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Mistake in bid causes difficulty for Orinda's roads contract

By Sora O'Doherty

The city of Orinda avoided threatened legal action by the unusual step of allowing a request for proposals to lapse without accepting any of the submitted bids. The city had intended to award the contract for the year's paving rehabilitation project to McGuire and Hester, but the process was disrupted by the firm's request for bid relief.

Of the four bids submitted, McGuire and Hester, a corporation located in Alameda, was the lowest by a substantial amount. However, the firm legally requested bid relief on July 9. According to their attorney, Kimberly Carone, this was well within the five-day time limit allowed under the Public Contract Code. In an email to the city council on Aug. 3, Carone voiced the company's disagreement with Orinda staff's recommendation that the council reject the request for bid relief and proceed to award the contract to McGuire and Hester. Carone said that it was undisputed that the company had made a clerical mistake in filling out their bid because the numerical entries did not get updated and fixed in the final bid. Their corrected bid would have been \$3,772,424 rather than their submitted bid of \$3,387,016, a difference of nearly \$400,000.

The city council held a very long closed session on Aug. 3 without resolving the issue. The matter was continued to a special meeting on Aug. 9. After another closed session to work on the problem, the council met in open session. After hearing comments from the public, including the firm in question, the city decided that, rather than grant bid relief, it would instead let all bids lapse and reissue the request for proposals.

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