Date: May 4, 2016

To: Recreation and Park Commission
    Capital Committee

Through: Philip A. Ginsburg, General Manager
         Dawn Kamalanathan, Planning and Capital Program Director

From: Dan Mauer, Project Manager

Subject: Franklin Square and Garfield Square Turf Replacement Project

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Agenda Wording

Discussion and possible action to award a construction contact to Robert A. Bothman in the amount of $2,349,845 for the Franklin Square and Garfield Square Field Synthetic Turf Replacement Project contract (CON16-007).

Project Background Information

Franklin Square and Garfield Square are two of the Department’s park facilities that have synthetic turf athletic fields. Franklin Square field was the first field renovated with synthetic turf which was completed back in 2003. Garfield Square was renovated with synthetic turf back in 2006 which was the first field improved under the Play Fields Initiative. Both facilities are located in the Mission District and are very popular spaces for soccer and general recreation play. Because of their heavy use and their age, these two fields need to be renovated by replacing the original synthetic turf material and making improvements to the associated field amenities such as furniture and fencing.

Over the past five to six years, the Department has been reviewing and monitoring the synthetic turf industry as they continue to evolve with their technology and use of materials. Part of the monitoring process was to continually review the various turf infill product options, their applicable uses for San Francisco Parks and their durability and performance. Many site visits have been conducted throughout the Bay Area to review turf products/fields first hand, discuss their successes and challenges with field users and maintenance staff. Based on staff’s most recent review, the Department has decided to pilot a natural infill product (cork and sand) at
these two facilities. Upon their completion, staff will closely monitor how well they perform (functionally and operationally) given the intense use that the fields receive.

Proposed Renovation

As mentioned above, this project is focused solely on the renovation of the synthetic turf athletic fields. Work also include making improvements to park amenities that are directly related to the function of the athletic fields.

Franklin Square:
Franklin Square, located at 17th and Bryant, hosts a single soccer pitch which is 80,000 square feet in size. It is surrounded on all four sides with chain link fencing which separates the field from other park uses which includes a newly renovated playground and passive park open space. The proposed improvement elements include the following:

- Remove and recycle the existing synthetic turf and infill material
- Install additional drainage infrastructure beneath the field
- Install a new turf base pad on top of the existing field rock base material
- Install new synthetic turf using a natural infill material
- Replace a majority of the perimeter fencing (10’) with new fencing which will be 18’ tall
- Provide new soccer goals for adult and youth play
- Replace damaged and warn benches, trash receptacles and park signage
- Install a new drinking fountain with water bottle filler
- Remove 4 mature eucalyptus trees which have been deemed hazardous by the project arborist
- Plant 8 new trees to mitigate tree removal

Garfield Square:
Garfield Square field, located at 25th and Harrison, hosts a small soccer pitch which is 26,500 square feet in size. It is surrounded on all four sides by chain link fencing which separates the field from other park uses which includes a playground, pool and clubhouse. The proposed improvement elements at this site include the following:

- Remove and recycle the existing synthetic turf and infill material
- Install a new turf base pad on top of the existing field rock base material
- Install new synthetic turf using a natural infill material
- Replace a majority of the perimeter fencing (various heights) with new fence fabric and taller fencing behind the goals which will be 18’ tall
- Provide new soccer goals for adult and youth play
- Replace damaged and warn benches and park signage

Bid Process

On March 9, 2016 the Recreation and Park Department, Contract Administration Division, advertised the construction contract for the athletic fields replacement project. Outreach for the
project included publishing the bid documents on the Office of Contract Administration ("OCA") website (www.mission.sfgov.org/OCABidPublication/).

The SFRPD project management team also contacted and solicited bid participation from a number of contractors with the required project experience as outlined in the bid documents. The majority of those contacted showed little to no interest in the project while others did not respond to email solicitation. Furthermore, SFRPD held a pre-bid conference on March 15, 2016 in order to discuss the project with interested contractors and answer questions. Three (3) construction contracting firms attended the pre-bid conference.

As a result of this outreach, Interstate Grading and Paving submitted the only bid on April 5, 2016. Interstate Grading and Paving’s bid exceeded the engineer’s estimate by $772,251 dollars which was set at $1,728,749. The Department has rejected this bid proposal based on the high bid price submitted.

Given that there was only one bid received which exceeded the engineer’s construction estimate, the San Francisco Administrative Code Section 6.23(C) provides direction on how the Department shall proceed with contracting options. Below is an excerpt from the Code which pertains to this contracting condition.

