



Meeting Date: July 23, 2026

To: Public Works Commission

Through: Carla Short, Public Works Director
Scott Anderson, Deputy Director

From: Tony Abuyaghi, Public Works Project Manager

Subject: Pier 96 Crane Demolition - Contract Award

Director's Recommendation: Award construction contract for Pier 96 Crane Demolition to Silverado Contractors, Inc. in the amount of \$4,500,000 with a contingency of \$450,000 and a term of 270 consecutive calendar days with a contingency of 27 consecutive calendar days.

Contract Background: This project involves the demolition, abatement and removal of four inoperable dockside container cranes located at Pier 96 eastern wharf, immediately adjacent to the San Francisco Bay. The cranes were originally built by PACECO and Star Iron & Steel, CO. in the early 1970's. The cranes are identified as: Star 4139 (approximately 170'H x 80'W x 215'L), Star 4140 (approximately 170'H x 80'W x 215'L), Paceco 509 (approximately 165'H x 80'W x 200'L), Paceco 538 (approximately 165'H x 80'W x 200'L). The removal of these cranes will make way for the future redevelopment of the Pier 96 wharf.

Solicitation Process: Public Works advertised the project on February 9, 2026. Two (2) bids were received on March 18, 2026. A bid protest was received on March 25, 2026. Public Works reviewed the bid protest and issued the bid protest determination letter on July 7, 2026. On May 8, the City issued REI a Preliminary Notice of Non-Responsibility. REI responded via counsel obtained, Kahana Feld, requesting a pre-determination hearing. On July 2, 2026, The City's Hearing Officer, after reviewing the record and consulting with the City Attorney's Office, found that REI did not meet the relevant Minimum Qualification Requirements. On July 2, 2026, REI provided its formal request to withdraw its bid for the subject project. Upon review of the Silverado Contractors, Inc. bid, it was determined:

1. The bid was deemed responsive by Public Works Contract Administration Staff
2. The bidder was deemed responsible by the Public Works Project Manager
3. The bid was reviewed and deemed responsive by the Contract Monitoring Division

Please see Attachment A: Tabulation of Bids and Attachment B: Contract Monitoring Division (CMD) Memorandum for more information.

Contract Details:

Contract Title:	Pier 96 Crane Demolition

Contract Award Amount:	\$4,500,000
Cost Estimate:	\$4,800,000
Contract Funding Sources:	Southern Waterfront Beautification
Anticipated Project Schedule:	Anticipated Start of Construction: September 2026 Substantial Completion: March 2026 Final Completion: April 2026
Contract Duration:	210 consecutive calendar days to reach substantial completion 60 consecutive calendar days thereafter to reach final completion
Contractor Name:	Silverado Contractors, Inc.
Compliance with Chapter 14B Local Business Enterprise Ordinance:	The LBE subcontracting requirement is 10% (Micro/ Small LBE). Contractor met the 10% LBE subcontracting requirement by committing 14.22% for Micro/Small LBE subcontractors' participation.
Environmental Determination (if applicable):	San Francisco Planning Department (CEQA) The Planning Department has determined the Project is categorically exempt from the California Environmental Quality Act (“CEQA”) as a Class 1 (State CEQA Guidelines 15301 – Minor alteration of existing facilities with negligible or no expansion of use) for the port-wide repair and maintenance program. (Case No. 2021-003773ENV) See Attachment C for more information. San Francisco Bay Regional Water Quality Control Board (RWQCB) Programmatic Section 401 Certification and Water Quality Certification Order R2-2016-0039 for the Port of San Francisco, Maintenance Program, San Francisco County, dated September 22, 2016, and the Administrative Extension of Order R2-2016-0039, dated April 12, 2024. Bay Conservation and Development Commission (BCDC) Abbreviated Regionwide Permit No. ANOI2025.013.00, issued November 25, 2025, authorizes the Project to demolish, abate, and dispose of the four (4) dockside container cranes at Pier 96 U.S. Army Corps of Engineers (USACE) Regional General Permit (RGP22, 2015-00016S) for the Port of San Francisco, Maintenance Program, issued February 26, 2026.

Other Compliance:	N/A
Additional Information:	N/A
Attachments:	Attachment A - Tabulation of Bids Attachment B - Contract Monitoring Division (CMD) Memorandum Attachment C - CEQA Exemption Determination Attachment D - 0000011421 - Silverado - Bid Protest Determination Attachment E - 0000011421 - REI - Request to Withdraw Determination

**PUBLIC WORKS COMMISSION
CITY AND COUNTY OF SAN FRANCISCO**

RESOLUTION NO. _____

WHEREAS, On October 8, 2025, San Francisco Public Works entered into an agreement with the Port of San Francisco (Port) to authorize San Francisco Public Works to manage, advertise, award and oversee construction of the Pier 96 Crane Demolition project; and

WHEREAS, The Port obtained a CEQA Exemption Determination filed by the San Francisco Planning Department on June 4, 2021 (2021-003773ENV) for work to be performed pursuant to the Port's Engineering and Facilities Maintenance Directive 2021-01 ("Directive") and Best Management Practices ("BMPs") detailed in the Port-wide Maintenance Manual, Revision 2, April 2021; and

WHEREAS, The Port obtained a San Francisco Bay Regional Water Quality Control Board (RWQCB) Programmatic Section 401 Certification and Water Quality Certification Order R2-2016-0039 for the Port of San Francisco, Maintenance Program, San Francisco County, dated September 22, 2016, and the Administrative Extension of Order R2-2016-0039, dated April 12, 2024; and

WHEREAS, The Port obtained a San Francisco Bay Conservation and Development Commission (BCDC) Abbreviated Regionwide Permit No. ANOI2025.013.00, issued November 25, 2025; and

WHEREAS, The Port obtained a U.S. Army Corps of Engineers (USACE) Regional General Permit (RGP22, 2015-00016S) for the Port of San Francisco Maintenance Program, issued February 26, 2026; and

WHEREAS, Port Building Permits will be obtained prior to Notice to Proceed; and

WHEREAS, On November 18, 2025, the Port Commission authorized Public Works to advertise, award and oversee construction of the Pier 96 Crane Demolition project; and

WHEREAS, On February 9, 2026, Public Works advertised the Pier 96 Crane Demolition project; and

WHEREAS, On March 18, 2026, Public Works received two (2) bids; and

WHEREAS, a bid protest was received on March 25, 2026; and

WHEREAS, Public Works reviewed the bid protest and issued the bid protest determination letter on July 7, 2026; and

WHEREAS, On May 8, the City issued REI a Preliminary Notice of Non-Responsibility. REI responded via counsel obtained, Kahana Feld, requesting a pre-determination hearing.

WHEREAS, On July 2, 2026, The City's Hearing Officer, after reviewing the record and consulting with the City Attorney's Office, found that REI did not meet the relevant Minimum Qualification Requirements.

WHEREAS, On July 2, 2026, REI provided its formal request to withdraw its bid for the subject project.

WHEREAS, Public Works staff and Contract Monitoring Division (CMD) staff reviewed the bids and determined that Silverado Contractors Inc. is the responsible bidder with the lowest responsive bid; and

WHEREAS, Silverado Contractors Inc.'s bid was \$4,500,000; and

WHEREAS, The LBE subcontracting requirement is 10%, and Silverado Contractors, Inc. met the 10% LBE requirement by committing 14.22% to LBE subcontractors; and

WHEREAS, Funds are available from the Southern Waterfront Beautification; now, therefore, be it

RESOLVED, That this Commission hereby approves the award of a Construction Contract for Sourcing Event ID No. 0000011421 – Pier 96 Crane Demolition, in the amount of \$4,500,000 with a contingency of \$450,000 and a duration of 270 consecutive calendar days with a contingency of 27 consecutive days, to Silverado Contractors Inc.

I hereby certify that the foregoing resolution was adopted by the Public Works Commission at its meeting of _____.

Commission Affairs Manager
Public Works Commission

**City and County of San Francisco
Department of Public Works
TABULATION OF BIDS**

SOURCING ID: 0000011421

CONTRACT TITLE: PW PIER 96 CRANE DEMOLITION

FULL TITLE: PIER 96 CRANE DEMOLITION

BIDS RECEIVED: March 18, 2026

BIDDERS (in the order received & opened):

	<u>LBE Status</u>	<u>Total Bid Price</u>
Silverado Contractors, Inc.	N/A	\$4,500,000.00
Resource Environmental, Inc.	N/A	\$3,517,000.00
	Average Bid:	\$4,008,500.00
	Engineer's Estimate:	\$4,800,000.00
	% of Engineer's Estimate:	84%
	% of Engineer's Estimate vs. Low Bid Received	73%

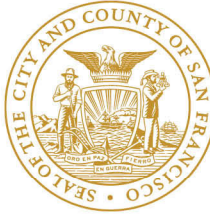
cc:	Tony Abuyaghi	Magdalena Ryor	Carla Short
	Melinda Kanios	Scott Anderson	All Bidders

For complete subcontractor listings, check: <https://bidopportunities.apps.sfdpw.org/CaseLoad/Details/2661>

March 18, 2026

 = Indicates a correction after review

City & County of San Francisco
Daniel Lurie, Mayor



Office of the City Administrator
Carmen Chu, City Administrator

Contract Monitoring Division
Regina Chan, Director

MEMORANDUM

Date: July 7, 2026

To: Tony Abuyaghi, Department of Public Works
Dennis Lam, Department of Public Works

From: Winnie Chen, Contract Monitoring Division

Subject: CMD Review of Bids Submitted on 3/17/2026 for Pier 96 Crane Demolition, 0000011421

****Note to (Department of Public Works) -- Please use the tables with the blue headers for your Peoplesoft project team entry.**

Silverado Contractors, Inc. ("Silverado") is the apparent low bidder after the bid discount.

The bid discount was applied to bidders who are certified by the Contract Monitoring Division, ("CMD") as an LBE in the type of work that is specified for the bidder by the Contract Awarding Authority.

Bidder	LBE Status and Size	Bid Discount	Total Base Bid
Resource Environmental, Inc.	Non-LBE	Not eligible	\$3,517,000.00
Silverado Contractors, Inc.	Non-LBE	Not eligible	\$4,500,000.00

Resource Environmental, Inc.'s bid price was the lowest but requested to withdraw their bid.

Silverado satisfactorily demonstrated how they will meet the LBE subcontractor participation requirement.

A combination of Micro-LBE and Small-LBE participation will count toward LBE subcontractor participation compliance. Silverado's commitment for this contract:

	Requirement %	Commitment %
Micro/Small LBE	10.00%	14.22%

In their bid, Silverado listed the following subcontractors on this contract:

Supplier Name	Scope of Work	LBE	LBE Size	LBE Percent	Percent Of Work	Amount
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SITECO SERVICES, INC.	BID ITEM 1 - DEMOLITION SUPPORT SERVICES	LBE	MICR	100%	5.56%	\$250,000.00
CASTELLANOS TRUCKING INC	TRUCKING (Service Contractor)	LBE	MICR	100%	0.33%	\$15,000.00
SHEEDY DRAYAGE CO	BID ITEM 1 - OPERATED CRANE RENTAL - LANDSIDE	LBE	SML	100%	8.33%	\$375,000.00
ECO BAY SERVICES INC	BID ITEM 2 - HAZMAT ABATEMENT	LBE	SBA	0% ¹	1.89%	\$85,000.00
POWER ENGINEERING CONSTRUCTION CO	BID ITEM 1 - OPERATED CRANE RENTAL - WATERSIDE				17.31%	\$778,750.00
CHAMPION CONTRACTORS	BID ITEM 1- DEMOLITION SUPPORT				5.56%	\$250,000.00

¹ Eco Bay Services Inc is an SBA-LBE, therefore, Silverado receives 0% towards the Micro/Small LBE subcontracting participation credit.

Silverado listed Siteco Services, Inc (LBE) and Champion Contractors (non-LBE) to perform the same scope of work ("Bid Item 1 – Demolition Support") on their Section 00 43 36. CMD sought clarification on how Silverado plans to distribute the work between the two subcontracted firms. Silverado responded that Siteco Services, Inc will be operating heavy equipment to process steel debris from the cranes and load out trucks, whereas Champion Contractors will be providing demolition-related labor services.

Silverado satisfied the "Good Faith Efforts" requirement.

Silverado utilized Approach A and exceeded the LBE subcontractor participation requirement by 35%.

CMD finds Silverado is responsive to pre-award requirements of Chapter 14B. Once awarded, the contract will be monitored for compliance with the LBE subcontractor participation commitment, as well as other 14B requirements.

Primary CMD contact for the contract: **Winnie Chen**, winnie.chen3@sfgov.org

CMD must be contacted immediately for:

- Subcontractor addition/substitution;
- Contract modification that cumulatively increases the original contract value by 20%;
- Prompt payment issues;
- Any other issues pertaining to LBE subcontractor participation

Noncompliance may result in penalties, including monetary fines. Please communicate with CMD early.

WC



CEQA Exemption Determination

PROPERTY INFORMATION/PROJECT DESCRIPTION

Project Address		Block/Lot(s)
SF PORT: Ongoing Maintenance Executive Directive 2021		
Case No.		Permit No.
2021-003773ENV		
☒ Addition/ Alteration	☐ Demolition (requires HRE for Category B Building)	☐ New Construction
Project description for Planning Department approval. SF PORT: Ongoing Maintenance Executive Directive 2021-01 - The proposed project is the Port of San Francisco's regular program of maintenance , repair, rehabilitation, restoration, replacement and removal activities of any previously authorized, currently serviceable structure or fill ("Port-wide Maintenance Program"). The standard construction measures ("Measures") that will be followed by Port staff and its contractors in execution of the Port-wide maintenance program are detailed in the attached Engineering and Facilities Maintenance Directive 2021-01.		

