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**Title:** Reject all bids for Ready Mix Concrete material requirements contract (Bid File 9648)

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**REPORT TO THE CITY COUNCIL**

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**SUBJECT**

Reject all bids for Ready Mix Concrete material requirements contract (Bid File 9648)

**RECOMMENDATION**

Staff recommends that the City Council reject all bids for Ready Mix Concrete material requirements contract and direct staff to rebid the contract.

**EXECUTIVE SUMMARY**

The Street Maintenance Division of Public Works is seeking a requirements contract to procure Ready Mix Concrete materials for use by City crews on various street maintenance and concrete repair projects throughout the city. The current contract was set to expire, so the City rebid the contract so that the ready mix material supply would be uninterrupted. Two bids were received and were opened in a public bid opening on July 12, 2022. Staff identified concerns with the bid package and determined that it was best to reject all bids and rebid the contract. Purchasing has granted an extension to the current contractor so supply will remain uninterrupted while the contract is rebid.

## **BACKGROUND**

The City has a Ready Mix Concrete material requirements contract that expired on August 23, 2022. Staff is currently purchasing materials utilizing a 6-month extension of this contract. Public Works sought to rebid the contract so that ready mix material supply would be uninterrupted, and the City concrete crews would continue to have supply. A notice inviting bids was advertised in The Business Journal and the City's Planet Bids website on May 27, 2022. The notice inviting bids was received by six building exchanges and distributed to nine prospective bidders. Two sealed bids were received and publicly opened by the Purchasing Division on July 12, 2022. One of the bids did not include the required completed Federal forms. Several attempts were made by the Purchasing Division to acquire these missing forms, but the bidder remained non-responsive. The bid was disqualified prior to staff receiving the formal evaluation form. The second bid was deemed to be a complete bid package. However, based on the information provided in the bid package, staff was unable to determine with certainty that the bidder would be able to meet the requirements laid out on page 51 of the contract which reads "Portland Cement Concrete shall be 6 sack concrete in conformance with Section 90, "Concrete," of the State Standard Specifications with a maximum slump of four (4) inches."

Staff plans to rebid with modified detailed language to help determine whether vendors will be able to provide product suitable for City projects. Specifications clarifying not only technical requirements related to cement, but also information regarding the originating plant will be included.

Staff recommends that Council reject all bids, and direct staff to rebid the Ready Mix Concrete requirements contract. The current Ready Mix Concrete contract expired on August 23, 2022. Purchasing can issue an additional short-term extension to allow time to rebid the Ready Mix Concrete contract, without impacting crew production.

## **ENVIRONMENTAL FINDINGS**

By the definition provided in the California Environmental Quality Act (CEQA) Guidelines, Section 15378, the rejection of all proposals does not qualify as a 'project' as defined by the CEQA requirements.

## **LOCAL PREFERENCE**

Local preference was not considered as staff is recommending to reject all proposals.

## **FISCAL IMPACT**

A rejection of all proposals will result in additional staff costs to rebid the project. The adopted operating budget for the Public Works Department has sufficient funding to cover the additional staff costs in order to rebid the project.

Attachments:  
Bid Evaluation

