



February 27, 2019

Via E-mail

City of Santa Clara  
Attn: Huy Nguyen  
1500 Warburton Ave.  
Santa Clara, CA 95050

Re: City of Santa Clara 2019 Pavement Rehabilitation Project  
Project: CE 17-18-19

Dear Mr. Nguyen:

On February 20, 2019, MCK Services, Inc. submitted its bid to the City of Santa Clara for the 2019 Pavement Rehabilitation Project (Contract No. CE 17-18-19). Due to a clerical mistake in filling out the bid, MCK Services, Inc.'s bid was materially different from what we had intended to submit.

The clerical error occurred when I transferred the per unit price for Bid Item No. 5 "6-inch Asphalt Failure Repair" from our bid write-up to our bid schedule. The costs from the bid schedule were then communicated to our runner on bid day. This resulted in our number for that bid item and our total bid being \$231,331 lower than intended. A declaration setting forth the facts surrounding our clerical error accompanies this letter.

As our bid preparation documents are confidential, we are willing to meet with you or a member of your staff responsible for this bid to allow an inspection of our bid documents and verification of our clerical error.

Pursuant to Public Contract Code section 5103, MCK Services, Inc. requests the City of Santa Clara approve and grant our request to be relieved of our bid and for the return of our bid bond.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Dave Praklet", is written over a faint, larger blue outline of the same signature.

Dave Praklet

Encl: - Declaration of Dave Praklet  
- Redacted Bid Cost Write Up  
- Incorrect Bid Schedule

P.O. Box 5697  
Concord, CA 94524  
Phone: 925-957-9200 / Fax: 925-957-9292

## DECLARATION OF DAVE PRAKLET

I, Dave Praklet, declare:

I am the Vice President of Operations for MCK Services, Inc., the apparent lower bidder on the City of Santa Clara's ("City") 2019 Pavement Rehabilitation Project (Contract No. CE 17-18-19) Project. As part of my duties as the Vice President of Operations, I am responsible for verifying that bid item costs are correctly transferred from our bid cost write-up to our bid schedule, and then to the bid form submitted to the City.

For this Project, we prepared a "bid cost write-up" for each bid item. Depending on the bid item, our bid cost write-up includes a breakdown of our costs to self-perform the work, the cost of materials, and any estimates from our subcontractors (collectively "Costs"). The Costs are then added together to produce the final number for each bid item. When the bid form requested per unit pricing, we divided the total bid item cost by the Engineer's estimated quantity to determine the per unit cost for a bid item.

On the day of the bid, I transferred the per unit costs from the bid cost write-ups to another document entitled, "bid schedule". The bid schedule contained all of the bid items, the per unit costs, the total for each bid item, and the total bid amount. The numbers from the bid schedule were then communicated to the bid runner, who transcribed the final numbers onto the City's bid form.

As stated in my letter dated February 20, 2019, MCK Services, Inc.'s bid included a clerical error that would have substantial negative financial impact on our firm if we were to perform the project at the rates in our bid. Specifically, the mistake was in Bid Item No. 5 "6-inch Asphalt Failure Repair". Our bid cost write-up for Bid Item No. 5 had a per unit cost of \$5.80 for a total of \$1,341,719.80. This unit price is consistent with the other bidders. On bid day, I incorrectly transferred the per unit rate for Bid Item No. 5 to the bid schedule as \$4.80 per unit price for a total of \$1,110,388.80.

My clerical error reduced MCK Services, Inc.'s total bid for the Project by \$231,331, making it materially different from what we had intended to submit to the City. This is a significant mistake, as a \$231,331 reduction is 4.58% of our intended total bid amount and over 17% below our estimate for Bid Item No. 5. Thus, we would be performing Bid Item No. 5 at a substantial loss.

I have attached a true and correct copy of our redacted bid cost write-up, as well as our incorrect bid schedule. I did not discover my error until I performed a post-bid opening review of the bidding documents on Thursday morning.

I have personal knowledge of each and every fact set forth herein and if called as a witness, I can and will competently testify thereto.

I declare under penalty of perjury to the laws of the State of California that the foregoing is true and correct.

Executed this 27th day of February, 2019 at Martinez, California

A handwritten signature in blue ink, appearing to read "Joel R. H.", is written over a horizontal line.

ALWAYS READ THIS BOX							Code	Desc	
Santa Clara 2019							CJ	7/20/2019	
5	G' BASE REPAIRS			PAY ITEM	291,331	SF			
CREW		\$/ PER SHIFT	SHIFT				TOTAL \$/ SHIFT		
4 - MAN	1								
GRINDER MCK	2								
GROUNDMAN	3								
PAVER/ OPER	4								
SCREED/ OPER	5								
SCREED/ OPER	6								
ROLLER / OPER	7								
ROLLER / OPER	8								
LAB / RAKE	9								
LAB / RAKE	10								
LAB / RAKE	11								
LAB / RAKE	12								
LAB / RAKE	13								
LAB / GHBL	14								
LAB / GHBL	15								
SKIPPY	16								
FUEL									
SWEEPER									
Grinder Costs									
BUY TACK									
HAUL AC/GRINDINGS SUPERS									
BUY AC									
DUMP FEES									
TRUCKING/10 SUPERS @ 19 SHIFTS EA									
				UNIT	5.80	291,331	\$	1,340,670.00	