STEP 1: EXEMPTION TYPE

The project has been determined to be exempt under the California Environmental Quality Act (CEQA).	
☒	Class 1 - Existing Facilities. Interior and exterior alterations; additions under 10,000 sq. ft.
☐	Class 3 - New Construction. Up to three new single-family residences or six dwelling units in one building; commercial/office structures; utility extensions; change of use under 10,000 sq. ft. if principally permitted or with a CU.
☐	Class 32 - In-Fill Development. New Construction of seven or more units or additions greater than 10,000 sq. ft. and meets the conditions described below: (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations. (b) The proposed development occurs within city limits on a project site of no more than 5 acres substantially surrounded by urban uses. (c) The project site has no value as habitat for endangered rare or threatened species. (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality. (e) The site can be adequately served by all required utilities and public services. FOR ENVIRONMENTAL PLANNING USE ONLY
☐	Other _____
☐	Common Sense Exemption (CEQA Guidelines section 15061(b)(3)). It can be seen with certainty that there is no possibility of a significant effect on the environment . FOR ENVIRONMENTAL PLANNING USE ONLY

STEP 2: ENVIRONMENTAL SCREENING ASSESSMENT

TO BE COMPLETED BY PROJECT PLANNER

☐	Air Quality: Would the project add new sensitive receptors (specifically, schools, day care facilities, hospitals, residential dwellings, and senior-care facilities within an Air Pollution Exposure Zone? Does the project have the potential to emit substantial pollutant concentrations (e.g. use of diesel construction equipment, backup diesel generators, heavy industry, diesel trucks, etc.)? <i>(refer to The Environmental Information tab on the San Francisco Property Information Map)</i>
☐	Hazardous Materials: If the project site is located on the Maher map or is suspected of containing hazardous materials (based on a previous use such as gas station, auto repair, dry cleaners, or heavy manufacturing, or a site with underground storage tanks): Would the project involve 50 cubic yards or more of soil disturbance - or a change of use from industrial to residential? Note that a categorical exemption shall not be issued for a project located on the Cortese List if box is checked, note below whether the applicant has enrolled in or received a waiver from the San Francisco Department of Public Health (DPH) Maher program, or if Environmental Planning staff has determined that hazardous material effects would be less than significant. <i>(refer to The Environmental Information tab on the San Francisco Property Information Map)</i>
☐	Transportation: Does the project involve a child care facility or school with 30 or more students, or a location 1,500 sq. ft. or greater? Does the project have the potential to adversely affect transit, pedestrian and/or bicycle safety (hazards) or the adequacy of nearby transit, pedestrian and/or bicycle facilities?
☐	Archeological Resources: Would the project result in soil disturbance/modification greater than two (2) feet below grade in an archeological sensitive area or eight (8) feet in a non-archeological sensitive area? If yes, archeology review is required.
☐	Subdivision/Lot Line Adjustment: Does the project site involve a subdivision or lot line adjustment on a lot with a slope average of 20% or more? <i>(refer to The Environmental Information tab on the San Francisco Property Information Map)</i> If box is checked, Environmental Planning must issue the exemption.
☐	Average Slope of Parcel = or > 25%, or site is in Edgehill Slope Protection Area or Northwest Mt. Sutro Slope Protection Area: Does the project involve any of the following: (1) New building construction, except one-story storage or utility occupancy, (2) horizontal additions, if the footprint area increases more than 50%, or (3) horizontal and vertical additions increase more than 500 square feet of new projected roof area? <i>(refer to The Environmental Planning tab on the San Francisco Property Information Map)</i> If box is checked, a geotechnical report is likely required and Environmental Planning must issue the exemption.
☐	Seismic Hazard: ☐ Landslide or ☐ Liquefaction Hazard Zone: Does the project involve any of the following: (1) New building construction, except one-story storage or utility occupancy, (2) horizontal additions, if the footprint area increases more than 50%, (3) horizontal and vertical additions increase more than 500 square feet of new projected roof area, or (4) grading performed at a site in the landslide hazard zone? <i>(refer to The Environmental tab on the San Francisco Property Information Map)</i> If box is checked, a geotechnical report is required and Environmental Planning must issue the exemption.
Comments and Planner Signature (optional): Joy Navarrete	

STEP 3: PROPERTY STATUS - HISTORIC RESOURCE
TO BE COMPLETED BY PROJECT PLANNER

PROPERTY IS ONE OF THE FOLLOWING: <i>(refer to Property Information Map)</i>	
☐	Category A: Known Historical Resource. GO TO STEP 5.
☒	Category B: Potential Historical Resource (over 45 years of age). GO TO STEP 4.
☐	Category C: Not a Historical Resource or Not Age Eligible (under 45 years of age). GO TO STEP 6.

STEP 4: PROPOSED WORK CHECKLIST
TO BE COMPLETED BY PROJECT PLANNER

Check all that apply to the project.	
☐	1. Change of use and new construction. Tenant improvements not included.
☒	2. Regular maintenance or repair to correct or repair deterioration, decay, or damage to building.
☐	3. Window replacement that meets the Department's <i>Window Replacement Standards</i> . Does not include storefront window alterations.
☐	4. Garage work. A new opening that meets the <i>Guidelines for Adding Garages and Curb Cuts</i> , and/or replacement of a garage door in an existing opening that meets the Residential Design Guidelines.
☐	5. Deck, terrace construction, or fences not visible from any immediately adjacent public right-of-way.
☐	6. Mechanical equipment installation that is not visible from any immediately adjacent public right-of-way.
☐	7. Dormer installation that meets the requirements for exemption from public notification under <i>Zoning Administrator Bulletin No. 3: Dormer Windows</i> .
☐	8. Addition(s) that are not visible from any immediately adjacent public right-of-way for 150 feet in each direction; does not extend vertically beyond the floor level of the top story of the structure or is only a single story in height; does not have a footprint that is more than 50% larger than that of the original building; and does not cause the removal of architectural significant roofing features.
Note: Project Planner must check box below before proceeding.	
☐	Project is not listed. GO TO STEP 5.
☐	Project does not conform to the scopes of work. GO TO STEP 5.
☐	Project involves four or more work descriptions. GO TO STEP 5.
☒	Project involves less than four work descriptions. GO TO STEP 6.

STEP 5: ADVANCED HISTORICAL REVIEW
TO BE COMPLETED BY PRESERVATION PLANNER

Check all that apply to the project.	
☐	1. Reclassification of property status. <i>(Attach HRER Part I)</i> ☐ Reclassify to Category A a. Per HRER b. Other <i>(specify)</i>: ☐ Reclassify to Category C <i>(No further historic review)</i>
☐	2. Project involves a known historical resource (CEQA Category A) as determined by Step 3 and conforms entirely to proposed work checklist in Step 4.
☐	3. Interior alterations to publicly accessible spaces that do not remove, alter, or obscure character defining features.
☐	4. Window replacement of original/historic windows that are not "in-kind" but are consistent with existing historic character.
☐	5. Façade/storefront alterations that do not remove, alter, or obscure character-defining features.

☐	6. Raising the building in a manner that does not remove, alter, or obscure character-defining features.
☐	7. Restoration based upon documented evidence of a building's historic condition, such as historic photographs, plans, physical evidence, or similar buildings.
☐	8. Work consistent with the <i>Secretary of the Interior Standards for the Treatment of Historic Properties</i> (Analysis required):
☐	9. Work compatible with a historic district (Analysis required):
☐	10. Work that would not materially impair a historic resource (Attach HRER Part II).
Note: If ANY box in STEP 5 above is checked, a Preservation Planner MUST sign below.	
☒	Project can proceed with exemption review. The project has been reviewed by the Preservation Planner and can proceed with exemption review. GO TO STEP 6.
Comments (optional):	
Preservation Planner Signature:	

STEP 6: EXEMPTION DETERMINATION
TO BE COMPLETED BY PROJECT PLANNER

☒	No further environmental review is required. The project is exempt under CEQA. There are no unusual circumstances that would result in a reasonable possibility of a significant effect.	
	Project Approval Action:	Signature:
	Executive Directive Approval by Chief Harbor Engineer	Joy Navarrete
		06/04/2021
Once signed or stamped and dated, this document constitutes an exemption pursuant to CEQA Guidelines and Chapter 31 of the Administrative Code. In accordance with Chapter 31 of the San Francisco Administrative Code, an appeal of an exemption determination to the Board of Supervisors can only be filed within 30 days of the project receiving the approval action. Please note that other approval actions may be required for the project. Please contact the assigned planner for these approvals.		



PORT OF SAN FRANCISCO
ENGINEERING AND FACILITIES MAINTENANCE DIRECTIVE 2021-01

Directive Topic: Ongoing Maintenance and Repairs on Port of San Francisco Property

Issued By: Rod K. Iwashita, P.E., D.PE, F.ASCE, Chief Harbor Engineer
 Tim Felton, Deputy Director – Maintenance Division

Issue Date: **Final Issue Date: April 15, 2021**
Effective Date: April 2021 through December 2026

Effected Parties All Engineering and Maintenance Division Staff

1. Purpose

The Port of San Francisco ("Port") jurisdiction spans 7 1/2 miles of the City of San Francisco ("City") urban and industrial waterfront adjacent to San Francisco Bay (the Bay) as shown on Figure 1. Most of the Port's buildings, piers and supporting infrastructure are over 80 years old. As a result, the Port has a large and growing backlog of needed maintenance and repairs. If rehabilitation and replacement of these existing structures are not addressed, many will continue to degrade and eventually fall into San Francisco Bay ("the Bay"). In order to maintain navigational and recreational safety, protect and improve water quality, improve shoreline access and appearance and enable continued commercial and industrial use of Port facilities, maintenance and repair must be performed on an ongoing basis.

This Directive addresses the Port's regular program of maintenance and repair activities, and fill removal ("Port-wide Maintenance Program"). The standard construction measures ("Measures") that will be followed by Port staff or contractors in execution of the Port-wide Maintenance Program are specified below. These Measures, task-specific procedures, and best management practices (BMPs) to avoid or minimize environmental impacts are detailed in the *Port of San Francisco Maintenance Manual 2021-2026* ("Maintenance Manual") and summarized in the attached Table 1 from the Maintenance Manual. With the implementation of the specified Measures and BMPs, no significant impacts are anticipated.

Maintenance and repair work performed will also comply with existing historic resource protection measures to ensure work is consistent with Secretary of Interior Historic Preservation Standard, if within a historic resource or an eligible historic resource.

The proposed activities are authorized under the Port's BCDC maintenance permit M1977.017.019, will comply with Port Building Code and all other applicable Federal, State and Local environmental regulatory permits and requirements. The Measures specified in this Directive, may be superseded and/or expanded with more detailed requirements from the Port's proposed reissuance of the U.S. Army Corps of Engineers and San Francisco Regional Water Quality Control Board permits for the Port-wide Maintenance Program.

Upon the effective date of this Directive, the Port's Engineering and Maintenance staff and their contractors are authorized to perform routine repair and maintenance of Port properties and facilities as described therein during the period from April 2021 through year end 2026.

2. Project Description – Port-wide Maintenance Program

2.1 Scope of Work

The maintenance and repair work described in this Directive will continue a program of construction activities necessary to maintain current Port facilities and uses, comply with Port Building Code requirements, maintain public safety including ADA code requirements and upgrades, alterations of facilities, and/or keep facilities in a state of good repair. The Port-wide maintenance program addressed by this Directive is generally limited to repair, rehabilitation, or replacement of any previously authorized, currently serviceable structure or fill, and permanent removal of dilapidated structures and other deleterious fill.

Activities considered to be routine maintenance are characterized by the following:

- The structure or fill [to be altered] is not to be put to uses differing from those specified or contemplated in the original construction. Minor deviations, including those due to changes in materials, techniques, standards, or regulatory requirements, are authorized;
- The repair, rehabilitation or replacement of structures or fill destroyed or damaged by discrete events (such as storms, floods, fire, etc.);
- No temporary fill material is placed in a manner that will be eroded by normal or expected high flow; and
- Temporary fill is removed in its entirety and the affected area returned to pre-construction elevations (and revegetated, as appropriate).

The Port-wide maintenance program, including estimated scope/quantity of work to be performed during the subject period, generally consists of:

1. ***Repair and Stabilization of Banks, Shorelines, Seawalls, Dikes and Riprap.*** The Port proposes to perform repairs and stabilization on an estimated 500 linear feet/year (up to 2,500 linear feet total over five years) of existing banks, including armored and unarmored shorelines, seawalls, dikes, and riprap.

2. ***Restoration of Navigational Aids or Regulatory Markers.*** The Port proposes repair or replacement of up to 5 existing navigation aids or regulatory markers per year (1 cubic yard/year) for a total of 25 existing navigation aids or regulatory markers over five years (approximately 5 cubic yards). Restoration of existing navigation aids and regulatory markers will be approved by and installed in accordance with the requirements of the U.S. Coast Guard, using marine-based equipment.
3. ***Repair and Replacement of Piles.*** The Port proposes repair or replacement of up to 1,000 piles per year (5,000 piles total over five years). Based on a typical 12" diameter pile, replacement would total approximately 784 square feet (or 726 cubic yard) of pile fill per year or 3,920 square feet (or 3,634 cubic yard) of pile fill over 5 years.

The majority of existing bearing and fender piles for which the maintenance and repair is proposed are polyvinyl chloride (PVC wrapped, preservative-treated (typically ACZA or similar) Douglas fir or concrete. Wrapped, treated Douglas fir piles can last over thirty years in salt water and are capable of absorbing design ship impact energy without breaking. The Port periodically inspects, repairs, or replaces piles or pile wraps as required. When a limited number of piles require replacement without removal of the associated deck and substructure, in-kind replacement of dilapidated wood piles with piles of the same material is the most feasible repair. Port concrete pile repairs typically include removing areas of spalling concrete (chip hammer or water pressure), replacing deteriorated rebar, and coating the repaired pile area with shotcrete or concrete poured within form work.

Wherever feasible, such as when a substantial contiguous area of pier deck and associated piles requires replacement, the Port will evaluate the use of alternative materials to treated wrapped wood piles (i.e., composite, steel, or concrete) where appropriate. Depending on the scale of such pile replacement activities, additional agency authorizations may be required.

4. ***Repair of Piers and Related Structures.*** The Port proposes repair or replacement of up to 100,000 square feet per year (500,000 square feet total over five years) of existing structures including piers, aprons/decks, wharves, bulkheads, fenders, dolphins, whalers, and connecting structures such as joists, stringers, pipelines, and utilities (including above and underground electrical, water, sewer, and storm water lines) attached to piers and structures, and minor coring of pier decks to install related structures. The majority of these structures are above or adjacent to and not within jurisdictional waters. These maintenance activities are limited to replacement or reconfiguration of existing facilities.
5. ***Repair or Replacement of Fencing and Related Structures.*** The Port proposes repair or replacement of up to 400 linear feet (200 square feet) per year or 2,000 linear feet total (1,000 square feet total) of existing fencing along piers and the shoreline.
6. ***Repair of Bulkheads and Breakwaters.*** The Port proposes repair or replacement of up to 300 square feet per year (or 100 linear feet) or 1,500 square feet total (or 500 linear feet) of existing bulkheads and breakwaters.

