



FORTY NINERS STADIUM MANAGEMENT COMPANY

Date: December 12, 2022

To: Rajeev Batra
Executive Director
Santa Clara Stadium Authority

From: Jenti Vandertuig
Procurement Director
Forty Niners Stadium Management Company LLC

CC: Jim Mercurio, Executive Vice President & General Manager

Subject: Recommendation for Award RFB FY22-0034 Levi's Stadium Bowl Padded Seat Replacement Project

Recommendation

1. Recommend approval and award of a one-time contract to Devcon Construction, Inc., in the amount of \$3,094,381.73, to remove and replace the existing padded club seats in the Levi's Stadium (Stadium) seating bowl project. (Project)
2. Authorize Stadium Manager to execute any and all documents associated with, and necessary for the award, completion, and acceptance of this Project; and
3. Authorize Stadium Manager to execute change orders up to 10% of the Project cost or \$309,438.17 for a total not to exceed construction contract amount of \$3,403,819.90.

Solicitation Process

Forty Niners Stadium Management Company LLC (Stadium Manager) has a need to remove and replace the existing padded club seats in the Stadium.

The Project was approved as part of the FY22/23 SCSA Capital Expenditures budget referenced as New Seating - Bowl Padded Seat Replacement Project - Lower and Mid-Level Club Seating Bowl.

On November 5, 2022, Stadium Manager issued a Request for Bids (RFB) FY22-0034 for the Project.

Stadium Manager published the RFB on Bonfire Interactive, Stadium Manager's eProcurement portal <https://49ers.bonfirehub.com/portal/>. In addition to inviting a list of contractors on our established supplier list, Stadium Manager also selected contractors registered on the portal with specific commodity codes offering such services.

On November 18, 2022, Stadium Manager published the Notice Inviting Bids for the Project in the San Jose Mercury News publication. Notices were also emailed on November 5, 2022 to the Builders' Exchange of Santa Clara County, Bay Area Builders' Exchange, and Minority Business Consortium to communicate with their respective member communities regarding the solicitation for the Project.

Stadium Manager held a non-mandatory pre-bid conference on November 14, 2022 at 11:00 a.m. (PT) to provide an overview of the Project and answer any questions from prospective bidders. The RFB provided prospective bidders the option to schedule on-site visits to the Stadium.

Electronic bid submissions were due on or before December 5, 2022 at 3:00 p.m. (PT). Two bids were received on or before the closing due date and time from the following firms:

1. Devcon Construction, Inc. - \$3,094,381.73
2. CWS Construction Group Inc. - \$3,675,004.17

Public Bid Opening

A public bid opening was held on December 5, 2022 at 4:00 p.m. (PT). The RFB provided the public bid opening webcast information including a meeting ID and password for bidders to log on via Zoom to attend. Multiple callers were in attendance. Stadium Manager announced the receipt of the three bids on or before the due date and time, announced the name of the bidders and the base bid amounts and declared Devcon Construction, Inc., as the apparent low bidder.

The protest period ended on December 12, 2022. There were no protests.

Evaluation of Apparent Low Bidder

Stadium Manager reviewed the bid from Devcon Construction, Inc., and determined that the apparent low bidder's bid is a responsible bidder submitting a responsive bid.

Next Steps

The Project was approved as part of the FY22/23 SCSA Capital Expenditures budget. The current approved amount for this Project is \$3,538,500.

Once Stadium Manager receives approval from the SCSA Board, a contract (included in the RFB) will be executed with Devcon Construction, Inc., and a fully executed copy of the contract will be forwarded to the SCSA. In addition, Stadium Manager requests authorization to issue change orders up to \$309,438.17 or 10% of the project cost which will allow Stadium Manager to take timely administrative action if required and not delay completion of the Project.

Supporting documentation has been provided for review and approval. The cost for advertising the RFB in the San Jose Mercury News publication for one day is \$177.24. Stadium Manager's request to publish legal notices in the San Jose Mercury News for various solicitations, including public works, was approved by the SCSA Board on July 13, 2021. This Project is a public works project.

Submitted By: _____  _____ Date: 12/12/2022
Jenti Vandertuig, Procurement Director