"One Responsive Bid Received; No Other BidsReceived. If only one responsive bid is received from a responsible bidder, and no other bids are submitted for the same work, the department head may recommend the award of a contract to the sole bidder at the bid price received, provided that the bid price does not exceed the engineer's estimate for the work. If the bid price received exceeds the engineer's estimate, the department head shall determine (a) whether further outreach efforts would result in more than one bid and/or (b) whether removal or modification of certain requirements in the contract would result in more than one bid, provided that such requirements are not required by statute or law and their removal or modification would not compromise the interests of the City and County. If the department head determines that steps (a) and/or (b), above, would likely result in more than one bid at bid prices substantially lower than the bid price received, then the department head shall re-bid the work. If the department head determines that neither step (a) nor (b), above, would likely result in more than one bid at bid prices substantially lower than the bid price received, then the department head, with the approval of the Mayor, the Mayor's designee, or the board or commission concerned, as appropriate, may negotiate with the sole bidder or any qualified contractor, or may order the work to be executed by the City and County. The cost of negotiated work or the cost of work executed by the City and County shall not exceed any bid price received for the same work."

As outlined in the Code above, Staff believes that with the contractor outreach conducted coupled with the limited response and lack of bidder interest, it is unlikely that further outreach efforts would result in multiple contractors submitting bids. The code also suggests that Staff should review the contract requirements to see if they can be modified which might make it more inviting for contractors to participate.
Staff reviewed the project again and concluded that all but one specification requirement included in Divisions 0 and 1 are required by statute or law and their removal or modification would compromise the interests of the City and County of San Francisco. The one specification section which sets contractor qualifications included experience with the installation of synthetic turf on athletic fields. The requirement states that the general contractor must have completed two synthetic turf projects of similar size and scale within the last ten years. This requirement is not onerous for this type of specific construction work. In fact, staff contacted several local contractors prior to establishing this requirement to confirm that there were local firms that had this level of experience. None of these contract requirements differ from typical City contracts that have been advertised and awarded for similar projects.

Attached for reference is a copy of the San Francisco Administration Code Section 6.23 as well as a copy of a memorandum signed by the General Manager approving the request to move forward with the requested negotiation process.

On April 21, 2016, Staff requested that the Commission give approval to move forward with a negotiated bid process with a qualified contractor to complete this project. The Commission approved this request.

Following the Commission approval, Staff reached out to a Local Business Enterprise (LBE) firm to see if they would be interested in submitting a bid but they declined to participate. Following that outreach, staff proceeded with a bid negotiation process with Robert A. Bothman, Inc. with the goal of completing the project within the available project budget while still maintaining the core/critical work elements of the project. The negotiation process has produced a bid proposal from Robert A. Bothman that meets the requirements of the contract with a bid proposal amount of $2,349,845.

Under the above referenced administrative code, it states, “...the department head, with the approval of the Mayor, the Mayor's designee, or the board or commission concerned, as appropriate, may negotiate with the sole bidder or any qualified contractor, or may order the work to be executed by the City and County. The cost of negotiated work or the cost of work executed by the City and County shall not exceed any bid price received for the same work.” Although the negotiated bid price is in excess of the engineer’s estimate, the negotiation process has yielded a reduced construction cost from the previous sole bid proposal received by $151,155 dollars.

**Anticipated Renovation Schedule**

This project will be sequenced so that both fields are not under construction at the same time given the high damage for athletic fields across the City and in this neighborhood.

**Franklin Square:**
Start of Construction: June 13, 2016  
Substantial Completion: September 30, 2016

**Garfield Square:**
Start of Construction: October 3, 2016  
Substantial Completion: December 2, 2016
Project Budget and Fund Source

Fund Source:
General Fund $2,801,618 (budgets: 14'-'15' and 15'-'16')

Project Budget:
Soft Cost: $342,287 (PM, design, surveys, investigation, project controls)
Hard Cost: $2,454,000 (construction, permits, contingency)
Total: $2,796,287

CEQA Approval

On January 20, 2015, the Planning Department issued a Categorical Exemption under Class 4 (minor alteration to land) and Class 2 (replacement of existing facilities)

Community Outreach:

Staff held a formal community meeting to present this project to the Franklin Square neighbors. All meeting attendees were in agreement with the proposed project and were anxious to move forward. Staff also conducted an on-site meeting at Garfield Square athletic field with project flyers and turf samples. The goal of this meeting was to engage directly with the field users to share the project scope and schedule along with sharing the proposed turf product.