7. ***Replacement or Reconfiguration of Existing Docking Facilities.*** The Port proposes replacement or repair/reconfiguration of up to 150,000 square feet per year (750,000 square feet total) of existing docking facilities, including fixed piers, docks, gangways, cap beams including pier structures such as utilities.
8. ***Repair or Replacement of Bollards, Cranes, Pier Canopies, and Equipment.*** The Port proposes repair and/or replacement of up to 50 existing bollards, cranes, pier canopies, and other small appendages (including ladders, fender, and camels) per year (250 total appendages over five years).
9. ***Removal of Existing Dilapidated Piles and Associated Structures.*** The Port proposes to permanently remove dilapidated piles and associated structures, resulting in an overall net benefit to the in-water environment and navigation of the San Francisco Bay. The Port propose to remove up to 54,000 square feet per year (approximately 2,000 cubic yards) of damaged piles including fender piles, bearing piles and associated structures such as pier decks, stringers, beams, and girders. This equates to an estimated 270,000 square feet total of structure removal and 10,000 cubic yard of pile fill removal over the five-year program.

The Port expects that the proposed activities would result in a net reduction of fill in the Bay and overwater structure shading, removal of navigational obstructions and safety hazards, and overall environmental benefit by removing aged structures, including creosote-treated wood.

10. ***Routine in-kind Maintenance and Repair of Port Structures.*** The Port proposes to perform routine in-kind maintenance, repair, and alterations of Port facilities including:
 - paint, flooring, structural framing, partitions/demising walls;
 - code-required facility repairs and alterations of facilities to comply with fire, safety, and ADA compliance requirements;
 - installation of fencing, signage or awnings, security lights and fixtures, and restrooms that comply with historic standards and Port sign and design guidelines, as applicable;
 - exterior minor and in-kind repairs or replacement work on existing structures involving no expansion of the structure (e.g., windows, doors, stairs, paint or covering, roofing, restrooms, and improvements); and
 - utility repair/installation including above and underground electrical, water, sewer, and storm water lines servicing Port facilities.

2.2 Roles & Responsibilities

The responsibility to implement the Measures specified by this Directive, the BMPs set forth in the *Maintenance Manual* and the requirements of other permits and authorizations rests with each Project Manager in the Engineering Division and each Superintendent and Supervisor in the Maintenance Division. The following Port staff have responsibility for ensuring compliance with all applicable Port practices and other regulatory requirements and permit conditions:

- The Port's primary point of contact for managing staff responsible for maintenance, restoration and repair activities is the **Deputy Director of Maintenance**. The Maintenance Division includes a Safety Officer and Industrial Hygienist charged with ensuring that activities are implemented according to OSHA standards and other environmental regulations focused on worker health and safety.
- The Port's **Maintenance Superintendents** report to the Deputy Director of the Maintenance Division and manage the various trades or "shops" (e.g., pile-workers, plumbers, divers, crane operators, welders, electricians, etc.) who perform Port-wide maintenance work. The Superintendents are responsible for understanding the requirements and best management practices that apply to the work performed by the trades under their supervision, and for ensuring that shop Supervisors and staff have the training and resources required to conduct their work safely and in compliance with environmental and other project specifications.
- The Port's **Environmental Planners** support Maintenance, Engineering and Maritime Division projects including evaluating general work program, project and site-specific conditions to identify applicable permits, environmental conditions and requirements; obtaining environmental permits and approvals; assist in training Port staff regarding environmental regulatory requirements and environmental protection measures; provide oversight and assistance to ensure compliance with permit conditions; and support staff in reporting maintenance work and completed activities.
- Where the activity may affect the integrity of Port historic buildings and facilities, a **Port Planner - Historic Preservation Coordinator** reviews proposed work to ensure compliance with Secretary of Interior Standards for Historic Rehabilitation.
- The Port's Planning and Environment division is responsible for coordinating CEQA/BCDC and regulatory agency reviews and approvals.
- Compliance with applicable Port Building Code and Building or Encroachment Permit requirements is managed through the Port's **Chief Building Inspector**, or as otherwise designated by the **Port Chief Harbor Engineer**.

3. Standard Construction Measures

In addition to complying with all applicable local, State, and federal laws and regulations, these Measures are to be followed as a standard practice in the execution of every Port-wide maintenance program activity. While some of the Measures may not apply to a project, it is important to address each of the Measures either by implementing the Measure as described, explaining why it is not applicable to a particular project, or undertaking further investigation and developing a more detailed work plan to address the resource as provided in the resource-specific Measures. Some of the Measures are broad and will be tailored to suit each project site and surrounding circumstances.

3.1 Air Quality

All work performed under the Port-wide maintenance program will comply with Port Code 106A.3.2.3-Construction Dust Control, and the applicable provisions of San Francisco Health Code Article 22B-Construction Dust Control and City and County of San Francisco Clean Construction Ordinance, including use of cleaner engines and diesel emissions control features as specified by those regulations.

3.2 Water Quality

The Port-wide maintenance program activities are conducted in accordance with procedures and practices to avoid or minimize impacts and protect water quality as described in the Maintenance Manual and summarized in the attached Table 1. Any activities that involve land disturbance will comply with the erosion and sediment control measures required by the City's Construction Site Runoff Control Ordinance and Public Works Code Section 146. The subject activities would not generally disturb significant ground surface area and therefore would not be subject to regulation under the Statewide Construction Stormwater Permit.

3.2 Biological Resources

The procedures specified by the Port's Maintenance Manual incorporate construction practices specified by the 2018 Corps of Engineers/National Marine Fisheries Service Program Criteria deemed "not likely to adversely affect" special-status aquatic species (listed as threatened or endangered under the Federal Endangered Species Act or protected under the Federal Marine Mammal Protection Act) or habitats. The construction measures that the Port implements to avoid or minimize impacts on biological resources are specified in the Maintenance Manual and summarized in Table 1 (included below).

3.3 Hazardous Materials

In conducting routine maintenance activities Port staff may transport and use hazardous materials such as paints, solvents, sealants, adhesives, fuel, and oil at work sites. Hazardous materials and resultant wastes from use of hazardous materials (e.g., used oil, waste paint, creosote-treated wood debris) are handled, stored, and disposed of in accordance with all Federal, State, and local regulations. The Port has developed a comprehensive Hazard Communication Program which addresses safe hazardous materials handling procedures, such as labelling and storing materials pursuant to manufacturers specifications. The Port also has a Hazardous Materials Emergency Response Plan, which

specifies measures to prevent releases, such as use of secondary containment and keeping spill kits on site, as well as emergency response procedures. All Port Maintenance employees working in the field are trained on the hazard communication program and hazardous materials emergency response plan annually. Most are certified as 24-hour Oil Spill Technicians under the Hazardous Waste Operations standard specified by 29CFR1910.120(q)(6)(iii), with annual 8-hour refresher training.

Where there is reason to believe that site soil or groundwater that will be disturbed may contain hazardous materials, Port staff evaluate site-specific and project-specific conditions, including applicable local (e.g., San Francisco Health Code Article 22A, a.k.a. Maher Ordinance), State, and Federal regulations, and implement appropriate health and safety and soil management measures accordingly.

3.4 Cultural Resources

Where the activity may affect the integrity of Port historic buildings and facilities, a Port Planner with expertise in historic resources preservation reviews proposed work to ensure compliance with Secretary of Interior Standards for Historic Rehabilitation.

The activities performed under the Port-wide maintenance program are generally limited to repair and replacement in-kind, or replacement with construction materials that are substantially similar and occupy the same or smaller area. Soil or sediment disturbing work occurs in areas that have previously been disturbed; no significant new excavation or dredging is proposed and the potential to encounter archeological resources is remote. Consequently, the Port-wide maintenance program is unlikely to encounter or pose potential to impact archeological resources. In the unlikely event that a Port maintenance project results in an archeological discovery Port staff would retain the services of a qualified archeological professional to assess, recover and monitor the discovery consistent with accepted archeological best practices in order to avoid adverse effects on buried or submerged historical resources.

3.5 Other Construction Measures

- **Traffic.** Due to the relatively small scale and frequently in-bay location of the subject maintenance activities, traffic impacts are generally negligible. However, all Port maintenance activities are performed in a manner that enables adequate traffic and pedestrian circulation. Port staff implement traffic control measures as needed, potentially including temporary barricades, signs warning of work ahead, and/or flaggers. Steel trench plates may be used to maintain access to roads, driveways, and pedestrian routes. If work requires lane closure or other temporary re-routing of traffic, Port staff would implement traffic control measures consistent with the requirements of the San Francisco Municipal Transportation Agency "Blue Book" and/or Cal Trans as applicable.
- **Noise.** All Port maintenance activities comply with local ordinances regulating construction noise.



Figure 2

Port of S.F. Jurisdiction/Maintenance Area

Table 1: Summary of Avoidance & Minimization Measures and Best Management Practices

RESOURCE CONCERN	KEY AVOIDANCE & MINIMIZATION MEASURES/BMPS
Biological Resources	
BMP #1: Noise Impacts from Pile Driving	Where feasible: • use of a vibratory hammer • impact hammer driving of wood piles limited to one hammer and less than 20 piles per day • 12" x 12" cushion block used between impact hammer and pile • "soft-start" technique
BMP #2: Shading	The Port anticipates that the proposed work will reduce the area of over-water structures. Existing over-water structures will be replaced/repared, with no expansion or minimal expansion in footprint; other deteriorating structures may be removed permanently. Therefore, no BMPs or A&M measures for shading are proposed.
BMP #3: Invasive Species	The proposed maintenance and repair program will allow existing uses to continue but will not enable new navigation that poses potential for introduction of invasive species.
Fill Placement and Sediment Removal	
BMP #4: Fill Placement	Fill quantities will be the minimum necessary to achieve the project purpose. The Port anticipates a net removal of fill. The Port will maintain records of additions and removal of fill, to track net quantities and ensure this goal is met over the life of the RGP. If net increase is observed at end of RGP period, Port will negotiate appropriate compensatory mitigation with agencies.
BMP #5: Sediment Removal/Substrate Disturbance	Sediment removal quantities will be the minimum necessary to achieve the project purpose. When practicable and feasible, debris removal in the tidal zone will be done during low tides and the machines will pick up debris, not excavate, scrape, or grade the shoreline.

RESOURCE CONCERN	KEY AVOIDANCE & MINIMIZATION MEASURES/BMPS
Water and Sediment Quality	
BMP #6: Debris	Debris containment booms, floating debris screens, and/or absorbent booms will be positioned beneath and alongside work areas when necessary . During construction, the barges performing the work will be moored in a position to capture and contain the debris generated during any sub-structure or in-water work. Care will be taken to minimize debris falling into the water. In the event that debris does reach the bay, personnel in workboats will immediately retrieve the debris for proper handling and disposal. For small-scale over-water repairs and maintenance, tarps, tubs and/or vacuums will be used as appropriate to catch sawdust, debris, and drips. All construction material, wastes, debris, sediment, rubbish, trash, fencing, etc., will be removed from the site on a regular basis during work and at project completion. Debris will be transported to an authorized disposal area.
BMP #7: Stormwater	Minimal ground disturbance is anticipated since the proposed activities focus on maintenance and repair of existing hard-surfaced structures. Where ground disturbance is necessary, construction crews will reduce the footprint of disturbance to the minimum necessary to complete the project. Construction material that could wash or blow away will be covered every night and during any rainfall event. Construction materials will be stored in an area that does not freely drain to the Bay, free from standing water and wet soil, and protected from rain. If necessary, materials will be stored on skids or support timbers to keep them off the ground. Adequate erosion control supplies (sand bags, wattles, etc.) shall be kept on site and used to ensure materials are kept out of water bodies.
BMP #8: Spill Prevention and Response	Fueling and maintenance of vehicles and equipment will be conducted offsite, in designated areas away from the water (e.g., at the Port's Pier 50 Maintenance Facility) with the exception of barge-mounted and fixed cranes. Fueling locations will be inspected after fueling to document that no spills have occurred. Any spills will be cleaned up immediately and reported in accordance with existing Port standard operating procedures for spill reporting. All Port vehicles carry spill response supplies. Fueling cranes on barges or fixed to pier decks over water will be performed using proper fuel transfer procedures as specified by federal regulations for fuel transfer. Land-based equipment will be fueled by mobile trucks with secondary containment or at the Port's maintenance facility.

RESOURCE CONCERN	KEY AVOIDANCE & MINIMIZATION MEASURES/BMPS
BMP #8: Spill Prevention and Response (Continued)	Well-maintained equipment will be used to perform construction work, and, except in the case of a failure or breakdown, equipment maintenance will be performed off site. Repair crews will check heavy equipment daily for leaks, and not use equipment until any leak is fixed. If leaks or spills are encountered, the source of the leak will be identified, leaked material will be cleaned up, and the cleaning materials will be collected and will be properly disposed. All hazardous material shall be stored upland in storage trailers and/or shipping containers designed to provide adequate containment. Short-term laydown of hazardous materials for immediate use shall be permitted with the same anti-spill precautions. Petroleum products, chemicals, fresh cement, saw water, or concrete or water contaminated by the aforementioned shall not be allowed to enter the water.
BMP #9: Treated Wood	No replacement piles or other wood structures treated with creosote will be used. Treated wood products will be visually inspected upon arrival at the work site. Materials with visible residues or bleeding will be rejected. Wood products treated with an ammoniacal preservative (e.g., AZCA) will be rejected if there is a noticeable odor. Any chemically treated wood piles will be wrapped with an impact resistant biologically inert substance. Cleaning and maintenance activities that can remove particles of treated wood (such as power washing, sanding, and aggressive scrubbing) will be minimized. The Port will consider feasible alternatives to treated-wood piles for large repair projects (>100 piles) or where significant contiguous area of pile-supported structure is also being replaced. Cutting stations will be equipped with large tarps to capture debris and will be located well away from the water to minimize wind transport of sawdust. If preservative treatments, water repellents or other coatings are applied at the work site (e.g., on cuts and boreholes), the treatment will be applied at the cutting station and allowed to dry or cure before the structure is moved to the over-water area. If cutting or boring of treated wood or touch-up preservative applications must be performed over water, tarps, plastic tubs, or similar devices will be used to catch sawdust, debris, and drips. Preservatives will not be applied in the rain, and any excess preservative will be wiped off. Any debris that falls in the water will be promptly removed and handled as described above under “Debris” and “Stormwater”.

