

**CITY OF TEMECULA
AGENDA REPORT**

TO: City Manager/City Council

FROM: Patrick Thomas, Director of Public Works/City Engineer

DATE: December 12, 2023

SUBJECT: Approve Withdrawal of Bid by Leonida Builders, Inc., Reject All Other Bids, and Authorize Project to be Rebid for Santa Gertrudis Creek Phase II – Margarita Under-Crossing, PW19-04

PREPARED BY: Avlin R. Odviar, Principal Civil Engineer

RECOMMENDATION: That the City Council:

1. Approve the Withdrawal of Bid by Leonida Builders, Inc. for the Santa Gertrudis Creek Phase II – Margarita Under-Crossing, PW19-04; and
2. Reject all construction bids received for the Santa Gertrudis Creek Phase II – Margarita Under-Crossing, PW19-04; and
3. Authorize the Department of Public Works to re-advertise the Santa Gertrudis Creek Phase II – Margarita Under-Crossing, PW19-04 for construction bids.

BACKGROUND: On October 10, 2023, City Council approved the plans and specifications and authorized the Department of Public Works to solicit construction bids for Santa Gertrudis Creek Phase II – Margarita Under-Crossing, PW19-04 (Project).

The Project includes the construction of the Santa Gertrudis Creek Trail under Margarita Road. The under-crossing will provide a continuous paved path beneath Margarita Road along the Santa Gertrudis Creek allowing users to pass under Margarita Road at this location.

The construction contract was publicly advertised between October 12 and November 16, 2023. seven (7) bids were received and publicly opened on Thursday, November 16, 2023. The results were as follows:

Rank	Bidder	Bid Amount
1.	Leonida Builders, Inc.	\$ 2,380,235.00*
2.	Beador Construction Company, Inc.	\$ 3,525,300.00
3.	Flatiron West, Inc.	\$ 3,753,825.00
4.	Riverside Construction Company, Inc.	\$ 4,297,715.00
5.	KEC Engineering	\$ 4,507,251.10
6.	Los Angeles Engineering, Inc.	\$ 5,950,500.00
N/A	EnGEN Corporation	Non-Responsive

**Bid formally withdrawn by bidder.*

By letter dated November 20, 2023, Leonida Builders, Inc. formally withdrew its bid due to clerical errors. Staff has reviewed the withdrawal and found it in compliance with California Public Contract Code, Division 2, Part 1, Chapter 5. Relief of Bidders.

The bid submitted by EnGEN Corporation was for providing geotechnical testing and reporting services, not for performing construction of the project. Their bid is deemed non-responsive to this advertisement.

All other bids were deemed responsive. With the withdrawal of bid by the apparent low-bidder, the next lowest, responsive bid was submitted by Beador Construction Company, Inc. Their bid, at \$3,525,300.00, is approximately \$1.1 million over the apparent low-bid and approximately \$1.4 million above the engineer's estimate.

Staff recommends the rejection of all bids. Staff will explore additional Project funding opportunities, revisit the Project for potential cost reductions, and re-bid the Project accordingly.

FISCAL IMPACT: There is no fiscal impact associated with the recommendations included in this agenda report.

ATTACHMENTS:

1. Bid Withdrawal – Leonida Builders, Inc.
2. CIP Budget Sheet
3. Project Location