



FORTY NINERS STADIUM MANAGEMENT COMPANY

Date: November 29, 2021

To: Jim Mercurio
Executive Vice President & General Manager

From: Jenti Vandertuig
Procurement Director

Subject: Recommendation for Award RFB FY21-0017 Levi's Stadium Rust
Protection Mitigation Project

Recommendation

1. Recommend approval and award of a one-time agreement to R. Brothers Painting Inc., in the amount of \$17,223 to prepare and paint the existing steel structure along the 300 level concourse of Levi's Stadium;
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 approximately 10% of the contract cost, or \$1,722.30, for a total not to exceed amount of \$18,945.30.

Solicitation Process

Forty Niners Stadium Management Company LLC ("Stadium Manager") has a need to prepare and paint the existing steel structure along the 300 level concourse of the Levi's Stadium ("Stadium"). Rust stains are beginning to show on the existing steel at this location and the stadium railings, beams, and other steel areas need rust prevention and coating. Implementation of rust prevention measures was approved as part of the FY21/22 Santa Clara Stadium Authority ("SCSA") Capital Expenditures budget.

On October 27, 2021, Stadium Manager issued a Request for Bids (RFB) FY21-0017 to prepare and paint the existing steel structure including railings, beams, and other steel areas along the 300 level concourse of the Stadium to improve the aesthetic appearance and extend the useful life of the facility.

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 suppliers on our established supplier list, Stadium Manager also selected suppliers

registered on the portal with specific commodity codes offering infrastructure painting systems.

On November 3, 2021, Stadium Manager published the Notice Inviting Bids related to this project in the San Jose Mercury News publication. Notices were also emailed on October 27, 2021 to the Builders' Exchange of Santa Clara County and Minority Business Consortium to communicate with their respective member communities.

While the RFB allowed for substitutions where permissible, Stadium Manager determined the need to specify Sherwin-Williams as the sole paint brand for painting the exterior of the Stadium and identified the following specifications in the RFB:

"Stadium Manager has made findings designating the following materials, methods or services by specified brand or trade names, which must be used for the Project:

1. Pre-primer coat shall be Sherwin-Williams 100501824 – CORRVERTER.
2. Primer shall be Sherwin-Williams I58W00020 – MAC 5000 WHT 1G.
3. Polyurethane Sealant shall be Sherwin-Williams LX41L4143 – LOXON 1SL White 28.
4. Finish shall be Sherwin-Williams B66T00354 – Sher-Cryl HPA High Performance Acrylic Semi-Gloss Coating Ultradeep/Clear Tint Base.

Stadium Manager finds the foregoing materials, methods or services are required for the Project because Sherwin-Williams is the original paint brand selected for exterior finishes at the Stadium. In order to ensure compatibility related to color, finish and matching of the existing exterior, continued use of Sherwin Williams brand and associated products designated by Sherwin Williams is warranted."

Stadium Manager held a non-mandatory pre-bid conference on November 3, 2021 at 10:00 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 and to request substitutions where permissible with specific deadlines for each of these options.

Electronic bid submissions via the eProcurement portal were due on or before November 22, 2021 at 3:00 p.m. (PT). One bid was received on or before the closing due date and time from the following firm:

1. R. Brothers Painting, Inc. – Base bid at \$14,566 and Alternate No. 1 at \$17,223

A bidder contacted the Procurement Lead less than two hours of the bid closing time to mention that he was not aware that a bid bond was required. He later emailed the bid

response directly to the Procurement Lead without the bid bond. The bid submission did not adhere to the RFB requirements and therefore, was not considered.

Public Bid Opening

A public bid opening was held on November 22, 2021 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. Several bidders were in attendance. Stadium Manager announced the receipt of one bid on or before the due date and time, announced the name of each bidder and the bid amount. R. Brothers Painting, Inc. was declared the apparent low bidder with a base bid amount of \$14,566.

Evaluation of Apparent Low Bidder

Stadium Manager reviewed the bid from R. Brothers Painting, Inc. and determined the bid to be responsive and responsible. The review verified that all the required forms were submitted and completed properly, the bid schedule contained no arithmetic errors, and the bid bond is authorized. Stadium Manager also confirmed that R. Brothers Painting, Inc. is authorized to do business in California, is appropriately licensed with the California Contractors State License Board, and is registered with the Department of Industrial Relations. Stadium Manager checked references to validate that R. Brothers Painting, Inc. was responsible.

R. Brothers Painting, Inc. submitted a memo along with the bid response. Upon review of the memo and further discussion with the bidder, it was noted that the cost for painting the areas in the Base Bid Schedule and the Alternate No. 1 at the same time would be \$17,223. However, if the Base Bid Schedule and Alternate No. 1 work were scheduled at different times as two different jobs, the total cost would be additional.

Next Steps

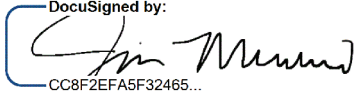
In accordance with the RFB documents, Stadium Manager has the sole discretion to include any, all, or none of the Alternate Bid items. The Total Bid Price, inclusive of the Base Bid and Alternate No. 1, is \$17,223. The cost of this purchase is covered in the FY 21/22 SCSA Capital Expenditures budget referenced under Site, Rust Prevention Mitigation. The approved budgeted amount is \$94,500.

Once Stadium Manager receives approval from the SCSA Board, an agreement (detailed in the RFB) will be executed with R. Brothers Painting, Inc., and a fully executed copy of the agreement will be forwarded to the Board. In addition, Stadium Manager requests authorization to issue change orders up to 10% of the agreement which will allow Stadium Manager to take timely administrative action, if required, and not delay completion of the Project. An allocation of approximately 10% of the contract cost, or

\$1,722.30, for a total not to exceed amount of \$18,945.30 is within the SCSA Board approved budget for 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 \$759.60. 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 is a public works project.

Submitted By:  Date: 11/29/2021
Jenti Vandertuig, Procurement Director

Approved By:  Date: 11/29/2021
Jim Mercurio, Executive Vice President & General Manager