Staff Recommendation:
Staff recommends that the Commission approve the award of a construction contact to Robert A. Bothman, Inc. in the amount of $2,349,845 for the Franklin Square and Garfield Square Field Synthetic Turf Replacement Project contract (CON16-007).

Project Supported By:

Recreation and Park Operation Staff
Friends of Franklin Square
Field users of Franklin Square
Field users of Garfield Square

Opposed By:

No opposition known

Attachments:

Bid Proposal
Memorandum dated April 6, 2016
SECTION 00 41 00

BID FORM

Date of Bid: April 20, 2016

TO THE RECREATION AND PARK COMMISSION, CITY AND COUNTY OF SAN FRANCISCO

In response to the Advertisement for Bids for the following public work:

FRANKLIN SQUARE AND GARFIELD SQUARE FIELD SYNTHETIC TURF REPLACEMENT
PROJECT
(Recreation and Park Department Contract No. CON16-007)

the undersigned Bidder hereby proposes and agrees to execute the required Contract, should it be awarded to the undersigned Bidder, and to do all the work and furnish all the materials therefor all in accordance with the Specifications and Drawings referred to in said Advertisement for Bids and at the prices named in the attached Schedule of Bid Prices.

The undersigned declares: That it is the Bidder (or by holding the position below indicated is authorized to execute this Bid Form on behalf of the Bidder); that said Bidder submits this Bid; that said Bidder has not, nor have any of its agents, officers, representatives or employees, been guilty of collusion with any officer or representative of the City and County of San Francisco, or with any other party or parties in the submission of this Bid; nor has said Bidder received any preferential treatment by any officer or employee of the City and County in the making or submitting of this Bid. The undersigned declares under penalty of perjury that all representations made on this Bid Form are true and correct.

The undersigned declares, under penalty of perjury under the laws of the State of California that the Bidder has read and agrees to the requirements of the San Francisco Administrative Code and applicable requirements of the California Labor Code for each of the attached list Sections:

<table>
<thead>
<tr>
<th>Section No.</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>00 43 20</td>
<td>Acknowledgment of Receipt of Addenda</td>
</tr>
<tr>
<td>00 43 36</td>
<td>Proposed Subcontractors Form</td>
</tr>
<tr>
<td>00 45 13</td>
<td>Bidder's Qualifications</td>
</tr>
<tr>
<td>00 45 60</td>
<td>Highest Prevailing Wage Rate Certification</td>
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<td>00 45 65</td>
<td>Certificate of Bidder Regarding Apprenticeship Training Program</td>
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<td>00 45 70</td>
<td>Certificate of Bidder Regarding Nondiscrimination in Contracts and Benefits</td>
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<td>00 45 80</td>
<td>Non-collusion Affidavit</td>
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<tr>
<td>00 45 82</td>
<td>Certification of Bidder Regarding Debarment and Suspension</td>
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</table>

The undersigned acknowledges that he or she has read and agrees to these documents (initial)

BUSINESS TAX REGISTRATION DECLARATION: The undersigned further declares and understands that if I am awarded the Contract, each of my Subcontractors and I must maintain a current business tax registration number. If the Tax Collector of the City and County of San Francisco requires proof of registration, I agree to provide such proof immediately upon request.
Francisco determines that any of my Subcontractors or I do not have or maintain a current business tax registration number, the City may either cancel the Contract or withhold payment.

LOCAL BUSINESS ENTERPRISE PARTICIPATION AND NON-DISCRIMINATORY EMPLOYMENT PRACTICES: Provisions of San Francisco Administrative Code Chapters 12B and 14B (including their implementing Rules and Regulations) are incorporated herein and by reference made a part of the Bid Documents as though fully set forth. The Bidder and all subcontractors and suppliers shall comply with these provisions and shall submit all required documents in a timely manner.