RESOURCE CONCERN	KEY AVOIDANCE & MINIMIZATION MEASURES/BMPS
BMP #10: Sediment Quality/Turbidity	Piles will be removed by direct pull or vibratory hammer, where possible. Piles that cannot be pulled will be cut two feet below the mudline to the extent feasible. Piles will be removed at the lowest practical tide condition. Disturbance of sediment will be minimized to the extent feasible during activities such as removal of piles and debris or minor excavation in conjunction with maintenance/repair of existing structures. Silt curtains are not generally warranted nor are they routinely used during Port maintenance activities because the existing procedures and small scale of the activities performed under the authorization for Portwide maintenance do not generate significant turbidity. Absorbent pads will be available for use in the event that petroleum sheen develops during sediment-disturbing activities. Existing sediment quality data in areas planned for pile removal or sediment excavation will be reviewed prior to conducting work to assess risks of mobilizing or exposing contaminated sediments Existing piles in areas with known elevated contaminant levels will be cut instead of pulled; cut piles will be capped as warranted.
BMP #11: Materials	Chemically treated wood piles will be wrapped with an impact resistant and biologically inert wrap. Floating devices will be composed of materials that will not disintegrate, including concrete, steel, plastics, or closed cell foam encapsulated sun resistant polyethylene. Most existing decking, and hence most replacement decking, will be composed of wood. However, the use of light-transmitting materials or measures will be used or considered whenever feasible.



Bruce Robertson, Deputy Director | Financial Management & Administration
bruce.robertson@sfdpw.org | T. 628.271.3128 | 49 South Van Ness Ave. Suite 1600, San Francisco, CA 94103

July 7, 2026

VIA Email Only: joe@silveradocontractors.com

Silverado Contractors, Inc.
2200 Powell, Ste. 800
Emeryville, CA 94608
Attention: Joseph Capriola, President

Subject: Sourcing ID # 0000011421
 Pier 96 Crane Demolition
 Bid Protest Determination

Dear Joseph Capriola:

This letter responds to Silverado Contractors, Inc.’s (“Silverado”) protest of the bid submission from Resource Environmental, Inc. (“REI”) for the subject project Sourcing ID No. 0000011421 – Pier 96 Crane Demolition (“Contract”).

Background

The City and County of San Francisco (“City”) collected bids for the Contract on March 18, 2026. The City received two (2) timely submitted bids for the project. The Tabulation of Bids was released to the two bidders on Friday, March 20, 2026.

BIDDERS	TOTAL BID PRICE
Resource Environmental, Inc.	\$3,517,000.00
Silverado Contractors, Inc.	\$4,500,000.00

On Wednesday, March 25, 2026, Silverado timely submitted a written protest for REI’s bid.

In its protest, Silverado claimed REI’s bid failed to meet the City’s mandatory bidder qualifications (Section 00 21 13 1.11. B1) and should be deemed non-responsive.

Conclusion

The City has carefully reviewed all relevant documents, investigated allegations raised in Silverado’s protest and consulted with the City Attorney’s Office. As REI’s bid has been withdrawn, Silverado protest is thus moot. This letter neither constitutes Notice of Award nor intention to award **Sourcing ID No. 0000011421**. If there are any questions, please contact Dennis Lam of my staff by phone by email at dennis.lam@sfdpw.org

Sincerely,

DocuSigned by:
Alexandra Bidot 7/7/2026 | 12:48:39 PM PDT
ADAEAC8A6BF744B...

Alexandra Bidot

Acting Deputy Director of Financial Management & Administration
San Francisco Public Works

ec: Tony Abuyaghi, Project Manager
Magdalena Ryor, Bureau Manager
Scott Anderson, Deputy Director
Winnie Chen, Contract Monitoring Division
Yadira Taylor, Deputy City Attorney
All Bidders

SILVERADO CONTRACTORS

March 24, 2026

Via Federal Express and Email: contractadmin.staff@sfdpw.org

Contract Administration Division
San Francisco Public Works
49 South Van Ness Avenue, Suite 1600
San Francisco, California 94103

**Re: PIER 96 CRANE DEMOLITION
SOURCING EVENT ID No. 0000011421
*Bid Protest Against Bidder Resource Environmental, Inc.
Specification § 00 21 13 1.17.D.***

Please consider this letter to be a protest by Silverado Contractors, Inc., of the bid submitted by Resource Environmental, Inc. (REI). This protest is submitted in accordance with the provisions of Specification § 00 21 13 1.17.D. REI's bid must be rejected because it is nonresponsive and because, as defined by the City's own mandatory bidder qualifications, REI is not a responsible bidder.

Protesting Party Information

Mr. Joseph Capriola
President
Silverado Contractors, Inc.
2200 Powell Street, Ste. 800, Emeryville, CA 94608
(510) 658-9960
Email: joe@silveradocontractors.com

Grounds for Protest

A. REI Failed to Meet The City's Mandatory Bidder Qualifications

The Specifications require Mandatory Bidder Qualifications as follows:

CONTRACTOR BIDDER QUALIFICATIONS (§ 00 21 13 1.11.B.1.)

B. Bidder's Qualification Statement

1. Submit sufficient information on the Bidder's Qualifications form (Section 00 45 13), and additional sheets as necessary, to demonstrate to the satisfaction of the City that the Prime Contractor has successfully completed a minimum of 3 marine and landside demolition projects that include similar scope and complexity during the last 8 years with a minimum contract value of \$1,000,000 each.
 - a. At least 1 of these projects shall have a minimum contract value of \$2,000,000 with a minimum of 2 subcontracted trades.

SILVERADO CONTRACTORS, INC.
2200 POWELL STREET, STE. 800, EMERYVILLE, CA 94608
(510) 658-9960 (510) 658-9961 – FAX LICENSE #782547

Pier 96 Crane Demolition (Sourcing Event 0000011421)
Bid Protest Against Bidder Resource Environmental, Inc.
March 24, 2026
Page 2

Two of the projects listed below by Resource Environmental appear to imply they are in satisfaction of the marine demolition requirement but do not meet the criteria of what would reasonably be considered “marine” demolition. In addition, the contract value for each of the three referenced marine projects was less than the \$1,000,000 minimum contract value required by the Specifications. Each is discussed below.

Example (a):

10. BIDDER'S PROJECT EXPERIENCE:

(a)

PROJECT TITLE: Demolition & Abatement Project - Mare Island Bldg No. 571, 641, 791, 793, & 1001		
PROJECT DESCRIPTION / SCOPE OF WORK: The project required specialized controls due to its location within the former U.S. Naval Submarine Base at Mare Island and its proximity to surrounding waterways. Work was performed in accordance with strict environmental protocols to address legacy contamination and prevent impacts to adjacent marine resources. Measures included enhanced stormwater management, sediment and erosion controls, and careful handling of soils.		
LOCATION: Address, City, State 555 Santa Clara Street, Vallejo, CA 94590		
START DATE: 11/12/2019	PLANNED COMPLETION DATE: 03/20/2020	ACTUAL COMPLETION DATE: 03/20/2020
CONTRACT AMOUNT: \$ 1,202,359		CHANGE ORDER AMOUNT: \$ 263,209
CONTRACT SATISFIES: ☒ Section 002113-1.11.B.1.a		
ROLE (Check One):	IF GENERAL CONTRACTOR, LIST NAMES OF MAJOR SUBCONTRACTORS EMPLOYED:	
☒ General Contractor	N/A	
☐ Subcontractor	N/A	
NAME OF OWNER'S REPRESENTATIVE: Kristine Mallari		
TITLE: Assistant Engineer		TELEPHONE: (707) 553-7242
BUSINESS ADDRESS: 555 Santa Clara Street, Vallejo, CA 94590		

Point 1: The demolition and abatement project referenced above was performed entirely on land well away from the water (see attached Exhibit A taken from the Project Specifications for the job).

Point 2: The contract value at award on 9/24/2019 was, in fact, below the minimum contract value of \$1,000,000 per the Vallejo City Council meeting where it was referenced as \$939,150. It appears that Resource Environmental used the original contract value plus the change order and listed it as the “Contract Amount” (see attached Exhibit B from the City of Vallejo website).

Pier 96 Crane Demolition (Sourcing Event 0000011421)
Bid Protest Against Bidder Resource Environmental, Inc.
March 24, 2026
Page 3

Example (b):

(b)

PROJECT TITLE: Point Loma Building 58 Demolition and Building 158 Renovation		
PROJECT DESCRIPTION / SCOPE OF WORK: The abatement and demolition of (4) story structure with basement totaling over 70,000 SF. The abatement included the removal of extensive TSI piping throughout the basement. The demolition included the removal of the basement that covered the entire building. The site was graded for new development and was completed next to the Naval Safety building. The project required careful coordination due to the proximity to the Point Loma Waterfront. Coastal conditions included wind & groundwater intrusion.		
LOCATION: <i>Address, City, State</i>		
START DATE: 05/22/2019	PLANNED COMPLETION DATE: 02/09/2020	ACTUAL COMPLETION DATE: 02/09/2020
CONTRACT AMOUNT: \$1,031,000		CHANGE ORDER AMOUNT: \$75,321
CONTRACT SATISFIES: ☒ Section 002113-1.11.B.1.a		
ROLE (Check One): ☐ General Contractor ☒ Subcontractor	IF GENERAL CONTRACTOR, LIST NAMES OF MAJOR SUBCONTRACTORS EMPLOYED: N/A N/A N/A	
NAME OF OWNER'S REPRESENTATIVE: Chuch McArthur		
TITLE: Vice President		TELEPHONE: (858) 722-0318
BUSINESS ADDRESS: 10805 Thornmint Road, Suite 200, San Diego, CA 92127		

Point 1: The work referenced above was, again, performed entirely on land well away from the water (see attached Exhibit C).

Point 2: In a telephone conversation with Chuck McArthur on March 23, 2026, Chuck reviewed his records and stated that the contract value was \$906,000 and was unable to verify change orders.

Pier 96 Crane Demolition (Sourcing Event 0000011421)
Bid Protest Against Bidder Resource Environmental, Inc.
March 24, 2026
Page 4

Example (c):

(c)

PROJECT TITLE: Port of W Sacramento Shed 7 Conveyor		
PROJECT DESCRIPTION / SCOPE OF WORK: Demolition and disposal of conveyor systems (A, V, and T belts) and associated structural supports at Shed 7, including roof interface demolition, equipment access, and waste disposal in accordance with regulatory requirements. Work was performed within an active port facility adjacent to navigable waterways, requiring enhanced stormwater controls, containment, and coordination to prevent impacts to marine operations. Salvage and scrap recovery added value, bringing the total project value above the listing threshold.		
LOCATION: <i>Address, City, State</i> 2895 Industrial Blvd. West Sacramento, CA 956914		
START DATE: 10/28/2024	PLANNED COMPLETION DATE: 04/24/2025	ACTUAL COMPLETION DATE: 04/27/2025
CONTRACT AMOUNT: \$299,569		CHANGE ORDER AMOUNT: \$207,569
CONTRACT SATISFIES: ☒ Section 002113-1.11.B.1.a		
ROLE (Check One): ☒ General Contractor ☐ Subcontractor	IF GENERAL CONTRACTOR, LIST NAMES OF MAJOR SUBCONTRACTORS EMPLOYED: Dependable Crane Service LLC Titan Crane and Rigging, Inc. N/A	
NAME OF OWNER'S REPRESENTATIVE: Megan Gideon		
TITLE: Project Manager I		TELEPHONE: (916) 617-4684
BUSINESS ADDRESS: 1110 West Capitol Ave, 1st Floor, West Sacramento, CA 95691		

Point 1: The contract value at award was \$92,000 (see attached Exhibit D). This is far below the minimum required threshold. In addition, the Specifications refer to "Contract Value", not Contract Value plus Salvage Value.

B. REI's Bid Is Nonresponsive

A basic rule of competitive bidding is that "bids must conform to specifications and that if a bid does not so conform, it may not be accepted." *Valley Crest Landscape, Inc. v. Davis*, 41 Cal. App. 4th 1432 (1996). A bid is responsive only "if it promises to do what the bidding instructions demand." *Taylor Bus Serv. v. San Diego Bd. of Educ.*, 195 Cal. App. 3d 1331, 1341 (1987).

REI failed to meet the basic qualifications and experience requirements for the Project.

A public agency, such as the City, may require that bidders comply with requirements that are in addition to those that are mandated by statute. See, e.g., *MCM Constr., Inc. v. San Francisco*, 66 Cal. App. 4th 359, 374 (1998) (upholding requirement that nonstatutory information be included in subcontractor list about dollar amount of work to be performed by each subcontractor); *Valley Crest Landscape, Inc. v. Davis*, 41 Cal. App. 4th 1432, 1442

Pier 96 Crane Demolition (Sourcing Event 0000011421)
Bid Protest Against Bidder Resource Environmental, Inc.
March 24, 2026
Page 5

(1996) (enforcing nonstatutory requirement that 50% of work be performed by the general contractor); *Domar Elec. v. City of Los Angeles*, 9 Cal. 4th 161 (1994) (upholding rejection of a bid as nonresponsive where the specifications had required bidders to engage in good faith efforts to hire disadvantaged businesses); *Beverly Hills v. Super. Ct.*, 272 Cal. App. 2d 876 (1969).

In *M & B Construction v. Yuba County Water Agency*, 68 Cal. App. 4th 1353, 1361 (1999), the Court of Appeal ruled that an agency “made a prebid determination that the public would be better served in terms of quality and economy by letting the project only to licensees with the most appropriate experience.” *Id.* (emphasis supplied). The Court found that the awarding agency acted properly in rejecting a bid from a contractor that did not have a license in the specific license classification that the project owner had specified in its solicitation.

Courts that have considered this specific issue have ruled that an agency may adopt and enforce minimum experience and qualifications requirements.

In *E.W. Tompkins Co. v. State Univ. of N.Y.*, 61 A.D.3d 1248, 1250-1251 (2009), the Court upheld a decision “to reject petitioner’s bid as nonresponsive” where the bidder had failed to list three recent projects that met the criteria of the bidding documents. The Court based its decision on the fact that although the instructions to bidders required that the bidder establish in its bid that it had performed three similar projects that involved “replacement of large diameter piping (24|mK) over significant distances,” the bidder “did not include any information indicating that 24-inch diameter piping had, in fact, been installed.”

