

RANCHO MURIETA COMMUNITY SERVICES DISTRICT

15160 JACKSON ROAD
RANCHO MURIETA, CA. 95683



SPECIAL BOARD MEETING

MARCH 7, 2014 at 10:30 a.m.
District Administration Building

NOTICE IS HEREBY GIVEN that the Board of Directors of the Rancho Murieta Community Services District will hold a Special Meeting on March 7, 2014 at 10:30 a.m., at the Rancho Murieta Community Services District Board Room at 15160 Jackson Road, Rancho Murieta.

AGENDA

1. **CALL TO ORDER, ROLL CALL** - Determination of Quorum - President Pasek (**Roll Call**) 10:30
2. **ADOPT AGENDA** (*Motion*) 10:35
*The running times listed on this agenda are only estimates and may be discussed earlier or later than shown. At the discretion of the Board, an item may be moved on the agenda and or taken out of order. **TIMED ITEMS** as specifically noted, such as Hearings or Formal Presentations of community-wide interest, will not be taken up earlier than listed.*
3. **COMMENTS FROM THE PUBLIC** 10:40
*For this Special Meeting, members of the public may **ONLY** comment on items specifically agendized. Members of the public wishing to address a specific agendized item are encouraged to offer their public comment during consideration of that item. With certain exceptions, the Board may not discuss or take action on items that are not on the agenda.*
If you wish to address the Board at the time of the agendized item, as a courtesy, please state your name and address, and reserve your comments to no more than 3 minutes so that others may be allowed to speak. (5 min.)
4. **WATER TREATMENT PLANT EXPANSION PROJECT** 10:45
 - a. Review Water Treatment Plant Expansion Project Bid Results (Discussion) (5 min.)
 - b. Adopt Resolution 2014-05, Consenting to Withdrawal of Bid Due to Bidder Mistake and Rejecting All Bids for Site Work for Water Treatment Plant Expansion Project and Direct Re-Bidding (Discussion/Action) (**Motion**) (**Roll Call**) (5 min.)
5. **DIRECTOR COMMENTS/SUGGESTIONS** 10:55
6. **ADJOURNMENT** (*Motion*) 11:00

In compliance with the Americans with Disabilities Act, if you are a disabled person and you need a disability-related modification or accommodation to participate in this meeting, please contact the District Office at 916-354-3700 or fax 916-354-2082. Requests must be made as soon as possible and at least two (2) full business days before the start of the meeting.

Note: This agenda is posted pursuant to the provisions of the Government Code commencing at Section 54950. The date of this posting is March 6, 2014. Posting locations are: 1) District Office; 2) Plaza Foods; 3) Rancho Murieta Association; 4) Murieta Village Association.

MEMORANDUM

Date: March 6, 2014
To: Board of Directors
From: Edward R. Crouse, General Manager
Darlene Gillum, Assistant General Manager
Subject: Review Water Treatment Plant Expansion Project Bid Results

RECOMMENDED ACTION

No action – receive update.

WATER TREATMENT PLANT EXPANSION PROJECT BID RESULTS

On February 21, 2014, the bid opening for the Water Treatment Plant Expansion Project was held in the District's Board room. The following bids were received: three (3) bids for Section 09 - Painting; two (2) bids received for Section 10 - Sitework; two (2) bids received for Section 28 - Electrical; two (2) bids received for Section 27 - Mechanical; and one (1) bid received for Section 32 - Fire Protection. The Bid Summary sheets are attached for your review.

Roebelen prepared the attached Project Estimate Summary Sheet which shows the total project costs, including construction costs based on current bid amounts, soft costs including engineering, permits, CEQA compliance and other services during construction, bonds and insurance, RCMS fee and a 5% contingency.

On February 24, 2014, the low bidder, Rock Morgan, withdrew their bid for Section 10 - Site Work, stating a clerical error of over \$50,000. The second bidder is almost double the low bidder. Therefore, staff recommends that the Board reject all the Section 10 - Sitework bids and direct re-bidding of this Section.

