

**RESOLUTION NO. 79-20**

**A RESOLUTION OF THE COUNCIL OF THE CITY OF RICHMOND, CALIFORNIA,  
AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH THE  
LOWEST, MOST RESPONSIVE BIDDER TO REPAIR AND/OR REHABILITATE  
GRADE 5 SEWER PIPES IN THE SANITARY SEWER COLLECTION SYSTEM AS  
REQUIRED IN THE BAYKEEPER SETTLEMENT AGREEMENT FOR AN AMOUNT  
NOT TO EXCEED \$374,000**

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**WHEREAS**, the City of Richmond entered into a settlement agreement with San Francisco Baykeeper in 2018 due to the fact that the City experiences sanitary sewer overflows during wet rainy weather due to the condition of the City's sanitary sewer collection system; and

**WHEREAS**, the City of Richmond agreed within the settlement agreement with San Francisco Baykeeper to make improvements to the City's sewer collection system by rehabilitating or repairing at least two (2) miles of Grade 5 pipes annually; and

**WHEREAS**, Veolia determined these Grade 5 pipes have been identified through closed circuit television (CCTV) inspection; and

**WHEREAS**, these Grade 5 pipes have been assigned a "Risk Assessment" based on the probability of failure by a licensed engineer; and

**WHEREAS**, Veolia collectively compiled a list of these Grade 5 pipes; and

**WHEREAS**, Veolia issued a unit price Request For Proposal ("RFP") for Phase I of the Sewer Segment Rehabilitation Project to its list of Pre-Qualified Contractors in the City of Richmond; and

**WHEREAS**, the purpose of the RFP was to receive unit prices on the rehabilitation work to be used for future point repair/rehabilitation projects that are or will be identified to be completed in the Risk Assessment Analysis that was completed in 2018 ("2018/2019 RAA Project"); and

**WHEREAS**, on June 29, 2018, sealed bids were received at Veolia's Capital Project Management Office at 601 Canal Boulevard, in Richmond; and

**WHEREAS**, two (2) unit price bids were received from local contractors:

- W.R. Forde and Associates; and
- Bay Hawk, Inc.; and

**WHEREAS**, Veolia Capital Projects Management Team determined that Bay Hawk, Inc. was the lowest responsive bid; and

**WHEREAS**, the Water Resource Recovery Department issued a project Task Authorization to Veolia and Veolia Water West Operating Services, Inc. (collectively "Veolia") to manage the subcontract with Bay Hawk, Inc for the 2018/2019 RAA Project ; and

**WHEREAS**, upon Veolia completing the post repair closed-circuit televising (CCTV) of the pipes in May of 2020, a year after the 2018/2019 Project had listed the Grade 4 and 5 defects repaired; and

**WHEREAS**, it was subsequently determined that additional defects were identified on certain pipe segments; and

**WHEREAS**, on June 1, 2020, Veolia's Construction Project Manager e-mailed W.R. Forde & Associates and Bay Hawk, Inc. bid specifications for fourteen (14) line segments requiring repairs or replacements due to structural defects ("Makeup Work"); and

**WHEREAS**, both W.R. Forde & Associates and Bay Hawk, Inc. are pre-qualified contractors under Resolution 52-19; and

**WHEREAS**, on June 2, 2020, W. R. Forde & Associates submitted Proposed Change Orders to its existing contract for pipe line replacement and repairs (referred to as “2019/2020 RAA Project”) approved by Resolution 9-20, adopted by City Council on February 18, 2020, and Bay Hawk, Inc., submitted bids to Veolia’s Construction Project Manager (via e-mail) as requested; and

**WHEREAS**, on June 2, 2020, Veolia’s Construction Project Manager e-mailed, Yader Bermudez, City of Richmond Public Works Director that W.R. Forde was the successful low-proposer on (12) of the (14) pipe segments and Bay Hawk, Inc. was successful proposer on (2) of the (14) pipe segments; and

**WHEREAS**, Yader Bermudez, Public Works Director informed Veolia’s Construction Project Manager that one of the bid items was listed with the incorrect depth listed in the bid documents; and

**WHEREAS**, on June 9, 2020 Veolia’s Construction Project Manager e-mailed W.R. Forde & Associates and Bay Hawk, Inc. the following statement, *“Please be advised that Proposal Item #2 was incorrectly reported as having an average depth of 17’-6”;* the actual average depth is approximately 5’-0”. Therefore, please update your proposal accordingly and provide an updated proposal cost for Proposal Item #2, proposing your cost with the pipe segment being at an average depth of 5’-0”, by 8:00 a.m. on 6/10/2020”; and