In *J. Caldarera & Co. v. St. James Parish Hosp. Serv. Dist.*, 28 So. 3d 1112, 1115 (2009), writ denied, 29 So. 3d 1262 (La. 2010), the “Construction Experience” section of the bid asked for “the name, location, owner, date of award of the contract, construction contract amount, and name of the owner’s contact person/reference for each new hospital or health care facility the bidder constructed.” The bidder failed to provide all of the information. The trial and appellate courts upheld the agency’s decision to reject the bid as nonresponsive.

Finally, in *P & C Giampilis Constr. Corp. v. Diamond*, 210 A.D.2d 64, 65-66 (N.Y. App. 1994), the awarding agency and the appellate court determined that the experience of a company’s officers, when employed at another company, was irrelevant because the experience requirement concerned work completed by the bidder. *Id.*, 210 A.D.2d at 65.

Pier 96 Crane Demolition (Sourcing Event 0000011421)
Bid Protest Against Bidder Resource Environmental, Inc.
March 24, 2026
Page 6

C. REI Is Not A Responsible Bidder

REI's bid must be also rejected because REI lacks the experience and qualifications that the City has determined are necessary for this project. See Pub. Contract Code § 1103.

Section 6.20 of the San Francisco Administrative Code only permits an award "to the responsible bidder offering the lowest quotation." A contract awarded in violation of this requirement is illegal and void. Administrative Code § 6.7; *Valley Crest Landscape, Inc. v. Davis*, 41 Cal. App. 4th 1432 (1996); *Miller v. McKinnon*, 20 Cal. 2d 83 (1942). A bidder is responsible only if it has demonstrated the "fitness, capacity, and experience to satisfactorily perform" a public works contract in accordance with its plans and specifications. Pub. Contract Code § 1103; *City of Inglewood-LA County Civic Center v. Superior Court*, 7 Cal. 3d 861, 867 (1972).

Because REI does not have the experience required by the City's mandatory bidding qualifications, by definition REI is not a responsible, and any contract awarded to REI would be illegal and void.

D. The City's Experience and Qualifications Requirements Cannot Be Waived or Modified After Bids Have Been Received

The City cannot waive or change requirements to accommodate a bidder that fails to meet the experience and qualifications requirements that the City has established. Any material changes to the bidding requirements were required to have been made at least 72 hours before the deadline for receiving bids. Pub. Contract Code § 4104.5.

Given that Public Contract Code Section 4104.5 prohibits changes beginning 72 hours before bids are received, the City does not have discretion to waive bidding requirements after bids have been received. "[W]here a statute or ordinance clearly defines the specific duties or course of conduct that a governing body must take, that course of conduct becomes mandatory and eliminates any element of discretion." *Great Western Savings & Loan Ass'n v. Los Angeles*, 31 Cal. App. 3d 403, 1413 (1973).

Thus, a contract must be "set aside where specifications are changed after the bidding has been closed." *Eel River Disposal & Resource Recovery, Inc.*, 221 Cal. App. 4th 209, 238 (2013). The decision in *Eel River* is directly on point. The awarding agency had attempted to change the qualifications requirements for a contract after bids had been received. The Court ruled that the awarding agency's actions were improper.

Waiving the requirements of the City's solicitation to allow REI's bid to be considered would introduce an improper and unfair element of subjectivity into the bid process. *City of*

Pier 96 Crane Demolition (Sourcing Event 0000011421)
Bid Protest Against Bidder Resource Environmental, Inc.
March 24, 2026
Page 7

Inglewood-LA County Civic Center v. Superior Court, 7 Cal. 3d 861, 867 (1972). To fail to enforce the City's bidding requirements uniformly would be arbitrary, capricious, and grounds for setting aside an award of the project. *Id.*

Waiving or changing requirements after the opening of bids would provide a competitive advantage to REI over not only the companies that submitted bids, but also contractors that might have bid the project but did not do so because they were not able to meet the experience and qualifications requirements that the City had established. Accordingly, the fact that REI lacks the experience and qualifications required for the Project cannot be waived. *Valley Crest Landscape, Inc. v. Davis*, 41 Cal. App. 4th 1432 (1996).

Conclusion

For the reasons set forth above, Silverado respectfully requests that its protest be sustained. REI failed to meet the City's mandatory qualification requirements; its bid is nonresponsive, and by definition, REI is not a responsible bidder. Any contract awarded to REI would violate the City's Administrative Code and would be illegal and void.

If for any reason the City does not reject REI's bid, we ask that the City inform us of its decision and provide an opportunity to present legal authorities and evidence at an appropriate hearing on this matter.

Thank you for your time and careful consideration of the evidence.

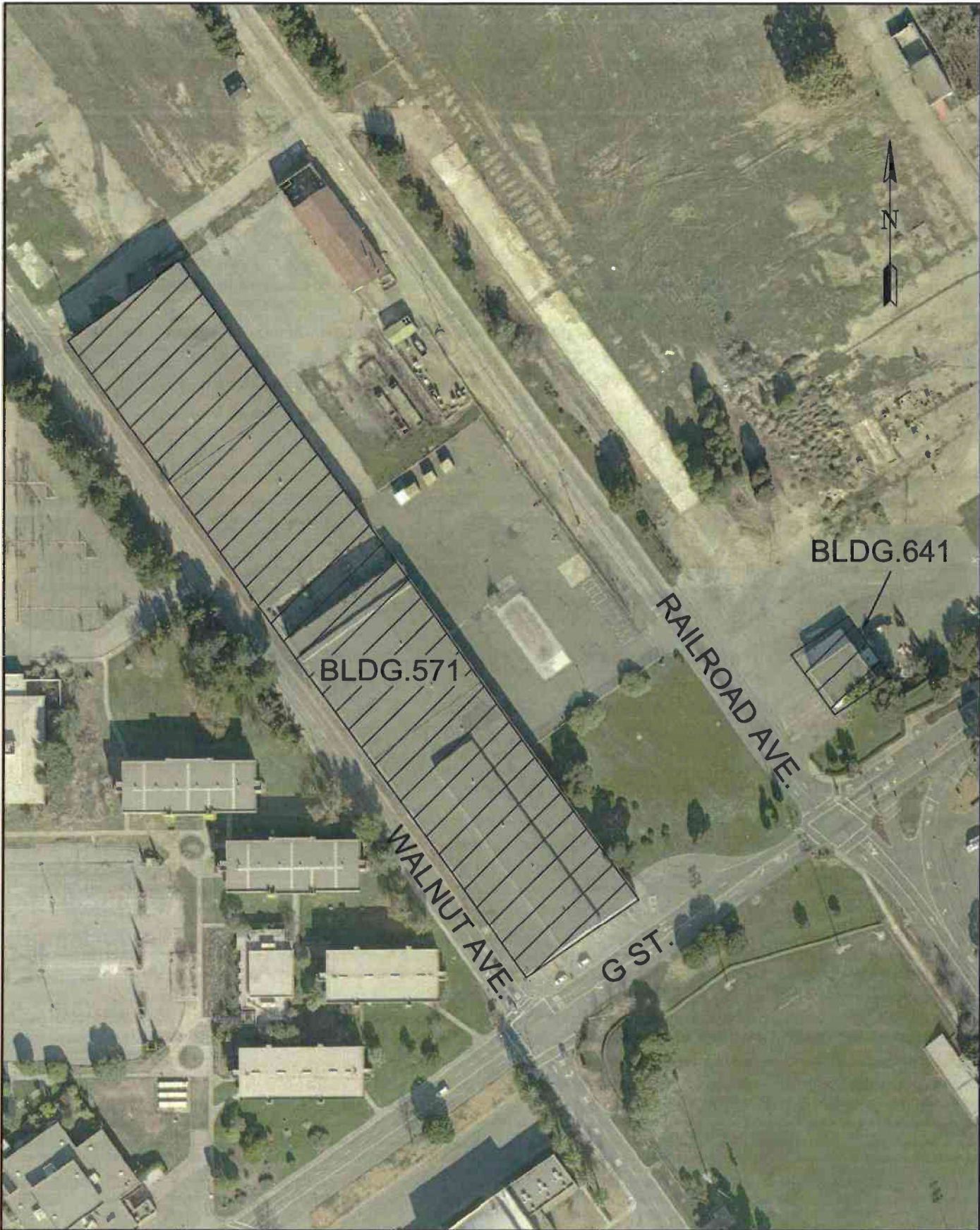
Sincerely,

Joe Capriola

Joe Capriola
President

cc: Cynthia Skiff (via Federal Express and Email: bids@resource-env.com)
Tyson Arbuthnot, Esq. (Tyson.arbuthnot@sfcityatty.org)
A. Robert Rosin, Esq. (Arrosin@alr-law.com)

EXHIBIT "A"



DWG. NO. F-2
DRAWN BY KM
DATE 05/08/2018
CHECKED _____

SHEET 1 OF 3
FILE NO. PW 9819
REF. _____
SCALE 1"=150'



PUBLIC WORKS DEPARTMENT
ENGINEERING DIVISION

MARE ISLAND DEMOLITION
AND ABATEMENT PROJECT
VICINITY MAP



DWG. NO. F-3	SHEET 2 OF 3		PUBLIC WORKS DEPARTMENT ENGINEERING DIVISION
DRAWN BY KM	FILE NO. -		MARE ISLAND DEMOLITION AND ABATEMENT PROJECT
DATE 06/01/18	REF. -		VICINITY MAP
CHECKED _____	SCALE 1" = 200'		



DWG. NO. F-4	SHEET 3 OF 3	 City of VALLEJO California	PUBLIC WORKS DEPARTMENT ENGINEERING DIVISION
DRAWN BY KM	FILE NO. -		MARE ISLAND DEMOLITION AND ABATEMENT PROJECT VICINITY MAP
DATE 9/25/18	REF. -		
CHECKED -	SCALE 1" = 100'		

EXHIBIT “B”

**VALLEJO CITY COUNCIL
REGULAR MEETING – 7:00 PM**

SEPTEMBER 24, 2019

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

4. PRESENTATIONS AND COMMENDATIONS

A. PRESENTATION OF A PROCLAMATION CELEBRATING VINO-GODFATHER WINERY

5. FIRST COMMUNITY FORUM

Anyone wishing to address the Council on any matter for which another opportunity to speak is not provided on the agenda, and which is within the jurisdiction of the Council to resolve, is requested to submit a completed speaker card to the City Clerk. When called upon, each speaker should step to the podium, state his /her name, and address for the record. The conduct of the community forum shall be limited to a maximum of fifteen (15) minutes, with each speaker limited to three minutes pursuant to Vallejo Municipal Code Section 2.20.300.

6. PUBLIC COMMENT REGARDING CONSENT CALENDAR ITEMS

Members of the public wishing to address the Council on Consent Calendar Items are requested to submit a completed speaker card to the City Clerk. Each speaker is limited to three minutes pursuant to Vallejo Municipal Code Section 2.02.310. Requests for removal of Consent Items received from the public are subject to approval by a majority vote of the Council. Items removed from the Consent Calendar will be heard immediately after approval of the Consent Calendar and Agenda.

7. CONSENT CALENDAR AND APPROVAL OF AGENDA

A. APPROVAL OF MINUTES

Recommendation: Approve the City Council minutes for the meetings of 1) September 10, 2019 (special) and 2) September 10, 2019 (regular)

Contact: Dawn G. Abrahamson, City Clerk (707) 648-4528

Dawn.Abrahamson@cityofvallejo.net

B. ADOPT AN ORDINANCE AMENDING CHAPTER 11.48 OF THE VALLEJO MUNICIPAL CODE PERTAINING TO WATER RATES AND CHARGES

Recommendation: Conduct second reading and adopt an ordinance amending

Chapter 11,48 of the Vallejo Municipal Code pertaining to water rates and charges

Contact: Mike Malone, Water Director (707) 648-4308

Mike.Malone@cityofvallejo.net

C. **ADOPT TWO ORDINANCES AMENDING CHAPTER 2.02 AND 2.26 OF THE VALLEJO MUNICIPAL CODE TO ADD RULES OF DECORUM AND CLARIFY THE ROLE OF COMMISSION MEMBERS AND COUNCIL LIAISON AND AMENDING THE CODE OF ETHICS AND CONDUCT**

Recommendation: Conduct second reading and adopt two ordinances amending Chapter 2.02 and 2.26 of the Vallejo Municipal Code to add rules of decorum and clarify the role of commission members and council liaison and amending the Code of Ethics and Conduct

Contact: Greg Nyhoff, City Manager (707) 648-4576

Greg.Nyhoff@cityofvallejo.net

Claudia Quintana, City Attorney (707) 648-4545

Claudia.Quintana@cityofvallejo.net

D. **DEVELOPMENT IMPACT FEE REPORT**

Recommendation: Adopt a Resolution accepting, filing and making the findings identified in the attached AB 1600 Development Impact Fee Report for the fiscal year ended June 30, 2019.

Contact: Rekha Nayar, Finance Director (707) 648-4592

Rekha.Nayar@cityofvallejo.net

E. **AWARD CONSTRUCTION CONTRACT TO RESOURCE ENVIRONMENTAL, INC., FOR DEMOLITION AND ABATEMENT PROJECT - MARE ISLAND BUILDING NUMBERS 571, 641, 791, 793, & 1001**

Recommendation: Adopt a Resolution 1) Approving project plans and specifications for the Demolition & Abatement Project – Mare Island Bldg. Nos. 571, 641, 791, 793, & 1001; 2) Rejecting the bids of Asbestos Management Group of California, Inc., and V.E.M. General Engineering, Inc., as non-responsive; and 3) Authorizing the City Manager to execute a construction contract in the amount of \$939,150 with Resource Environmental, Inc., in accordance with the approved plans and specifications.

Contact: Melissa L. Tigbao, Assistant Public Works Director / City Engineer, (707) 648-4085

Melissa.Tigbao@cityofvallejo.net

F. SUBMISSION OF FISCAL YEAR 2018-19 CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION REPORT (CAPER)

Recommendation: Approve the Fiscal Year (FY) 2018-19 Consolidated Annual Performance and Evaluation Report (CAPER) for submission to the U.S. Department of Housing and Urban Development (HUD).

Contact: Judy Shepard-Hall (707) 648-4408

judy.shepard-hall@cityofvallejo.net

G. ACCEPTANCE OF CONCRETE PORTION OF FLORIDA / CAROLINA / MINI DRIVE AREA PROJECT

Recommendation: Accept the concrete improvement portions of the Florida / Carolina / Mini Drive Area Project (PW9751) performed by Lister Construction Inc., of Vacaville, California as complete and authorize and direct the City Clerk to file a Notice of Completion with the Solano County Recorder's office.

