

HAYWARD CITY COUNCIL

RESOLUTION NO. 22-

Introduced by Council Member _____

RESOLUTION REJECTING ALL BIDS, APPROVAL OF ADDENDUM NO. 1 AND REVISED PLANS AND SPECIFICATIONS, AND CALLING FOR BIDS FOR THE MISSION BOULEVARD LINEAR PARK PROJECT, PROJECT NO. 05288

WHEREAS, by Resolution No. 21-226 on November 16, 2021, the City Council approved the plans and specifications for the Mission Boulevard Linear Park Project, Project No. 05288, and called for bids to be received on December 14, 2021; and

WHEREAS, Addendum No. 1 was issued to respond to bidder questions; and

WHEREAS, on December 14, 2021, nine (9) bids were received ranging from \$1,716,601 to \$3,047,150. The low bid, submitted by Los Loza Inc., is approximately 16% below the engineer's estimate of \$2,046,061; and

WHEREAS, the specification for a specific product did not include an "or equal" language which is not in compliance with Public Contract Code Section 3400(b); and

WHEREAS, on December 21, 2021, the third lowest bidder, Redwood Engineering Construction, submitted a bid protest stating that the first and second lowest bidders are not responsive since subcontractors were not listed to perform certain work.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that the above listed bids, and all other bids for the Project are hereby rejected.

BE IT FURTHER RESOLVED that Addendum No. 1, which makes certain revisions to the plans and specifications are hereby approved and adopted as part of the plans and specifications for the project.

BE IT FURTHER RESOLVED, that those certain plans and specifications for the Mission Boulevard Linear Park Project, Project No. 05288, on file in the Office of the City Clerk, are hereby adopted as the plans and specifications for the Project.

BE IT FURTHER RESOLVED that the City Clerk is hereby authorized and directed to return the bids and bid bonds submitted by all bidders.

BE IT FURTHER RESOLVED, that the bid protest of Redwood Engineering Construction is found to be moot and any administrative fee paid by Redwood in relation to the bid protest shall be returned.

BE IT FURTHER RESOLVED, that the City Clerk is hereby directed to cause a notice calling for bids for the required work and material to be made in the form and manner provided by law.

BE IT FURTHER RESOLVED, that sealed bids will therefore be received by the City Clerk's office at City Hall, 777 B Street, 1st Floor, Hayward, California 94541, up to the hour of 2:00 p.m. on Tuesday, February 8, 2022, and immediately thereafter publicly opened and declared by the City Clerk in the Rotunda, City Hall, Hayward, California.

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