**WHEREAS**, incorporating the updated proposals for Bid Item #2, Veolia stated that W.R. Forde was the successful low-proposer on (12) of the (14) pipe segments and Bay Hawk, Inc. was successful on (2) of the (14) pipe segments; and

**WHEREAS**, upon the City’s review of the bids by Yader Bermudez, Public Works Director, and Everett Jenkins, Senior Assistant City Attorney, it was determined that W. R. Forde & Associates’ bid to be non-responsive as it did not comply with the unit price bidding in its contract for the 2019/2020 RAA Project; and

**WHEREAS**, W. R. Forde’s bid only included the cost of the actual point repairs based solely upon the unit price for the length, depth and diameter of the pipe segment being repaired; and

**WHEREAS**, unit pricing for all of the ancillary work was not included in its bid, such as, pre-CCTV and post-CCTV and pavement restoration, and therefore, it did not include the entirety of the scope of work; and

**WHEREAS**, on July 7, 2020, City staff recommended that City not utilize Veolia as its project manager on this Makeup Work because of Veolia’s failure to perform on the 2018/2019 RAA Project and failure to comply with the directives of Yader Bermudez regarding the scope of the Makeup Work; and

**WHEREAS**, the City intended to self-perform the scope of Makeup Work by directly contracting with Bay Hawk, Inc.; and

**WHEREAS**, the motion made on July 7, 2020 to contract directly with Bay Hawk, Inc. did not pass to support the City staff recommendation; and

**WHEREAS**, Yader Bermudez stated that he would submit a Request for Proposals (RFP) to the list of prequalified contractors as adopted in Resolution 52-19 by the City Council on June 18, 2019; and

**WHEREAS**, on July 12, 2020 the RFP was e-mailed to the following list of prequalified contractors:

- Bay Hawk Inc. (Pinole)
- JMB Construction (San Francisco)
- Nor Cal Pipeline Services (Hayward)
- Ranger Pipelines (San Francisco)
- W.R. Forde, Inc. (Richmond); and

WHEREAS, the proposals are to be submitted no later than 3:30 p.m. on July 17, 2020; and

WHEREAS, the Council of the City of Richmond is on break the entire month of August, so no business can take place; and

WHEREAS, this work is critical to be completed in order to remain in compliance with the Baykeeper Settlement Agreement.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Richmond hereby authorizes the City Manager to execute a Contract with the lowest, most responsive bidder for the Pipeline Replacement/Rehabilitation Project in an amount not to exceed \$374,000 Project cost of \$340,000 plus 10% contingency of \$34,000).

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I certify that the foregoing resolution was passed and adopted by the Council of the City of Richmond at a regular meeting thereof held July 28, 2020, by the following vote:

AYES:	Councilmembers Choi, Johnson, Martinez Myrick, and Willis, Vice Mayor Bates, and Mayor Butt.
NOES:	None.
ABSTENTIONS:	None.
ABSENT:	None.

PAMELA CHRISTIAN  
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 CLERK OF THE CITY OF RICHMOND  
 (SEAL)

Approved:

THOMAS K. BUTT  
 Mayor

Approved as to form:

RACHEL SOMMOVILLA  
 Interim City Attorney

State of California            }  
 County of Contra Costa        : ss.  
 City of Richmond                }

I certify that the foregoing is a true copy of Resolution No. 79-20, finally passed and adopted by the City Council of the City of Richmond at a regular meeting held on July 28, 2020.

  
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 Pamela Christian, Clerk of the City of Richmond

CLERK'S CERTIFICATE

I, Pamela Christian, City Clerk of the City of Richmond, do hereby certify as follows:

The foregoing resolution is a full, true and correct copy of **Resolution No. 79-20** duly adopted at a regular meeting of the City Council of said City duly and regularly held at the regular meeting place thereof on the 28<sup>th</sup> day of July 2020, of which meeting all of the members of said City Council had due notice and at which a majority thereof were present; and that at said meeting said resolution was adopted by the following vote:

AYES:	Councilmembers Choi, Johnson, Martinez Myrick, and Willis, Vice Mayor Bates, and Mayor Butt.
NOES:	None.
ABSTENTIONS:	None.
ABSENT:	None.

An agenda of said meeting was posted before said meeting at City Hall, 450 Civic Center Plaza in the City of Richmond, California, a location freely accessible to members of the public, and a brief description of said resolution appeared on said agenda.

I have carefully compared the foregoing with the original on file and of record in my office, and the foregoing is a full, true and correct copy of the original resolution adopted at said meeting.

Said resolution has not been amended, modified or rescinded since the date of its adoption and the same is now in full force and effect.

Dated: July 31st, 2020



Pamela Christian  
City Clerk of the City of Richmond

[SEAL]