Contact: Melissa L. Tigbao, Assistant Public Works Director / City Engineer, (707) 648-4085

Melissa.Tigbao@cityofvallejo.net

H. LANDSCAPE MAINTENANCE SERVICE AGREEMENT FOR REGION 9 WITH NEW IMAGE LANDSCAPE COMPANY

Recommendation: Authorize the City Manager to execute the Landscape Maintenance Service Agreement for Region 9 with New Image Landscape Company of Fremont, California in an amount not to exceed \$624,837.81 for landscape maintenance services.

Contact: Jason Lacey, Landscape Maintenance Manager, (707) 553-7219

Jason.Lacey@cityofvallejo.net

I. AWARD CONSTRUCTION CONTRACT FOR THE SERENO DRIVE REHABILITATION PROJECT

Recommendation: Adopt a Resolution approving the project plans and specifications for the Sereno Drive Rehabilitation Project and authorizing the City Manager to execute a construction contract in the amount of \$401,370.00 to MCK Services, Inc., Concord, California, in accordance with the approved plans and specifications.

Contact: Melissa L. Tigbao, Assistant Public Works Director / City Engineer, (707) 648-4085

Melissa.Tigbao@cityofvallejo.net

J. RESOLUTION TO AMEND BEAUTIFICATION COMMISSION BUDGET

Recommendation: Adopt a Resolution amending the Beautification Commission FY 2019-20 Budget appropriating \$15,000 from the General Fund.

Contact: Derek Crutchfield, Recycling Coordinator (707) 648-5346

Derek.Crutchfield@cityofvallejo.net

K. AMEND THE FY 2018-19 BUDGET AND APPROVE CHANGE ORDER TO CONSTRUCTION CONTRACT WITH TEAM GHILOTTI

Recommendation:

1. Adopt a Resolution amending the Water Mains CIP FY2018-19 Project budget to a total of \$1,226,971, by transferring \$26,971 from unrestricted, unencumbered City Water Operating Fund 401 balance to the FY 2018-19 Water Main Replacement project WT050 in Fund 404, and acknowledge Public Works cost-share contribution of up to \$329,441 from existing project appropriations (pre-authorized budget).
2. Approve the change order contract amount authorizing the City Manager to execute line item adjustments for \$32,379, and change orders for \$307,742, to the Water Main Replacement FY18-19 contract with Team Ghilotti, for a new not to exceed contract amount of \$1,529,441, and a new contract end date of December 31, 2019.

Contact: Mark Quady, Water Engineering Manager (707) 648-4309

Mark.Quady@cityofvallejo.net

Melissa Tigbao, Assistant Public Works Director / City Engineer (707) 648-4085

Melissa.Tigbao@cityofvallejo.net

L. AWARD CONTRACT FOR JANITORIAL SERVICES AT CITY FACILITIES

Recommendation: Authorize the City Manager to execute a two year agreement with Universal Building Services and Supply Company for janitorial services at various City facilities with estimated annual payments of \$450,000 per year, and three additional one-year options to extend, for a total amount not to exceed \$2,250,000.

Contact: Roland Rojas, Assistant Maintenance Superintendent-Facilities

roland.rojas@cityofvallejo.net

8. ACTION CALENDAR

NOTICE: Members of the public wishing to address the Council on Action Calendar Items are requested to submit a completed speaker card to the City Clerk. Each speaker is limited to five minutes pursuant to Vallejo Municipal Code Section 2.02.420.

A. **TERMINATION OF CALLAHAN PROPERTY COMPANY RIGHTS TO PHASE B PARKING GARAGE**

Recommendation: Adopt a Resolution (Attachment 1) terminating Callahan Property Company's (CPC) rights as developer on Phase B of the Vallejo Station Parking Structure project (Phase B garage).

Contact: Will Morat, Assistant to the City Manager, 707-648-4109
will.morat@cityofvallejo.net

B. **PUBLIC HEARING - RENEW TEMPORARY CLOSURE OF SECTIONS OF ALPINE COURT, SKYLINE COURT, AND ENTERPRISE STREET FOR ANOTHER 18 MONTHS TO DETER ILLEGAL DUMPING AND TEMPORARY CLOSURE OF A SECTION OF FRIEDELL AVENUE FOR 18 MONTHS TO DETER ILLEGAL DUMPING**

Recommendation: Conduct the public hearing and upon conclusion, adopt Resolutions to continue the temporary closure of sections of Alpine Court, Skyline Court, and Enterprise Street for an additional 18 months to deter illegal dumping and adopt a Resolution to temporarily close a section of Friedell Avenue for 18 months to deter illegal dumping.

Contact: Dylan Brady, Deputy City Attorney, (707) 648-4147
Dylan.Brady@cityofvallejo.net

C. **CONSIDERATION OF A RESOLUTION REAFFIRMING THE PROCLAMATION OF EMERGENCY BY THE DIRECTOR OF EMERGENCY SERVICES OF THE CITY OF VALLEJO DATED JUNE 27, 2019**

Recommendation: Adopt a Resolution of the City Council of the City of Vallejo Reaffirming the Proclamation of Emergency by the Director of Emergency Services dated June 27, 2019

Contact: Randy Risner, Chief Assistant City Attorney (707) 648-4545
randy.risner@cityofvallejo.net

D. **AUTHORIZE A SUPPLEMENTAL AGREEMENT BETWEEN THE CITY OF VALLEJO AND THE VALLEJO POLICE OFFICERS ASSOCIATION (VPOA) AND AUTHORIZE A CHANGE IN THE VPOA SALARY SCHEDULE**

Recommendation: Authorize the City Manager to execute a supplemental agreement to the Memorandum of Understanding between the City of Vallejo and the Vallejo Police Officers' Association, ratifying the attached tentative agreement, and authorize an amendment to the VPOA salary schedule as attached to add Step 6.

Contact: Heather Ruiz, Director of Human Resources (707) 648-4317
heather.ruiz@cityofvallejo.net

E. SECOND AMENDMENT TO CITY ATTORNEY'S EMPLOYMENT AGREEMENT AND ADOPTION OF A RESOLUTION TO AMEND THE SALARY SCHEDULE

Recommendation: Adopt a resolution authorizing the Mayor to execute the second amendment to the City Attorney's employment agreement to reflect a 5% salary increase effective July 1, 2019; and adopt a resolution revising the Salary Schedule to reflect the new salary.

Contact: Heather Ruiz, Human Resources Director (707) 648-4317

heather.ruiz@cityofvallejo.net

F. APPROVE BANKING SERVICES AGREEMENT WITH WELLS FARGO BANK

Recommendation: Authorize the City Manager to execute the Master Banking Services agreement and any associated agreements between the City and Wells Fargo Bank that are necessary to implement the agreement for banking services for a total of \$391,000 per year for a total cost not to exceed \$1,955,000 for a five year term, in substantially the form as the agreements attached to this staff report, together with any additions thereto or changes therein deemed necessary or advisable by the City Attorney.

Contact: Rekha Nayar, Finance Director (707) 648-4592

Rekha.Nayar@cityofvallejo.net

9. INFORMATION CALENDAR

A. IDENTIFY THE CITY OWNED PROPERTY LOCATED AT 5 MIDWAY STREET, VALLEJO, CA 94590 AS A POSSIBLE SITE FOR THE CONSTRUCTION OF THE VALLEJO/SOUTH SOLANO COUNTY HOMELESS NAVIGATION CENTER.

Recommendation:

1. Receive an informational presentation on the proposed homeless navigation center; and
2. Direct staff to schedule a public hearing on 10/22/19 in order to consider the use of city-owned property located at 5 Midway Street, Vallejo, CA 94590 for the construction of the Vallejo/South Solano Homeless Navigation Center.

Contact: Judy Shepard-Hall, Housing Division Manager

judy.shepard-hall@cityofvallejo.net

**B. GFOA UPDATE ON ENTERPRISE RESOURCE PLANNING (ERP)
SOFTWARE PROJECT**

Recommendation: Informational item only. No staff report is associated with this item or action.

10. CITY MANAGER'S REPORT

11. CITY ATTORNEY'S REPORT

12. COMMUNITY FORUM

Anyone wishing to address the Council on any matter for which another opportunity to speak is not provided on the agenda, and which is within the jurisdiction of the Council to resolve, is requested to submit a completed speaker card to the City Clerk. When called upon, each speaker should step to the podium, state his /her name, and address for the record. Each speaker is limited to three minutes pursuant to Vallejo Municipal Code Section 2.20.300.

13. REPORT OF THE PRESIDING OFFICER AND MEMBERS OF THE CITY COUNCIL

14. CLOSED SESSION

15. ADJOURNMENT

ADDITIONAL CITY INFORMATION

Members of the public can:

Like us on Facebook (www.facebook.com/cityofvallejo)

Sign up to receive City Communications via e-mail (www.cityofvallejo.net/living/connect)

Sign up to receive City updates and get connected with your neighbors on Nextdoor (www.nextdoor.com)

Dated:

Thursday, September 19, 2019



Bob Sampayan, Mayor

I, Dawn Abrahamson, City Clerk do hereby certify that I have caused a true copy of the above notice and agenda to be delivered to each of the members of the Vallejo City Council, at the time and in the manner prescribed by law and that this agenda was posted at City Hall, 555 Santa Clara Street, CA at 5:00 p.m.,
Thursday, September 19, 2019

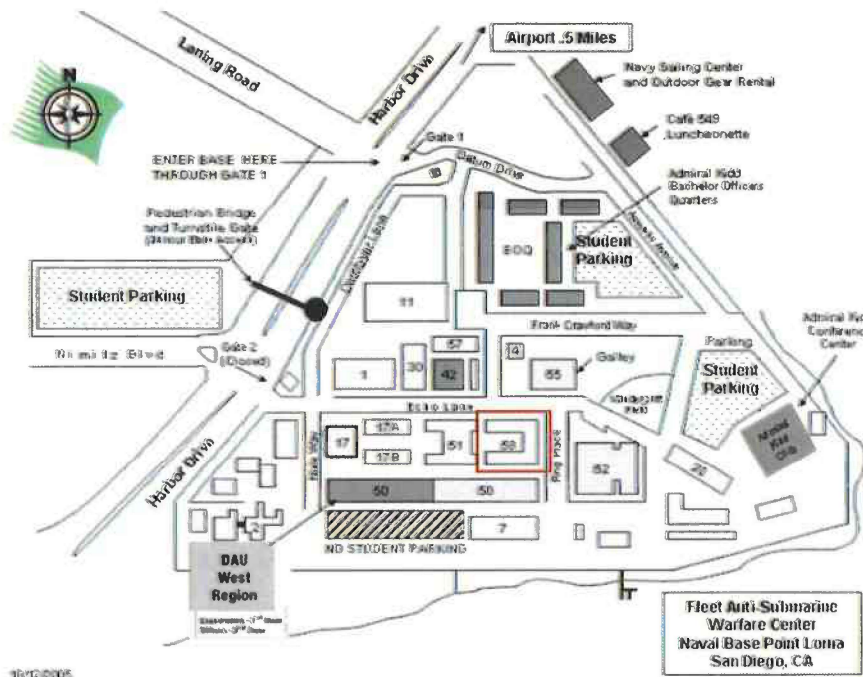
Dated:
Thursday, September 19, 2019

A handwritten signature in blue ink, reading "Dawn G. Abrahamson". The signature is fluid and cursive, with the first name "Dawn" and last name "Abrahamson" clearly legible. The middle initial "G." is smaller and less distinct. The signature is positioned above a horizontal line.

Dawn G. Abrahamson, City Clerk

EXHIBIT “C”

Building 58:



Building 158:



EXHIBIT “D”



Port of West Sacramento Shed 7 Conveyor Demolition Project

Category:	Warehouses	Project ID #:	1007273219
Street Address:	2895 Industrial Blvd West Sacramento CA 95691	Confirmed Value	\$92,000.00
County:	Yolo	Stage:	POST BID - General Contractor Award
Bid Date:	8/22/2024 , 02:00PM		
Architect:			
Documents Available:	Specs, Addenda available in Insight	Plans available from City of West Sacramento	
Last Update:	8/29/2024	Project reviewed, Stage confirmed as General Contractor Award	

Project Description

Scope

Demolition and site work for a warehouse / distribution facility in West Sacramento, California. Completed plans call for the demolition of a warehouse / distribution facility; and for site work for a warehouse / distribution facility. Project Scope Complete demolition of Conveyor Belts and any associated supports over Shed 7, including A Belt (up to the first stanchion on the other side of the access road from the building), V Belt, and T Belt. Obtain necessary building permits and air quality clearances. Demolish A, V, and T Belts along with any associated supports into the building's roof structure. While there is a ladder to the roof and conveyor belts, if any additional scaffolding, lifts, or special equipment is needed, the contractor shall provide these items. Please refer to the attachment section (Attachment A) for the Asbestos Report provided for any abatement requirements needed for Air Quality Clearance. Please refer to the attachment section (Attachment B) for an image outlining the scope of the demolition needed. The disposal of the conveyors and all construction waste shall form part of the contractor's scope of work. Materials must be disposed of in accordance with state and city construction debris recycling requirements. The contractor shall be fully responsible for the safety of all workers and equipment during the entire project's duration. Port Operations shall grant the contractor the necessary access to the site and shall advise on the start date of the works based on any scheduling needs. Background The Sacramento-Yolo Port District was formed under the California Harbors and Navigation Code Section 6800 et seq. in 1947 to operate the Port of Sacramento (name changed to Port of West Sacramento in 2008), a deep-water port which opened for commerce in 1963. The Port is located 79 nautical miles from San Francisco with direct access to Suisun Bay provided via the 40-mile Deep Water Ship Channel, which is maintained at a depth of 30 feet by the United States Army Corps of Engineers. Throughout its history, the Port has served the agricultural, natural resources, and construction sectors in Northern California. Today, the Port's primary cargos are rice (exports) and cement (imports). The Port's primary cargo facility is the North Terminal located at 2895 Industrial Boulevard in West Sacramento; the larger maritime complex includes two private terminals on the ship channel: Cemex (cement imports) and Yara (fertilizer imports). In 2006, the City of West Sacramento assumed management responsibility for the Port and in 2013 the Port Commission adopted a landlord operating model. As of July 1, 2013, SSA Marine leases and operates the Port's North Terminal maritime facilities. The Port manages several other non-maritime leases and owns over 600 acres of vacant, developable property in West Sacramento. The Port collaborates with the City of West Sacramento on development projects which support mutual economic development goals. Question Submission Deadline: August 19, 2024, 5:00pm. Project-specific questions must be submitted through the City's Procurement systems, The City will post responses to Bidder questions through the Procurement system. Question Response Deadline: August 21, 2024, 5:00pm.