District: **Rancho Murieta Community Services District**
 Project: **Water Treatment Plant Expansion**
 RCMS Job No: **33-13-004**
 Location: **15160 Jackson Rd, Rancho Murieta, Ca**
 SQFT:
 Bid Date: **2/21/2014**
 Bid Time: **2:00 PM**
 Precon Lead: **Bob Kjome**
 Estimator: **Joel Gallion**
 Duration: **272 days**
 LD'S: **\$2500/day**
 Estimate Date: **1/17/2014**
 Estimate Time: **2:00pm**

Base+Alt #1 Base+Alt #2 Base + Alt #1&2
\$11,412,298 \$11,716,118 11,783,429

BID DIV:	DESCRIPTION	ESTIMATE	BIDDER	TOTAL	NAME	Base Bid	Alt #01 Remove and Replace siding	Alt #02 Setup and remove temp filters	Allowance (within budget)	Notes
	GENERAL CONDITIONS	305,607	305,607	305,607	RCMS	\$305,607				
	GE EQUIPMENT	2,115,000	2,173,800	2,173,800	GE	\$2,173,800		\$288,000		GE 1.44MGD trailers
09	PAINTING	234,890	291,000	291,000	River City Paint	\$291,000	\$5,400			
10	SITWORK	408,268	289,200	289,200	Rock Morgan	\$289,200			\$25,000	(\$10k access road, \$15k SWPPP maintenance)
27	MECHANICAL	4,000,000	4,893,000	4,893,000	KG Walters Constructio	\$4,893,000	\$48,000	\$19,000	\$5,000	Access to covered work
28	ELECTRICAL	2,300,000	2,370,226	2,370,226	Bockmon & Woody Ele	\$2,370,226	\$5,000	\$15,000	\$10,000	SCADA console
32	FIRE PROTECTION	50,000	42,500	42,500	Marquee	\$42,500				

SUBTOTAL	9,413,765			10,365,333		10,365,333	58,400	322,000	40,000	
	37,655	0.400%	Risk	41,461		41,461	234	1,288		
	32,948	0.350%	Liability	36,279		36,279	204	1,127		
8.000%	753,101	5.000%	Contingency	518,267		1,044,307	5,884	32,442		
Tax + bor	183,121		SubTotal	10,961,340		11,487,381	64,722	356,857		
	329,482	3.50%	FEE:	383,647		459,495	2,589	14,274		
	10,750,073		Total	11,344,987		11,946,876	67,311	371,131		

MEMORANDUM

Date: March 5, 2014
To: Board of Directors
From: Edward R. Crouse, General Manager
Darlene Gillum, Assistant General Manager
Subject: Adopt Resolution 2014, Consenting to Withdrawal of Bid Due to Bidder Mistake and Rejecting All Site Work Bids for Water Treatment Plant Expansion Project and Direct Re-Bidding

RECOMMENDED ACTION

Adopt Resolution 2014, consenting to withdrawal of bid of the apparent low bidder (Rock Morgan) for the site work for the Water Treatment Plant Expansion Project (the "Project") due to bidder mistake, reject all bids for the site work for the Project that were submitted on February 21, 2014, and direct and authorize staff in conjunction with Roebelen Construction Management Services ("RCMS"), to proceed with the rebidding process for the project with a reduced scope of work to fit within the project budget restrictions.

BACKGROUND

On November 8, 2013, the Board approved the plant and specifications prepared for the Project by HDR and authorized staff to proceed with the bidding process for construction of the Project. The bid package for site work was released on February 8, 2014. Bids for the project were received by the District Secretary at 2:00 p.m. on February 21, 2014. Responsive bid proposals were received from two (2) contractors. The results of the bids were as follows:

CONTRACTOR	TOTAL BID PRICE
JD Pasquetti	\$ 598,751
Rock Morgan	\$ 289,200

It was thought that the favorable construction bidding environment would provide the District with construction prices within budget.

Following the bid opening, the apparent low bidder (Rock Morgan) made a request to withdraw its bid due to a clerical error of over \$50,000. State law authorizes the District to consent to the withdrawal of a bid under these circumstances. (Cal. Pub. Contract Code § 5101). The second bidder is nearly double the low bidder cost. This difference greatly exceeds the Project budget for site work. Therefore, staff recommends that the Board reject all Division 10 Site Work bids and direct re-bidding of the site work for the Project. (Cal. Pub. Contract Code § 20682(e) (At its discretion, the board may reject all bids and re-bid)).

Following rejection of all bids, staff and RCMS will re-evaluate the site work package with the primary aim to bring the Project to within the Project budget.

Possible revisions and site work changes include:

1. Repackaging trades into more discrete components.
2. Utilizing pavement overlay vs. pavement replacement.
3. Force account work for the backwash water pipeline construction.