The undersigned, having examined all referenced documents and the Drawings, understanding the terms and conditions of the Contract Documents and the local conditions affecting the performance and costs of the Work, and having fully inspected the Site in all particulars, hereby proposes and agrees to fully perform the Work as indicated on the Drawings and in accordance with the requirements of the Contract Documents within the time stated therein, and for the following price(s):

### SCHEDULE OF BID PRICES

<table>
<thead>
<tr>
<th>Bid Item No.</th>
<th>Bid Item Description</th>
<th>Amount</th>
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<tbody>
<tr>
<td>1</td>
<td><strong>Bid Item 1: Franklin Square Site Work:</strong> Measurement and payment for this bid item</td>
<td>$1,171,830</td>
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<td>will be made at the lump sum price as named in the schedule of bid prices and shall</td>
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<td>include full compensation to furnish all labor, materials, tools, equipment and</td>
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<td>incidentals for:</td>
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<td></td>
<td>All demolition work, tree removals, turf recycling, field base grading, drainage,</td>
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<td>irrigation, concrete, asphalt paving, concrete curbs/walls, fencing, furniture,</td>
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<td>plumbing, landscape as required for improvements in accordance with the drawings</td>
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<td>and specifications.</td>
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<td>2</td>
<td>**Bid Item 2: Franklin Square Synthetic Turf and Manufactured Porous Closed Cell</td>
<td>$480,960</td>
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<td>Composite Base Material:** Measurement and payment for this bid item will be made</td>
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<td>at the lump sum price as named in the schedule of bid prices and shall include full</td>
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<td>compensation to furnish all labor, materials, tools, equipment and incidentals for:</td>
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<td></td>
<td>All work associated with the Manufactured Porous Closed Cell Composite Base Material</td>
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<td>and the Synthetic Turf in accordance with the drawings and specifications.</td>
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<td>Bid Item No.</td>
<td>Bid Item Description</td>
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<td>3</td>
<td>Bid Item 3: Garfield Square Site Work:</td>
<td>$502,250.00</td>
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<td>Measurement and payment for this bid item will be made at the lump sum price as named in the schedule of bid prices and shall include full compensation to furnish all labor, materials, tools, equipment and incidentals for; All demolition work, turf recycling, field base grading, irrigation, concrete, concrete curbs, fencing, furniture, plumbing, landscape as required for improvements in accordance with the drawings and specifications.</td>
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<tr>
<td>4</td>
<td>Bid Item 4: Garfield Square Synthetic Turf and Manufactured Porous Closed Cell Composite Base Material:</td>
<td>$169,800.00</td>
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<td>Measurement and payment for this bid item will be made at the lump sum price as named in the schedule of bid prices and shall include full compensation to furnish all labor, materials, tools, equipment and incidentals for; All work associated with the Manufactured Porous Closed Cell Composite Base Material and the Synthetic Turf in accordance with the drawings and specifications.</td>
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<tr>
<td>5</td>
<td>Bid Item 5: Mobilization (Maximum 2.5% of the above bid items):</td>
<td>$54,000.00</td>
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<td>Refer to specification Section 01 21 50 – Mobilization Item. Mobilization will not exceed 2.5% of the total sum of the above bid items, excluding this mobilization bid item itself.</td>
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TOTAL BID PRICE (Summation of Bid Items 1 through 5) = $2,349,845.00

The City reserves the right after opening Bids to reject any or all Bids, and to waive any minor irregularity in a Bid. In case of discrepancy between the sum of Bid item amounts and the Total Bid Price, the sum of said amounts shall prevail. In the case of discrepancy between words and figures, the words shall prevail. In case of discrepancy between unit prices Bid and extensions thereof, said unit prices shall prevail.

MOBILIZATION BID ITEM. Bidder agrees that (a) if the mobilization amount exceeds the limitation provided, the City will include the full line item amount in calculating the Total Bid Price, but will pay the excess amount over the course of the Contract based on the progress of
Memorandum

Date: April 6, 2016

To: Phil Ginsburg, Recreation and Park Department General Manager

From: Dan Mauer, Project Manager

RE: 3264V (CON16-007) Franklin Square and Garfield Square Field Synthetic Turf Replacement Project—Approval to Negotiate a Construction Contract

General Manager Ginsburg:

The intention of this memorandum is to document outreach efforts, describe the contract requirements and seek your approval to negotiate with a qualified contractor for the above-named project as required by San Francisco Administrative Code Section 6.23(C), Subparagraph 2. (Attached for reference)

On March 9, 2016 the Recreation and Park Department, Contract Administration Division, advertised the construction contract for the athletic fields replacement project. Outreach for the project included publishing the bid documents on the Office of Contract Administration (“OCA”) website (www.mission.sfgov.org/OCABidPublication/).