Notes

Bid Date: 08/22/2024 02:00PM Responses Must Be Submitted Electronically. Port of West Sacramento is accepting sealed responses for Port of West Sacramento Shed 7 Conveyor Demolition. Sealed proposals will be received and submitted electronically through the City's Procurement system Mandatory Pre-Bid Meeting: 08/08/2024 10:00AM Pre-Proposal Meeting (Mandatory) 2895 Industrial Blvd, West Sacramento CA 95691 This is within the Port of West Sacramento, meet off to the right-hand side of the entrance gate, we will enter the port together at 10:00AM Sharp. Development include(s): Demolition, Site Work

Details

[Division 2]: Paving & Surfacing, Fences & Gates. [Division 12]: Multiple Seating. [Division 14]: Material Handling Systems.

Project Events

Event	Date	Details
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End Date	1/27/2025	Actual Start Date	
Start Date	9/23/2024	Award of Contract	
Municipal Meeting	8/29/2024	Responses Must Be Submitted Electronically. Port of West Sacramento is accepting sealed responses for Port of West Sacramento Shed 7 Conveyor Demolition. Sealed proposals will be received and submitted electronically through the Citys Procurement system	
Bid Date	8/22/2024 , 02:00PM		
Pre-Bid Meeting	8/8/2024 , 10:00AM	Mandatory: Pre-Proposal Meeting (Mandatory) 2895 Industrial Blvd, West Sacramento CA 95691 This is within the Port of West Sacramento, meet off to the right-hand side of the entrance gate, we will enter the port together at 10:00AM Sharp.	

Additional Details

<u>Listed On:</u>	7/29/2024	<u>Floor Area:</u>	
<u>Contract Type:</u>		<u>Work Type:</u>	Alteration
<u>Stage Comments 1:</u>		<u>Floors Below Grade:</u>	
<u>Stage Comments 2:</u>		<u>Owner Type:</u>	City
<u>Bid Date:</u>	8/22/2024	<u>Mandatory Pre Bid Conference:</u>	8/8/2024
<u>Invitation #:</u>	24-038-ITB	<u>Start Date:</u>	9/23/2024
<u>Structures:</u>	2	<u>Completion Date:</u>	1/27/2025
<u>Single Trade Project:</u>		<u>Site Area:</u>	
<u>Floors Above Grade:</u>		<u>LEED-Registered Project:</u>	
<u>Parent Project ID:</u>		<u>Units:</u>	
<u>Parking Spaces:</u>			

Design Team

Company Role	Company Name	Contact Name	Contact Status	Address	Phone	Email	Fax
Awarded - Demolition	Resource Environmental, Inc.			13100 Alondra Blvd. Suite 108, Cerritos, CA 90703	(562) 468-7000	info@resource-env.com	(562) 468-0600
Owner	City of West Sacramento			1110 W Capitol Ave. PO Box 966, West Sacramento, CA 95691	(916) 617-4500		(916) 372-8765

Bidders

Company Name	Contact Name	Contact Status	Added Date	Address	Phone	Email	Bidding Role	Bid Rank	Bid Value	Fax Number
Resource Environmental, Inc.			8/27/2024	13100 Alondra Blvd. Suite 108, Cerritos, CA 90703	(562) 468-7000	info@resource-env.com	Awarded - Demolition	1	\$92,000.00	(562) 468-0600
JS Company Inc.			8/27/2024	1900 Powell Street, Suite 700, Emeryville, CA 94608	(415) 460-2100	darin@jscompanyinc.com	Bidder - Demolition	3	\$296,660.00	(415) 460-2102
J.A. Snyder Pacific West, Inc.			8/27/2024	642 Cold Springs Road, Placerville, CA 95667	(530) 642-4285	office@jaspacificwest.com	Bidder - Demolition	2	\$175,000.00	

Planholders

Company Name	Contact Name	Contact Status	Address	Phone	Email	Fax
P & P Building Wrecking Inc.	Marie Perez	Active	8589 Florin Road, Sacramento, CA 95828	(916) 383-6198	pnpino@yahoo.com	(916) 383-8206
Asbestos Management Group of California Inc.	Alejandro Garcia	Active	3438 Helen St, Oakland, CA 94608	(916) 709-4630	agarcia@amqofca.com	(510) 654-8447
Bowen Engineering & Environmental	Larry Parfitt	Active	4664 S Cedar Ave, Fresno, CA 93725	(559) 233-7464	office@bowendemo.com	(559) 233-7468
McGuire & Hester - Alameda			2810 Harbor Bay Pkwy, Alameda, CA 94502	(510) 632-7676	estimating@mcguireandhester.com	(510) 562-5209

G W Demolition, Inc.	Gary Welliver	Active	P.O. Box 37 , Rio Linda, CA 95673	(916) 992-0741	gary@gwdemolition.com	(916) 991-9246
Select Environmental Services, Inc.	Harold Williams	Active	3888 Cincinnati Avenue , Rocklin, CA 95765	(916) 273-0633	harold.selectenviro@gmail.com	(916) 486-1357
Ariza Construction, Inc	Marc Ariza	Active	5433 El Camino Ave. , Carmichael, CA 95608	(916) 977-0667	marc@arizainc.com	(916) 977-0669
Lord's Electric Inc	Valentin Vizitiu	Active	4045 N. Freeway Blvd , Sacramento, CA 95834	(916) 410-2386	lordselectric.val@gmail.com	(916) 244-0233
Sierra Excavating	Juan Sanchez	Active	356 South George Wash Boulevard , Yuba City, CA 95993	(530) 329-1901	sierraexcavating@outlook.com	
Pipe & Plant Solutions Inc.	Remo Tocchini	Active	600 Castro Street , San Leandro, CA 94577	(888) 978-8264	rtocchini@pipeandplant.com	(866) 977-2642
Ramcon Engineering & Environmental	Michael Ramos	Active	1450 Harbor Blvd., Suite C P.O. Box 1026, West Sacramento, CA 95691	(916) 372-7535	rollo@ramcon.com	(916) 372-4209
W.C. Maloney, Inc.	Tim Figgins	Active	4020 Newton Road P.O. Box 30326, Stockton, CA 95213	(510) 600-5516		(209) 942-2579
Restoration Management Company	Aaron Armstrong	Active	1804 Enterprise Blvd. , West Sacramento, CA 95691	(916) 609-2400	aarmstrong@rmc.com	(916) 609-2401
The Designs Build Inc	Nyla Mansha	Active	2921 Fulton Avenue, Sacramento, CA 95821	(916) 409-3107	info@designsbuilt.com	(866) 828-7898
Maxim Crane Works	Kevin Brooks	Active	18351 East State Route 50, Orlando, FL 32820	(619) 218-2479	kbrooks@maximcrane.com	(407) 568-6646
Ubd Inc	Yuri Ubeda	Active	6707 Camellia Ave Suite 205, North Hollywood, CA 91606	(818) 482-8014	ubdinc@yahoo.com	
Unlimited Environmental, Inc	Becky Saragosa	Active	2300 E. Curry St. Suite B, Long Beach, CA 90805	(562) 981-6600	info@ueiteam.com	(562) 912-4415
RAB Secure Entry	Morgan Bell	Active	123 Main Street , Tampa, FL 33615	(317) 598-0661	projectcoordinator@planhub.com	
Tyler Parrish, LLC	Tyler Parrish	Active	820 Sacramento Ave Apt 123 , West Sacramento, CA 95605	(916) 798-9079	gffc.llc@gmail.com	
Mullis Insurance	David Mullis	Active	408 multi , Fort Worth, TX 76107		dmullisinsurance@gmail.com	
The CBR Group	Peter Popcke	Active	2840 HOWE ROAD, SUITE E , Briones, CA 94553	(925) 788-2041	peter@thecbrgroup.com	
Summit Crane	Charile Miuer	Active	892 Aldridge Rd , Vacaville, CA 95696	(707) 689-4063	charlie@summitcrane.net	

Contracts

Classification	Conditions	Bonding	Bid Date	Bids To	Bid Type
General Contractor		Bid:10.00%,Perf:100.00%,Pay:100.00%	8/22/2024	Owner	Open Bidding

History

User	Viewed	First Viewed Date	Currently Tracked?	Date Tracked
Kristin Zaccor	True	3/23/2026	False	



Bruce Robertson, Deputy Director | Financial Management & Administration
bruce.robertson@sfdpw.org | T. 628.271.3128 | 49 South Van Ness Ave. Suite 1600, San Francisco, CA 94103

July 6, 2026

VIA Email Only: Cynthia@resource-env.com

Resource Environmental, Inc.
13100 Alondra Blvd, STE #108
Cerritos, CA 90703
Attn: Cynthia Skiff, President/CFO

Subject: Sourcing ID # 0000011421
Pier 96 Crane Demolition
Bid Withdrawal Request Determination

Dear Cynthia Skiff:

This letter responds to Resource Environmental, Inc.’s (“REI”) request to withdraw from the subject project Sourcing ID No. 0000011421 – Pier 96 Crane Demolition (“Contract”).

Background

The City and County of San Francisco (“City”) collected bids for the Contract on March 18, 2026. The City received two (2) timely submitted bids for the project. The Tabulation of Bids was released to the two bidders on Friday, March 20, 2026.

BIDDERS	TOTAL BID PRICE
Resource Environmental, Inc.	\$3,517,000.00
Silverado Contractors, Inc.	\$4,500,000.00

On May 8, the City issued REI a Preliminary Notice of Non-Responsibility. REI responded via counsel obtained, Kahana Feld, requesting a pre-determination hearing.

On July 2, 2026, The City’s Hearing Officer, after reviewing the record and consulting with the City Attorney’s Office, found that REI did not meet the relevant Minimum Qualification Requirements. The *Resolution of Non-Responsibility Hearing* letter allotted REI the opportunity to withdraw its bid as a courtesy. A copy of Hearing Officer determination is enclosed.

On July 2, 2026, REI provided its formal request to withdraw its bid for the subject project. REI’s bid is thus withdrawn and in accordance with the hearing officer’s July 2, 2026, letter, the prior determination of non-responsibility is rendered moot and will have no effect, ensuring that no final determination of non-responsibility has been or will be issued against REI for this procurement. The City’s records will reflect only that REI withdrew its bid, and this matter will not be treated or reported as a non-responsibility determination in any future responsibility review, prequalification process, or contract evaluation involving REI. Additionally, REI’s bid security will be released in full, and no claim will be made against its bid bond or its surety in connection with the bid or its withdrawal.

Conclusion

The City has carefully reviewed all relevant documents during the responsibility hearing and consulted with the City Attorney's Office. The City thus grants REI's request to withdraw its bid.

Regards,

DocuSigned by:

ADAEAC8A6BF744B...
Alexandra Bidot
Acting Deputy Director of Financial Management & Administration
San Francisco Public Works

7/6/2026 | 5:18:13 PM PDT

cc: Tony Abuyaghi, Project Manager
Magdalena Ryor, Bureau Manager
Scott Anderson, Deputy Director
Yadira Taylor, City Attorney
Richard Robinson, City Attorney
Winnie Chen – Contract Monitoring Division

Attachments: Hearing Officer Final Determination & REI's request to Withdraw Bid



July 2, 2026

(VIA EMAIL ONLY to bruce.robertson@sfdpw.org and contractadmin.staff@sfdpw.org)

Bruce Robertson, Deputy Director
San Francisco Public Works
49 South Van Ness Avenue, Suite 1600
San Francisco, CA 94103

RE: Request to Withdraw Bid
PROJECT: Sourcing Event ID No. 0000011421 - Pier 96 Crane Demolition

Dear Deputy Director Robertson:

Resource Environmental, Inc. ("REI") is in receipt of the hearing officer's letter dated July 2, 2026, resolving the responsibility hearing for the above-referenced contract. That letter states: "As a courtesy, this determination will become final on July 10, 2026. Prior to that date, REI may submit a request to Public Works to withdraw its bid. If that request is accepted, this determination of non-responsibility shall be moot, and shall have no effect." Its conclusion likewise states: "If REI decides to withdraw its bid by Thursday July 9, 11:59 pm, this determination will become moot and shall have no effect."

Pursuant to that invitation, REI hereby submits this request to withdraw its bid for Sourcing Event ID No. 0000011421, Pier 96 Crane Demolition. Having considered the hearing officer's letter, REI believes that withdrawing its bid at this point is in the best interest of all parties and allows the Project to move forward without further proceedings. REI submits this request one week ahead of the July 9 deadline so that Public Works has sufficient time for review, and to provide the confirmations requested below, before the determination would otherwise become final.

REI respectfully requests that Public Works review this request and confirm its acceptance in writing on or before July 9, 2026, and that the written acceptance confirm each of the following:

1. REI's bid is withdrawn and, per the terms of the hearing officer's July 2, 2026 letter, the determination of non-responsibility is moot and shall have no effect, such that no final determination of non-responsibility has been or will be issued against REI in connection with this procurement.
2. The City's records for this procurement will reflect that REI withdrew its bid and this matter will not be treated or reported as a determination of non-responsibility in any future responsibility, prequalification, or contract evaluation involving REI.
3. REI's bid security will be released in full, and no claim will be made against REI's bid bond or its surety in connection with the bid or its withdrawal.

Resource Environmental Inc.

13100 Alondra Blvd, Suite 108, Cerritos, CA 90703

Office: (562) 468-7000 | **Fax:** (562) 468-0600 | **Email:** info@resource-env.com
www.ResourceEnvironmental.com

CA CSLB #864417 | CA DIR Registration #1000003121 | Laborers Local 300
AZ ROC #337736 | NV SCB #0090223



This request is submitted in reliance on the terms stated in the hearing officer's July 2, 2026 letter. It is not an admission of any kind, including as to REI's qualifications, experience, or responsibility, and REI reserves all rights in the event the request is not accepted on those terms.

REI appreciates the courtesy extended in the hearing officer's letter and looks forward to bidding on future contracts advertised by the City.

Respectfully submitted,

A handwritten signature in blue ink that reads "Cynthia Skiff".

