

HAYWARD CITY COUNCIL

RESOLUTION NO. 22-

Introduced by Council Member \_\_\_\_\_

RESOLUTION APPROVING ADDENDUMS NO. 1, NO. 2, AND NO.3, ACCEPTING THE BID PROTEST, AND AWARDING A CONTRACT TO BLOCKA CONSTRUCTION, INC., FOR THE WATER POLLUTION CONTROL FACILITY'S SWITCHGEAR REHABILITATION PROJECT, PROJECT NO. 07656, IN AN AMOUNT NOT-TO-EXCEED \$13,169,800, AND APPROPRIATING ADDITIONAL FUNDS IN THE AMOUNT OF \$2,669,635

WHEREAS, the City of Hayward (City) owns and operates the Water Pollution Control Facility (WPCF), which treats an average flow of approximately eleven million gallons per day; and

WHEREAS, the existing main switchgear (MSB), originally installed in 1982, is a key component of the power distribution system at the WPCF. The MSB along with several related motor control centers (MCCs) and distribution panelboards (PBs) have provided power and controls to various plant processes for nearly forty years and have exceeded their useful lives; and

WHEREAS, On February 27, 2018, the City entered into an agreement with Black & Veatch Corporation to perform engineering services for the WPCF Phase II Facilities Plan. The Phase II Facilities Plan serves as a comprehensive planning document for the WPCF infrastructure needs for the next twenty-five years; and

WHEREAS, the WPCF Phase II Facilities Plan evaluated the WPCF's electrical system and recommended replacing the MSB, MCCs, PBs, and retrofitting the existing old cogeneration building which houses this electrical equipment; and

WHEREAS, on May 2021, the City entered into an agreement with Carollo Engineers to perform final designs services for the WPCF Switchgear Rehabilitation Project.

WHEREAS, by Resolution 22-194, on July 5, 2022, the City Council approved the plans and specifications for the Switchgear Rehabilitation Project, Project No. 07656, and called for bids to be received by August 16, 2022; and

WHEREAS, Addendums No. 1, No. 2, and No. 3, were issued to make minor revisions to the plans and specifications and postpone the bid opening date to August 30, 2022; and

WHEREAS, on August 30, 2022, three (3) bids were received ranging from \$9,936,440 to \$11,452,000. The low bid, submitted by Anvil Builders, Inc. (Anvil) is approximately 18.6% below the engineer's estimate of \$12,200,000; and

WHEREAS, on September 6, 2022, the City received a bid protest letter from Mountain Cascade, Inc. (Mountain Cascade), requesting that the City reject the bid submitted by Anvil on the grounds that they were not a responsive bidder; and

WHEREAS, on September 8, 2022, the City received a response to the bid protest letter from Anvil; and

WHEREAS, the City reviewed the bid forms submitted by all three bidders and determined that both Anvil and Mountain Cascade were non-responsive bidders on the basis of not providing a minimum of (3) construction contracts completed in the last ten (10) years involving work of similar type and comparable value to the Switchgear Rehabilitation Project ; and

WHEREAS, the third lowest bidder, Blocka Construction, Inc. (Blocka), was determined to be a responsive and responsible bidder having provided with their bid qualifying project references of similar type and comparable value; and

WHEREAS, Blocka is the lowest responsive and responsible bidder with a bid of \$11,452,000, which is approximately 6.1% below the Engineer's estimate of \$12,200,000; and

WHEREAS, the project is of extraordinary complexity involving replacing electrical equipment within an operational wastewater treatment facility, an administrative change order contingency of \$1,717,800 (or 15% of the bid amount) is requested bringing the contract limit to be awarded to \$13,169,800 including administrative change orders.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that Addendums No.1, No. 2, and No.3, are hereby approved and adopted as part of the plans and specifications for the project.

BE IT RESOLVED that the bid protest letter from Mountain Cascade is hereby accepted, and bids from both Anvil Builders and Mountain Cascade are determined non-responsive and hereby rejected.

BE IT FURTHER REOLVED that Blocka Construction, Inc. of Pleasanton, CA, is hereby awarded the contract for the Switchgear Rehabilitation Project, Project No. 07656, in accordance with the plans and specifications adopted therefore and on file in the office of the City Clerk of the City of Hayward, at and for the price named and stated in the final proposal of the hereinabove specified bidder, and all other bids are hereby rejected.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized and directed to execute an agreement with Blocka Construction, Inc. on behalf of the City of Hayward, in an amount not-to-exceed \$13,169,800 (including administrative change orders), in a form to be approved by the City Attorney.

BE IT FURTHER RESOLVED that the City Council of the City of Hayward hereby amends the FY 2023 CIP Budget by approving the additional appropriation of fund the amount of \$2,669,635, from the Capital Improvement Project – Sewer Replacement Fund, increasing the budgeted amount for the Switchgear Rehabilitation Project, Project No. 07656, from \$11,889,000 to \$14,558,635.

IN COUNCIL, HAYWARD, CALIFORNIA \_\_\_\_\_, 2022

ADOPTED BY THE FOLLOWING VOTE:

AYES:            COUNCIL MEMBERS:  
                     MAYOR:

NOES:           COUNCIL MEMBERS:

ABSTAIN:       COUNCIL MEMBERS:

ABSENT:        COUNCIL MEMBERS:

ATTEST: \_\_\_\_\_  
                 City Clerk of the City of Hayward

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney of the City of Hayward