The SFRPD project management team also contacted and solicited bid participation from a number of contractors, with the required project experience as outlined in the bid documents. The majority of those contactors showed little to no interest in the project while others did not respond to email solicitation. Furthermore, SFRPD held a pre-bid conference on March 15, 2016 in order to discuss the project with interested contractors and answer questions. Three (3) construction contracting firms attended the pre-bid conference.

As a result of this outreach, Interstate Grading and Paving submitted the only bid on the bid opening date, April 5, 2016. Interstate Grading and Paving’s bid exceeded the engineer’s estimate by $772,251 dollars which was set at $1,728,749. It is unlikely that further outreach efforts would result in additional contractors submitting bids.

With regard to contract and bidding requirements, all but one specification requirement included in Divisions 0 and 1 for the contract are required by statute or law and their removal or modification would compromise the interests of the City and County of San Francisco. The one specification section which sets a contractors qualification included experience with the installation of synthetic turf on athletic fields. The requirement stated that the general contractor must have completed two synthetic turf projects of similar size and scale within the last ten
years. This requirement is not onerous for this type of specific construction work. In fact, staff contract several local contractors prior to establishing this requirement to confirm that there were local firms that had this level of experience. None of these contract requirements differ from typical City contracts that have been advertised and awarded for similar projects.

Given the above information, we request approval to negotiate a construction contract with a qualified general contractor as required by San Francisco Administrative Code Section 6.23(C), Subparagraph 2 by signing below. Please let me know if you have any questions.

Negotiation with a qualified contractor is approved.

Philip A. Ginsburg, General Manager

Thank you for your attention to this matter.

Dan Mauer
Project Manager

Attachment: SF Admin Code Section 6.23(C)

Cc: Sean McPadden, RPD Contract Administration Manager
    Toks Ajike, RPD Senior Project Manager
CHAPTER 6: PUBLIC WORKS CONTRACTING POLICIES AND PROCEDURES

Labor Code, Division 3, Chapter 4 [commencing at Section 3070] and Section 1777.5), as it may be amended from time to time, and shall require the Contractor to include in its subcontracts the obligation for subcontractors to comply with the requirements of the State Apprenticeship Program.

(0) Safety. All construction contracts awarded under this Chapter shall require the Contractor and all of its subcontractors to abide by the applicable Occupational Safety and Health statutes and regulations.

Additionally, all construction contracts awarded under this Chapter shall require the Contractor and all of its subcontractors to abide by the requirements of Administrative Code Section 64.1, prohibiting masonry-dry cutting and masonry dry-grinding, with exceptions.

(P) Claims. The City shall consider only those claims for additional payment under a public work contract that are certified and that conform to the contract requirements for claims, pricing, and schedule.

(1) Claims by Contractors. The contractor shall certify under penalty of perjury that (a) the claim is made in good faith; (b) the supporting data are accurate and complete to the best of Contractor's knowledge and belief; and (c) the amount requested accurately reflects the Contract adjustment for which the Contractor believes the City is liable. An individual or officer authorized to act on behalf of the Contractor shall execute the certification.

(2) Claims by Subcontractors. Subcontractors at any tier are not third-party beneficiaries of any Contract awarded under this Chapter. The City shall not consider a direct claim by any subcontractor. A Contractor presenting to the City any claim on behalf of a subcontractor must certify the subcontractor's claim in the same manner the Contractor would certify its own claim under the foregoing paragraph (1).

(Q) Contractor Prompt Payment. All construction contracts under this Chapter shall require the contractor to pay its subcontractors within seven calendar days after receipt of each progress payment from the City, unless otherwise agreed to in writing in advance by both contractor and subcontractor. In the event that there is a good faith dispute over all or any portion of the amount due on a progress payment from a contractor to a subcontractor, the contractor may withhold the disputed amount but shall pay the undisputed amount.

Any contractor who violates this subsection shall pay to the subcontractor a penalty of 2% of the amount due per month for every month or portion thereof that payment is not made. This subsection is enforceable in a court of competent jurisdiction, and is not intended to create a private right of action against the City and County of San Francisco.


SEC. 6.23. PUBLIC WORKS TO BE PERFORMED BY THE CITY; BIDS BY CITY DEPARTMENTS; PROCEDURE UPON REJECTION OR FAILURE OF BIDS.

(A) Public Works Less Than or Equal to the Threshold Amount. Any public work or improvement estimated to cost less than or equal to the Threshold Amount may be performed by the employment of the necessary labor and purchase of the necessary materials and supplies directly by the City and County.