Santa Clara 2019 Pavement Rehab. Project					2/20/2019
ITEM #	WORK DESCRIPTION	Unit	Quantity	Unit Price	Extension
1	Mobilization	LS	1	\$260,000.00	\$260,000.00
2	Construction Area Signs & Traffic Control	LS	1	\$350,000.00	\$350,000.00
3	Type II Slurry Seal	SY	207,167	\$1.90	\$393,617.30
4	Asphalt Rubber Chip Seal	SY	98,266	\$3.75	\$368,497.50
5	6-inch Asphalt Failure Repair	SF	231,331	\$4.80	\$1,110,388.80
6	3-inch Asphalt Failure Repair	SF	55,169	\$3.00	\$165,507.00
7	Adjust Manhole Frame and Cover to Grade	EA	70	\$1,150.00	\$80,500.00
8	Adjust Valve Box and Flushing Inlet to Grade	EA	59	\$750.00	\$44,250.00
9	Remove & Replace Valve Box and Flushing Inlet Box with New	EA	6	\$850.00	\$5,100.00
10	Record Monument and File Corner Records with County	EA	38	\$400.00	\$15,200.00
11	Adjust Monument Box to Grade Per City Standard Detail ST-21	EA	7	\$850.00	\$5,950.00
12	Install New Monument Per City Standard Detail ST-20	EA	16	\$1,175.00	\$18,800.00
13	Cold Mill Existing Asphalt Pavement (De La Cruz Blvd)	SY	30,888	\$7.10	\$219,304.80
14	Cold Mill Existing Asphalt Pavement (Perry Court)	SY	2,793	\$13.90	\$38,822.70
15	Rubberized Hot Mix Asphalt	TON	3,790	\$140.00	\$530,600.00
16	HMA (De La Cruz Blvd. between Greenwood Dr. and Trimble Rd. and Perry Ct.)	TON	2,999	\$115.70	\$346,984.30
17	HMA (Convention Center Parking Lot)	TON	5	\$300.00	\$1,500.00
18	HMA (Franklin Square Mall Parking Lot)	TON	108	\$300.00	\$32,400.00
19	Paving Mat	SY	30,888	\$2.10	\$64,864.80
20	Traffic Signal Loop Detector	EA	200	\$315.00	\$63,000.00
21	Detector Handhole (G5 Box)	EA	26	\$515.00	\$13,390.00
22	Replacement or Installation of New Curb Ramp	EA	43	\$5,500.00	\$236,500.00
23	Additional Replacement or Installation of Sidewalk	SF	860	\$18.00	\$15,480.00
24	Additional Replacement or Installation of Curb & Gutter	LF	215	\$85.00	\$18,275.00
25	Installation of Truncated Domes at Franklin Square Parking Lots	LS	1	\$3,000.00	\$3,000.00



26	Relocate Sign Post	EA	3	\$345.00	\$1,035.00
27	Adjust Utility Box to Grade in Curb Ramp	EA	26	\$1,250.00	\$32,500.00
28	Adjust Pedestrian Push Button	EA	20	\$750.00	\$15,000.00
29	Detail 2 - Yellow Centerline	LF	356	\$0.80	\$284.80
30	Detail 9A - White Laneline	LF	56,315	\$0.80	\$45,052.00
31	Detail 22 - Double Yellow Centerline	LF	13,255	\$1.80	\$23,859.00
32	Detail 25 - Left Edgeline	LF	27,049	\$0.80	\$21,639.20
33	Detail 27B - Right Edgeline	LF	24,873	\$0.70	\$17,411.10
34	Detail 32 - Two-Way Left Turn Lanes	LF	1,987	\$1.60	\$3,179.20
35	Detail 36/36B - Exit/Entrance Ramp Neutral Area Treatment	LF	2,281	\$1.10	\$2,509.10
36	Detail 27 - Lane Drop Line	LF	165	\$1.20	\$198.00
37	Detail 38/38A - Channelizing Line	LF	7,558	\$1.10	\$8,313.80
38	Detail 39/39A - Bike Lane Line/Intersection Line	LF	16,462	\$0.70	\$11,523.40
39	Detail 40 - Lane Line Extensions Through Intersections	LF	2,389	\$0.70	\$1,672.30
40	6" White/Yellow	LF	350	\$2.75	\$962.50
41	12' White/ Yellow (for Crosswalk/Limit Lines)	LF	11,953	\$5.00	\$59,765.00
42	24" White/ Yellow Crosswalk Line	LF	110	\$10.00	\$1,100.00
43	Pavement Markings - Arrows, Message, etc...	SF	6,615	\$5.50	\$36,382.50
44	Bike Loop Detector	EA	22	\$22.00	\$484.00
45	Yield Line	LF	40	\$10.00	\$400.00
46	Painted Median Nose Yellow	EA	33	\$60.00	\$1,980.00
47	Blue Retroreflective Markers (for Fire Hydrants)	EA	70	\$25.00	\$1,750.00
48	Painted Pavement Marking & Striping at Convention Center Parking Lots	LS	1	\$31,046.00	\$31,046.00
49	Painted Pavement Marking & Striping at Franklin Square Parking Lots	LS	1	\$17,025.00	\$17,025.00
50	Crack Filling at Convention Center Parking Lots	POUND	200	\$21.25	\$4,250.00
51	Crack Filling at Franklin Square Parking Lots	POUND	200	\$21.25	\$4,250.00
52	Seal Coat at Convention Center Parking Lots	SF	91,057	\$0.34	\$30,959.38
53	Seal Coat at Franklin Center Parking Lots	SF	54,672	\$0.34	\$18,588.48
54	Concrete Work at Convention Center Parking Lots	LS	1	\$3,800.00	\$3,800.00
55	Concrete Work at Franklin Center Parking Lots	LS	1	\$8,000.00	\$8,000.00
56	Wheelstops at Convention Center Parking Lots	EA	20	\$220.00	\$4,400.00
57	Wheelstops at Franklin Center Parking Lots	EA	20	\$220.00	\$4,400.00

EE \$4.8M - \$5.3M

**Total Bid:**

**4,815,651.96**