effort to comply 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 magnitude of the error, and demonstrating compliance with Section 5103, staff recommends their request for bid relief be granted.

Staff will forward a recommendation to Council to grant TBC's request to be relieved of their bid without penalty.

Attachments: 1. Exhibit A – Relief of Bid Request  
2. Exhibit B – Letter of Explanation

cc: PCE – Gonzalez, PCE – Shah, USM, SPM - Printy, SMA – Goedicke, F/c (18-38)

EXHIBIT A

BID RELIEF REQUEST

Rengstorff park aquatic center bid

Paul Thompson <pault@tbcorp.com>

Tue 12/21/2021 4:32 PM

To: Printy, David <David.Printy@mountainview.gov>

Cc: Clayton Fraser <claytonf@tbcorp.com>; Leah Oba <leaho@tbcorp.com>; Joe Hass <joe@tbcorp.com>

**CAUTION: EXTERNAL EMAIL - Ensure you trust this email before clicking on any links or attachments.**

Dave

Thompson Builders hereby request relief of our bid under section 5103 of the California Public Contract Code due to a clerical error.

As I mentioned the chief estimator for this project is off this week so we will follow up with any additional information as needed.

I apologize for this mistake and I wish you the best of luck on your exciting project.

*Paul Thompson*

**President**

**Thompson Builders Corp.**

5400 Hanna Ranch Rd.

Novato, CA 94945

415-456-8972 – Office

[REDACTED] Cell

[pault@tbcorp.com](mailto:pault@tbcorp.com)



EXHIBIT B  
LETTER OF EXPLANATION



5400 Hanna Ranch Road  
Novato, CA 94945  
General Contractor  
License # 626859

December 27, 2021

David Printy  
Senior Project Manager  
City of Mountain View- Public Works Department  
500 Castro Street, 1<sup>st</sup> Floor  
Mountain View, CA 94041

**Subject: Rengstorff Aquatic Center**

Dear Mr. Printy,

Following up on the email correspondence from last week in regards to the clerical error made by Thompson Builders (TBC) on the subject project.

TBC inadvertently typed in \$46,900 under section 32 9300 – Landscaping, rather than the bid amount of \$469,000 as depicted in attached pricing from our listed landscape contractor Marina Landscape, leaving our total bid short \$422,100 plus mark ups. I have also included our entire Division 32 from our bid sheet as requested.

In accordance with Public Contract Code §5103, Thompson Builders:

- (a) Has made an inadvertent mistake (clerical error).
- (b) Gave the city written notice within five working days after the bid opening.
- (c) The Mistake of \$422,100 made TBC's bid materially different than intended.
- (d) The mistake was made in filling out our bid sheet and was not a mistake due to an error in judgement or to carelessness in inspecting the site, or in reading the plans and specifications.

With this, TBC, unfortunately has to request relief from our bid due to this error.

Please let me know if you have any questions.

Respectfully,

Clayton Fraser  
Vice President

Sent via e-mail, 5 pages

Cc. TBC- Paul Thompson, Joe Hass