(B) Bids by City Departments. Appropriate City and County departments may file sealed bids for the execution of any work to be performed under a contract and shall not be required to furnish security or submit information relative to financial qualifications as provided in this Chapter. Any bid submitted by a department of the City and County, if it is the lowest bid, must be approved by the Controller before the award of contract. If the bid of a City and County department, as investigated and approved by the Controller, is the lowest, the contract shall be awarded to the department which shall record accurate unit costs of all direct and indirect charges incurred under any such contract. Such unit costs shall be reported to and audited by the Controller monthly and on completion of the work.

The Controller shall maintain records of bids filed by departments in relation to the total direct and indirect cost of each such work and shall report thereon periodically to the Mayor. The Controller may refuse to approve contracts with a department shown to be repeatedly underbidding on contract work and failing to complete same within the contract price or time.

(C) Procedure Upon Rejection or Failure of Bids. When bids have been advertised pursuant to the required procedures and no bids are received, or only one responsive bid is received from a responsible bidder, the department head shall take the following actions, as appropriate:

(1) No Bids Received. If no bids are received, the department head shall determine (a) whether further outreach efforts would result in contractors submitting bids and/or (b) whether removal or modification of certain requirements in the contract would result in contractors submitting bids, provided that such requirements are not required by statute or law and their removal or modification would not compromise the interests of the City and County. If the department head determines that steps (a) and/or (b), above, would likely result in contractors submitting bids, then the department head shall re-bid the work. If the department head determines that neither step (a) nor (b), above, would likely result in contractors submitting bids, then the department head, with the approval of the Mayor, the Mayor’s designee, or the board or commission concerned, as appropriate, may negotiate with any qualified contractor or may order the work to be executed by the City and County.

(2) One Responsive Bid Received; No Other Bids Received. If only one responsive bid is received from a responsible bidder, and no other bids are submitted for the same work, the department head may recommend the award of a contract to the sole bidder at the bid price received, provided that the bid price does not exceed the engineer’s estimate for the work. If the bid price received exceeds the engineer’s estimate, the department head shall determine (a) whether further outreach efforts would result in more than one bid and/or (b) whether removal or modification of certain requirements in the contract would result in more than one bid, provided that such requirements are not required by statute or law and their removal or modification would not compromise the interests of the City and County. If the department head determines that steps (a) and/or (b), above, would likely result in more than one bid at bid prices substantially lower than the bid price received, then the department head shall re-bid the work. If the department head determines that neither step (a) nor (b), above, would likely result in more than one bid at bid prices substantially lower than the bid price received, then the department head, with the approval of the Mayor, the Mayor’s designee, or the board or commission concerned, as appropriate, may negotiate with the sole bidder or any qualified contractor, or may order the work to be executed by the City and County. The cost of negotiated work or the cost of work executed by the City and County shall not exceed any bid price received for the same work.

(3) One Responsive Bid Received; Other Nonresponsive Bids Received. If only one responsive bid is received from a responsible bidder and nonresponsive bids and/or bids by nonresponsive bidders are submitted for the same work, the department head may recommend the award of a contract to the sole responsive, responsible bidder at the bid price received, provided that the bid price does not exceed the engineer’s estimate for the work. If the responsive bid price received exceeds the engineer’s estimate, the department head shall determine (a) whether the qualifications for bidders were too onerous and not necessary for the work and/or (b) whether one or more of the nonresponsive bids could be easily cured and whether the bidders who submitted such bids are still interested in bidding on the work. If the department head determines that the steps(a) and/or (b), above, would likely result in more than one responsive bid by responsible bidders, at bid prices substantially lower than the bid price received, then the department head shall re-bid the work. If the department head determines that neither step (a) nor (b), above, would result in more than one responsive bid by responsible bidders at bid prices substantially lower than the bid price received, then the department head, with the approval of the Mayor, the Mayor’s designee, or the board or commission concerned, as appropriate, may negotiate with the sole responsible bidder or any qualified contractor, or may order the work to be executed by the City and County. The cost of negotiated work or the cost of work executed by the City and County shall not exceed any bid price received for the same work.

(4) All contracts awarded under this subsection 6.23(C), including negotiated contracts, shall require that the substitution of subcontractors be in accordance with California Public Contract Code section 4107.

(Added by Ord. 286-99, File No. 991645, App. 11/5/99; Ord. 119-08, File No. 080277, App. 7/11/2008)