ATTACHMENT II

HAYWARD CITY COUNCIL

RESOLUTION NO. 26-___

Introduced by Council Member _____

RESOLUTION 1) APPROVING ADDENDA NOS. 1, 2 and 3 TO THE PLANS AND SPECIFICATIONS 2) REJECTING A BID PROTEST 3) AUTHORIZING THE CITY MANAGER TO AWARD A CONTRACT TO COLUMBIA ELECTRIC, INC., IN AN AMOUNT OF $164,500 INCLUCING APPROVAL OF UP TO 20,500 IN ADMINISTRATIVE CHANGE ORDER, 4) INCREASING APPROPRIATIONS IN THE GAS TAX FUND IN THE AMOUNT OF $84,375 FOR THE TENNYSON PARK STREETLIGHT PROJECT, PROJECT NO. 06973, AND 5) TRANSFERING REVENUE AND APPROPRIATIONS IN FUND 405 FROM NEIGHBORHOOD IMPROVEMENT PROGRAM PROJECT NO. 06950 TO FUND 210 IN TENNYSON PARK STREETLIGHT PROJECT NUMBER NO. 06973

WHEREAS, by resolution on June 16, 2026, the City Council approved the plans and specifications for the Tennyson Park Streetlight Project, Project No. 06973 and called for bids to be received on August 4, 2026; and

WHEREAS, on July 30, 2026, Addendum No. 1 was provided to revise the specifications bid opening bid opening date to be received on September 1, 2026; and

WHEREAS, on August 19, 2026, Addendum No. 2 was provided to revise the specifications; and

WHEREAS, on August 27, 2026, Addendum No. 3 was provided to revise the plans and specifications; and

WHEREAS, on September 1, 2026, eight (8) bids were received, ranging from $164,500 to $280,000; Columbia Electric, Inc., of San Leandro, California submitted the low bid in the amount of $164,500 which is 8.6% below the engineer's estimate of $180,000; and

WHEREAS, on September 2, 2026, Columbia Electric, Inc. submitted a revised document acknowledging Addendum No. 3, which had not been acknowledged in its original bid submittal; and

WHEREAS, on September 10, 2026, St. Francis Electric, LLC. submitted a bid protest requesting to find Columbia Electric, Inc.'s bid nonresponsive for failure to acknowledge Addendum No. 3 at the time of bid; and

WHEREAS, on September 16, 2026, Columbia Electric, Inc. submitted a response to the bid protest stating that its omission of Addendum No. 3 acknowledgement is an immaterial defect; and

WHEREAS, on September 21, 2026, City Staff and City Attorney's office reviewed the bid protest and determined the low bid was responsive and the omitted addendum No.3 at the time of bid opening is an inconsequential discrepancy that does not affect conformance with the material terms of the bid package. City staff rejects the bid protest and recommends to proceed with awarding the contractor to Columbia Electric, Inc.; and

WHEREAS, the Administrative Change Order (ACO) or contingency budget of $20,500 was not disclosed; and

WHEREAS, adequate fund balances are available in the Gas Tax Fund (Fund 210).

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that Columbia Electric, Inc., is hereby awarded the contract for the Tennyson Park Streetlight Project, Project No. 06973, in the amount of $164,500 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 bid of the hereinabove specified bidder, and all other bids are hereby rejected; and

BE IT FURTHER RESOLVED by the City Council of the City of Hayward that Addenda Nos.1, 2 and 3 are hereby approved and adopted as part of the plans and specifications for the project; and

BE IT FURTHER RESOLVED that the bid protest submitted by St. Francis Electric is rejected because Columbia Electric's initial failure to acknowledge Addendum No. 3, which was subsequently corrected, is an inconsequential discrepancy with the bid requirements; and

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to award a construction contract to Columbia Electric, Inc., for the Tennyson Park Streetlight Project, Project No. 06973, in an amount of $164,500 and in a form to be approved by the City Attorney, and that the City Council hereby approves $20,500 in administrative change order; and

BE IT FURTHER RESOLVED by the City Council that the City Manager is authorized to appropriate additional funds in the amount of $84,375 in the Gas Tax Fund (Fund 210) using available fund balance for the Tennyson Park Streetlight Project, Project No. 06973; and

BE IT FURTHER RESOLVED by the City Council that the City Manager is authorized to transfer revenue and appropriations in the amount of $140,625 from the Neighborhood Improvement Project No. 06950 in Fund 405 to the Tennyson Park Streetlight Project, Project No. 06973 in Fund 210.

IN COUNCIL, HAYWARD, CALIFORNIA, _____, 2026

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