



## FORTY NINERS STADIUM MANAGEMENT COMPANY

Date: November 7, 2022

To: Rajeev Batra  
Executive Director  
Santa Clara Stadium Authority

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

Subject: Recommendation for Award RFB FY22-0031 Levi's Stadium Cooling Towers Project

### **Recommendation**

1. Recommend approval and award of a one-time contract to United Mechanical, Inc., in the amount of \$117,350, to replace the internal parts and systems for the cooling towers at Levi's Stadium.
2. Recommend a budget augmentation for the Levi's Stadium Cooling Towers Project (Project) of \$89,768.21, which will increase the total budget amount for this Project from \$46,001 to \$135,769.21. The original Project budget was approved by the Santa Clara Stadium Authority (SCSA) as part of the FY22/23 SCSA Capital Expenditures Budget.
3. Authorize Stadium Manager to execute any and all documents associated with, and necessary for the award, completion, and acceptance of this Project; and
4. Authorize Stadium Manager to execute change orders up to 10% of the Project cost or \$11,735 for a total not to exceed construction contract amount of \$129,085.

### **Solicitation Process**

Forty Niners Stadium Management Company LLC (Stadium Manager) has a need to replace certain internal parts and systems for the cooling towers at Levi's Stadium (Stadium). This includes, but is not limited to, the replacement of motors, fans, fill, controls, and piping in the cooling towers which in turn support the HVAC system functionality at the Stadium.

The Project was approved as part of the FY22/23 SCSA Capital Expenditures budget.

On July 26 2022, Stadium Manager issued a Request for Bids (RFB) FY22-0031 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 July 29, 2022, Stadium Manager published the Notice Inviting Bids for the Project in the San Jose Mercury News publication. Notices were also emailed on July 26, 2022 to the Builders' Exchange of Santa Clara County 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 August 8, 2022 at 2:00 p.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 August 25, 2022 at 3:00 p.m. (PT). Three bids were received on or before the closing due date and time from the following firms:

1. United Mechanical Inc. - \$117,569
2. ACCO - \$158,902
3. Carrier Corporation - \$116,144

### **Public Bid Opening**

A public bid opening was held on August 25, 2022 at 4:30 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 Carrier Corporation as the apparent low bidder.

The protest period ended on September 1, 2022. There were no protests.

### **Evaluation of Apparent Low Bidder**

Stadium Manager reviewed the bid from Carrier Corporation and determined that the apparent low bidder's bid was nonresponsive. The bid forms were unsigned and no bid bond was provided. The bidder also augmented the bid forms included as part of Addendum #1 to the Bid Documents. The bidder also failed to provide several other bid forms. Carrier Corporation was notified of the results, and Stadium Manager offered to provide training on bid submissions for future opportunities.

The second low bidder, United Mechanical, Inc. (the firm's full legal name is California United Mechanical, Inc.), is the lowest responsible bidder submitting a responsive bid. United Mechanical, Inc. is properly licensed with the California State License Board and registered with DIR. There is a minor arithmetical error in the calculation of the base bid amount, which we are authorized to correct per the terms of the Bid Documents. The actual total base bid amount is \$83,852 (versus the stated amount of \$84,071). This means the total bid price (the base bid amount plus additive alternate #1) is \$117,350 (versus the stated amount of \$117,569).

A budget augmentation is necessary to move this Project forward because the base bid amount alone is in excess of the remaining Project budget.

**Next Steps**

The Project was approved as part of the FY22/23 SCSA Capital Expenditures budget. The current approved amount for this Project is \$46,001.

Stadium Manager is recommending a budget augmentation to address the following costs for this Project:

1. Issuance of a Task Order to HKS Architects, Inc. - \$6,450
2. San Jose Mercury News Publication Fees - \$234.21
3. United Mechanical, Inc. Bid - \$117,350

Once Stadium Manager receives approval from the SCSA Board, a contract (included in the RFB) will be executed with United Mechanical, 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 \$11,735 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 \$234.21. 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: 11/16/2022  
Jenti Vandertuig, Procurement Director