Rock Morgan Enterprise
Ione, CA 95640
OFFICE: 209-274-0735
FAX: 209-274-0751

February 24, 2014

*SENT VIA EMAIL
To: Joel Gallion<joelg@roebblen.com

Rancho Murieta Community Services District
15160 Jackson Road
Rancho Murieta, CA

C/O: Roebbelen Construction Management
Attn: Joel Gallion

RE: Rancho Murieta Water Treatment Plant Bid,
February 21, 2014: For Site Work
Bid Division 10

RE: Request to Allow Rock Morgan Enterprises to Withdraw Bid

Mr. Gallion,

Pursuant to Public Contract Code Sections 5101 and 5103 Rock Morgan Enterprises provides notice of its request that Rancho Murieta Community Services District consent to relieve Rock Morgan Enterprises of its bid submitted February 21, 2014 for the Rancho Murieta Water Treatment Plant Bid Division 10. As detailed below, Rock Morgan Enterprises respectfully requests relief based on an inadvertent clerical mistake in filling out the bid, which resulted in Rock Morgan Enterprises inserting the wrong base bid price for the subject bid form that makes the bid materially different than Rock Morgan Enterprises intended it to be. Rock Morgan Enterprises mistake was NOT a mistake due to error in judgment or carelessness in inspecting the site of the work, or in reading the plans or specifications.

Specifically, the base bid should have read \$339,200.00 instead of \$289,200.00 as mistakenly written on the bid by Rock Morgan Enterprises bid runner. Accordingly, Rock Morgan Enterprises total base bid should be \$339,200.00, rather than \$289,200.00 Rock Morgan Enterprises bid runner was filling out the bid form at the district offices just before the time of bid submission and was provided the number by phone from Rock Morgan Enterprises office as to the base bid and misheard the amount of the sewer portion of the base bid. The bid runner thought he heard \$54,000.00 for the sewer portion when in fact he was told \$104,000.00 making the total bid \$50,000.00 short of intended base bid of \$339,200.00.



Public Contract Code section 5103 specifies the grounds upon which a bidder may be relieved of its bid as follows:

The bidder shall establish to the satisfaction of the court that:

(a) A mistake was made.

(b) He or She gave the public entity written notice within five working days excluding Saturdays, Sundays, and state holidays, after the opening of the bids of the mistake, specifying in the notice in detail how the mistake occurred.

(c) The mistake made the bid materially different than he or she intended it to be.

(d) The mistake was made in filling out the bid and not due to error in judgment or to carelessness in inspecting the site of the work, or in reading the plans or specifications.

As shown in this letter, Rock Morgan Enterprises mistakenly filled out the bid by inserting the wrong base bid; Rock Morgan Enterprises is giving the District notice of Rock Morgan Enterprises's mistake within five working days of opening of the bids, specifying in this notice in detail how the mistake occurred; the mistake made the bid materially different than Rock Morgan Enterprises intended. (\$50,000.00 lower than Rock Morgan Enterprises intended); and the mistake was made in filling out the bid and not due to error in judgment or to carelessness and in inspecting the site of the work, or in reading the plans or specifications.

Based on the foregoing, Rock Morgan Enterprises respectfully requests that the District allow Rock Morgan Enterprises to withdraw its bid for the Project without forfeiting its bid bond submitted for the Project.

We apologize for any inconvenience this may have caused the District. If you have any questions feel free to contact me at (209) 274-0735.

We look forward to your prompt response to this request.

Sincerely,

Rock Morgan
Owner

RESOLUTION # 2014-05

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE RANCHO MURIETA COMMUNITY SERVICES DISTRICT CONSENTING TO WITHDRAWAL OF BID DUE TO BIDDER MISTAKE AND REJECTING ALL SITE WORK BIDS FOR THE WATER TREATMENT PLANT EXPANSION PROJECT

WHEREAS, an invitation to bid was duly advertised for the site work for the Rancho Murieta Community Services District Water Treatment Plant Expansion Project (the "Project"), and bids were opened for the site work on February 21, 2014; and

WHEREAS, on or about February 25, 2014, bidder Rock Morgan made a request to withdraw its site work bid, citing a clerical error of over \$50,000; and

THEREFORE, BE IT RESOLVED that the Board of Directors of Rancho Murieta Community Services District consents to the withdrawal of the Rock Morgan bid due to bidder mistake, rejects all site work bids received for the Project, and authorizes and directs District staff to re-bid the site work for the Project.

PASSED AND ADOPTED this 7th day of March, 2014, by the following roll call vote:

Ayes:

Noes:

Absent: Pasek

Abstain:

Roberta Belton, Vice - President of the Board
Rancho Murieta Community Services District

[SEAL]

Attest:

Suzanne Lindenfeld, District Secretary
Rancho Murieta Community Services District