



City of Sunnyvale

Agenda Item-No Attachments (PDF)

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REPORT TO COUNCIL

SUBJECT

Award of Bid No. PW20-12 to G&G Builders, Inc. for Preschool Outdoor Play Area at Murphy Park, Finding of California Environmental Quality Act (CEQA) Categorical Exemption, Determination of Bidder Non-responsiveness and Waiver of Minor Bid Irregularity

REPORT IN BRIEF

Approval is requested to award a construction contract in the amount of \$333,193 to G&G Builders, Inc. of Livermore for the Preschool Outdoor Play Area at Murphy Park Project (Public Works Project No. PR-17-08) and approve a 10% construction contingency in the amount of \$33,319.

EXISTING POLICY

Section 1309 of the City Charter requires public works construction contracts be awarded to the lowest responsive and responsible bidder.

Pursuant to Section 2.09.040 of the Sunnyvale Municipal Code, City Council approval is required for public works contracts exceeding \$100,000 in any one transaction.

ENVIRONMENTAL REVIEW

The California Environmental Quality Act (CEQA) determination for this project is a categorical exemption pursuant to CEQA Guidelines Section 15301 for the minor alteration of existing facilities involving negligible or no expansion of the existing use.

BACKGROUND AND DISCUSSION

Capital Improvement Project 831880, Preschool Outdoor Play Area, provides funding for dedicated outdoor programming space at the exterior of the buildings at Murphy and Serra Parks. This first phase will install the improvements at Murphy Park. Design of the proposed improvements at Serra Park, including selection of an architect, is expected to begin in late 2020.

Both Murphy and Serra Park community buildings house existing preschool programs, but they currently do not have dedicated outdoor space for preschool age play. The Murphy Park project will allow a dedicated area for safe and educational play opportunities outside the classroom. The improvements include creation of a new non-slip surface for outdoor play, fencing with lockable entry gate, and educational learning stations.

On December 12, 2018, two design concepts for the Murphy Park location were presented to the public at a community meeting. The concepts were titled "Learning Environments" and "The Railroads," which were developed around the existing theme and elements within Murphy Park. A final design concept around a railroad theme was prepared based on input received. Staff presented the updated concept to the Parks and Recreation Commission on March 13, 2019 (RTC No. 19-

0085). Bid and construction documents were prepared based on the final design concept.

An Invitation for Bids was posted on City's DemandStar public procurement network, distributed to local Bay Area Builder's Exchanges, and published on the City's website on February 14. Thirty (30) contractors requested bid documents with three (3) sealed bids publicly opened on March 11. The bid summary is contained in Attachment 1.

The apparent lowest bid was submitted by SAE Consulting Engineers, Inc., in the amount of \$310,300. The bid is recommended to be deemed non-responsive because the bidder did not sufficiently document or demonstrate evidence of the required experience with Poured-in-Place Playground Surfacing, defined as completing three (3) similar projects within the past six (6) years. The Poured-in-Place Playground Surfacing is a necessary feature for safety and carries the railroad theme of the play area. Therefore, staff recommends that Council determine this bidder to be non-responsive.

G&G Builders, Inc., the second lowest bidder, submitted a bid that contained a clerical error in selecting an inaccurate response regarding their contractor's license being revoked within the last five (5) years. After confirming that G&G Builders, Inc. did not have their contractor's license revoked during this period, the City determined that the erroneous selection did not result in a material change to the bid and does not impact bid pricing. Therefore, in accordance with Sunnyvale Municipal Code Section 2.09.120, Council is requested to waive the error as a minor bid irregularity. Staff recommends that Council award a contract to G&G Builders Inc.

FISCAL IMPACT

Budgeted funds are available in Capital Project 831880 (Preschool Outdoor Play Area), funded by the Park Dedication Fund.

PUBLIC CONTACT

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall, Sunnyvale Public Library and Department of Public Safety; and by making the agenda and report available at the Office of the City Clerk and on the City's website.

RECOMMENDATION

Take the following actions:

- Make a determination that the bid received from SAE Consulting Engineers, Inc. is non-responsive due to the bidder not sufficiently documenting and demonstrating bid experience;
- Make a finding of a categorical exemption from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301;
- Make a determination to waive the minor bid irregularity for G&G Builders, Inc.;
- Award a contract in substantially the same form as Attachment 2 to the report in the amount of \$333,193 to G&G Builders, Inc.;
- Authorize the City Manager to execute the contract when all necessary conditions have been met; and
- Approve a 10% construction contingency in the amount of \$33,319.

Prepared by: Gregory S. Card, Purchasing Officer

Reviewed by: Tim Kirby, Director of Finance

Reviewed by: Chip Taylor, Director of Public Works

Reviewed by: Jaqui Guzmán, Deputy City Manager
Approved by: Kent Steffens, City Manager

ATTACHMENTS

1. Bid Summary
2. Draft General Construction Contract