Cynthia Skiff
President/CFO
Resource Environmental, Inc.
cynthia@resource-env.com

cc: Matthew Bell, Acting Chief Harbor Engineer (Port of San Francisco); Bruce Robertson; Ben Washington; Dennis Lam; Robert Loftus; Tony Abuyaghi (San Francisco Public Works); Richard Robinson, Esq.; Yadira Taylor, Esq. (Deputy City Attorneys); Chase Tinsley, Vice President, Operations (Resource Environmental, Inc.); Sean Dowsing, Esq. (Kahana Feld LLP)

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AZ ROC #337736 | NV SCB #0090223



July 2, 2026

VIA E-MAIL to: cynthia@resource-env.com; chase@resource-env.com

Resource Environmental, Inc.
13100 Alondra Blvd, STE #108
Cerritos, CA 90703
Attn: Cynthia Skiff, President/CFO
Chase Tinsley, Vice President, Operations

**Subject: Sourcing ID # 0000011421
Pier 96 Crane Demolition
Resolution of Non-Responsibility Hearing**

Dear Cynthia Skiff and Chase Tinsley:

The undersigned hearing officer has completed his review of San Francisco Public Works's ("Public Works") preliminary determination that Resource Environmental, Inc.'s ("REI") has not met the listed minimum qualifications set out in the invitation for bids ("IFB") to perform the work for the above-referenced contract. After reviewing the record and consulting with the City Attorney's Office, the hearing officer has determined that REI has not met the relevant minimum qualifications.

This determination does not bear on REI's general responsibility to complete projects for the City and County of San Francisco ("City"). REI may continue to bid or propose on contracts advertised by the City and, where REI meets the minimum qualifications, REI may be eligible for a contract. However, for the reasons set out below, REI has failed to meet the specific minimum qualifications for this particular contract.

As a courtesy, this determination will become final on July 10, 2026. Prior to that date, REI may submit a request to Public Works to withdraw its bid. If that request is accepted, this determination of non-responsibility shall be moot, and shall have no effect.

Background

The City opened bids for Sourcing ID No. 0000011421 on March 18, 2026. The City received two timely submitted bids for the project. The Tabulation of Bids identified Resource Environmental as the apparent low bidder, followed by Silverado Contractors, Inc. ("Silverado"):

BIDDERS	LBE Status Claimed	TOTAL BID PRICE
Resource Environmental, Inc.	N/A	\$3,517,000.00
Silverado Contractors, Inc. (Silverado)	N/A	\$4,500,000.00



The relevant timeline is set out in more detail in the May 8, 2026 Preliminary Notice of Non-Responsibility issued by Public Works. It is also supported by email correspondence in the record. Following bid opening, Public Works reviewed REI's Bidder Qualifications and on March 20, 2026, offered REI the opportunity to provide additional documentation demonstrating its experience in marine demolition, as set out in the IFB.

On March 24, 2026, Silverado submitted a bid protest asserting that the projects listed in REI's original March 18 bid did not establish the qualifications and experience set out in the IFB.

REI provided additional written correspondence regarding its experience, but was unable to provide documentation demonstrating its experience in marine demolition to Public Work's satisfaction. REI asserted, among other things, that the minimum qualifications set out in the IFB were ambiguous, and that its listed projects should qualify as "marine demolition". Public Works disagreed and issued the Preliminary Notice of Non-Responsibility on May 8, 2026.

It is important to note that Public Works initiated the request for additional qualifying experience **prior to Silverado submitting its March 24, 2026 bid protest**.

On May 14, 2026, REI responded via counsel Kahana Feld requesting a pre-determination hearing. On June 8, 2026, Bruce Robertson of San Francisco Public Works responded detailing Public Works's procedures for a Final Determination Hearing and appointed the undersigned as the hearing officer.

The Record

The hearing officer has reviewed and considered the following in reaching a decision:

- City & County of San Francisco, San Francisco Public Works & Port of San Francisco, Project Manual: Pier 96 Crane Demolition, Sourcing Event ID 0000011421 (Divs. 0–2) (Feb. 2026).
- Liftech Consultants Inc., Issued for Bid Drawings, Pier 96 Crane Demolition (Contract 2876), Sourcing Event ID 0000011421 (Sept. 11, 2025).
- Public Works, Tabulation of Bids, Sourcing ID 0000011421 (Mar. 18, 2026).
- Public Works, Bidder's Reminder, Sourcing ID 0000011421 (Mar. 20, 2026).
- Public Works, Bidder's Reminder (Revised), Sourcing ID 0000011421 (Mar. 20, 2026).
- Public Works & REI, email re Tabulation of Bids & Bidder's Reminder (Mar. 20–Apr. 2, 2026).
- Public Works & REI, email re Bidder's Qualifications (Mar. 20–25, 2026).
- REI & Public Works, email re Supplemental Experience Forms (Apr. 3–9, 2026).
- REI to Public Works, email re Subcontractor 00 49 14 & 00 49 15 Documents (Apr. 3, 2026).
- Public Works & REI, email re Notice of Bid Protest / REI Response (Mar. 26, 2026).



- Public Works to REI, email re Notice of Non Responsibility (May 11–13, 2026).
- Public Works, Notice of Bid Protest, Sourcing ID 0000011421 (Mar. 25, 2026).
- REI, Response to Bid Protest by Silverado Contractors, Inc., Sourcing ID 0000011421 (Mar. 26, 2026).
- REI, Section 00 49 12 Experience Statement – PM (Albert Sanchez Jr.) (Apr. 3, 2026).
- REI, Section 00 49 12 Experience Statement – Superintendent (Steven Scherbarth) (Apr. 3, 2026).
- Public Works, Preliminary Notice of Non Responsibility, Sourcing ID 0000011421 (May 8, 2026).
- Kahana Feld for REI, Response to Preliminary Notice of Non Responsibility, Sourcing ID 0000011421 (May 14, 2026).
- Public Works, Final Determination Hearing – Notice of Non Responsibility, Sourcing ID 0000011421 (June 8, 2026).
- REI, Final Determination Hearing Submission & Objections, Sourcing ID 0000011421 (June 11, 2026).
- REI, Notice of Errata and Clarifications, Sourcing ID 0000011421 (June 12, 2026).

Legal Standard

The California Supreme Court has held that competitive bidding laws are enacted for the benefit of “taxpayers, and not for the benefit or enrichment of bidders, and should be so construed and administered as to accomplish such purpose fairly and reasonably with sole reference to the public interest.” *Domar Elec., Inc. v. City of Los Angeles* (1994) 9 Cal. 4th 161, 173. Bidding laws “will not be extended beyond their reasonable purpose” and “must be read in the light of the reason for their enactment, or they will be applied where they were not intended to operate and thus deny municipalities authority to deal with problems in a sensible, practical way.” *Id.* Public entities may include and enforce specific requirements for bidders, even where doing so could increase the cost of a project. *See, e.g. Id.* (“strict adherence with bidding requirements is applied even where it is certain there was in fact no corruption or adverse effect upon the bidding process, and even where deviations would save the public entity money”) *quoting Konica Business Machines U.S.A., Inc. v. Regents of University of California* (1988) 206 Cal.App.3d 449, 456 (internal quotations and brackets omitted).

Whether a bidder has demonstrated the experience to perform a public works project satisfactorily is typically a determination of whether the bidder is responsible. (Pub. Contracts Code, § 1103; *Great West Contractors, Inc., v. Irvine Unified School District* (2010) 187 Cal.App.4th 1425, 1450-1452.) A bid is responsive if it promises to do what the bidding instructions demand. (*Taylor Bus Service, Inc., v. San Diego Board of Education* (1987) 195 Cal.App.3d 1331, 1341.) Responsibility may depend “on information received outside the bidding process . . . whereas . . . responsiveness is less complex and can be determined from the face of the bid.” (*Id.* at pp. 1341-1342.) Because Public Works preliminarily determined that REI was non-responsible, and because Public Works’s determination was based in part



on information received outside of REI's bid, the hearing officer has focused on a responsibility analysis and provided REI the process required for responsibility hearings. *See Boydston v. Napa Sanitation District (1990)* 222 Cal. App. 3d 1362, 1369.

Public entities have "broad discretion in making responsibility determinations since [they] must bear the brunt of difficulties experienced in obtaining the required performance." *News Printing Co. v. U.S.*, 46 Fed. Cl. 740, 746, (Fed. Cl. 2000); *see also John C. Grimberg Co., Inc. v. U.S.* (Fed. Cir. 1999) 185 F.3d 1297, 1303 ("Because responsibility decisions are largely a matter of judgment, contracting officers are generally given wide discretion to make this decision"; *D. H. Williams Construction, Inc. v. Clovis Unified School Dist.*, 146 Cal.App.4th 757, 763 (2007)). The government needs only a reasonable basis, based upon objective evidence, to determine that a bidder meets a solicitation's experience clause. *Matter of: Clay Bernard Systems International* (June 17, 1985) 19985 WL 53017 (Comp. Gen.).

Analysis

1. REI Does Not Meet the Minimum Qualifications Set Out in the Invitation For Bids

The IFB included the following requirements for bidders' minimum qualifications and experience (emphasis added):

Submit **sufficient information** on the Bidder's Qualifications form (Section 00 45 13), and additional sheets as necessary, to demonstrate to the satisfaction of the City that the **Prime Contractor** has successfully completed a minimum **of 3 marine and landside demolition projects** that include similar scope and complexity during the last 8 years with a minimum contract value of \$1,000,000 each.

...

The Project Manager shall have a minimum of **10 years of experience managing marine and landside demolition projects** and successfully completed at least 2 projects of similar scope and complexity in the last 8 years with a minimum contract value of \$1,000,000 each.

...

The Project Superintendent shall have a minimum of **10 years of experience serving as the superintendent for marine and landside demolition projects** and successfully completed at least 2 projects that include similar scope and complexity in the last 8 years with a minimum contract value of \$1,000,000 each.

In its May 8, 2026 letter, Public Works determined that REI did not meet the minimum qualifications set out in IFB because "none of the projects provided qualify as marine demolition since the demolition work did not occur on, over, or in the water." Page 4, emphasis in original. Public Works made this determination by referencing the six projects submitted by REI (Section 00 21 13, 1.11B.1) and the experience statement of the Project Manager designated by REI (Section 00 21 13, 1.11C.1), Albert Sanchez Jr. Although not mentioned in Public Works's letter, the experience statement of the



Superintendent designated by REI, Steven Scherbarth, lists the same project experience as the Project Manager. Any determinations on the experience of REI's Project Manager also apply to the REI's Superintendent.

REI's written submission for the final determination hearing states: "The entire case turns on a single word, "marine," that the Bid Documents never define." Page 11 of 42. Public Works's determination that the prime contractor and the prime contractor's designated project manager and superintendent meet minimum experience requirements with both landside demolition and demolition on, over or in water is entirely reasonable in the context of this project's scope of work, for the following reasons.

First, Public Works's determination that REI did not meet the IFB's minimum qualifications was reasonable under the plain language of the IFB. The experience requirement in the IFB stated fully is **"marine and landside demolition projects"**. The word "marine" was deliberately set in contrast to the word "landside". The requirement as written requires both experience in demolition projects taking place on land ("landside") and demolition taking place on, over or in water ("marine"). Just as work taking place entirely on a body of water in proximity to dry land would not reasonably qualify as "landside" experience, it is reasonable to determine that work taking place entirely on land in proximity to a body of water does not qualify as "marine" experience. The projects that REI cites as potentially qualifying took place entirely on land, in proximity to water. The sole project mentioned in REI's written correspondence that arguably involves work over water – a crane demolition project for the Port of Oakland – was never formally listed by REI as qualifying experience, presumably because it was below the \$1 million threshold and was terminated before construction commenced.

Regarding the "and" conjunction, in "marine and landside demolition projects", REI did not submit a single qualifying project with demolition scope on, over or in water. Accordingly, the question of what proportion of the three or two qualifying projects (for contractor's and key staff's experience respectively) must include marine scope to meet the minimum qualifications is irrelevant. REI's listed projects taken in totality, while complex and significant, simply do not meet the minimum requirements set out in the IFB.

Second, the IFB's Project Drawings and Specifications illustrate both the importance of actual marine experience for this project, and the reasonableness of Public Works's interpretation of the word "marine." In other words, Public Works's preliminary determination that REI did not demonstrate the necessary marine experience is reasonable in the context of the project scope of work as defined in the project drawings and specifications.

The scope of work for the project to remove the four ship-to-shore container cranes requires demolition over paved land and demolition over the waters of the San Francisco Bay. In fact, the majority of the cranes are situated over the waters of the San Francisco Bay, either above a pile-supported wharf or extending past the waterside edge of the wharf. The specifications also require the contractor to potentially undertake work on and under the waters of the San Francisco Bay to retrieve unplanned debris entering the San Francisco Bay, or in the event of unplanned damage to the supporting wharf structure requiring repair.



The portions of the Project Drawings and Specifications relevant to the “marine demolition” scope of work for this project include **Drawings S1.02**, which shows:

- A “waterside work area” extending 150 feet over the water from the edge of wharf deck, with the crane booms extending over the San Francisco Bay within this area.
- The landside edge of a concrete wharf and the Mean High Water (MHW) line, indicating that the cranes and crane rails are entirely supported over water by the wharf structure.
- A “landside work area” which includes the pile-supported wharf structure and the paved land past the landside edge of concrete wharf. The rear of the cranes extends over paved land as shown.

In addition, Paragraph 3.01.A.14 of **Section 01 35 43, Environmental Procedures**, notes that construction and demolition debris should be prevented from falling into the water when “work that generates construction debris is conducted above the waters of San Francisco Bay”. This Section also states: “Direct personnel in workboats to retrieve immediately all debris that falls into the water.” This Section clearly indicates that demolition work above water can result in unexpected work in the water, and that compliance with the Environmental Procedures Specification requires a contractor that can retrieve debris on-water if buoyant, or underwater if non-buoyant.

Paragraph 1.04.A.1 of **Section 02 41 00, Demolition**, requires the contractor to develop a detailed plan that includes selection of equipment, development of critical lift plans, and wharf analysis demonstrating that applied wharf loads from major equipment such as large land-based mobile cranes do not exceed wharf capacity. The fact that the contractor is responsible for analyzing how construction loads will impact a pile-supported wharf structure built over the water emphasizes the need for a contractor with relevant marine experience.

Paragraph 3.01.G also requires the contractor to repair any damage caused. The wharf structure is the most likely Port asset to be damaged by this project and is an over-water structure. Repairs, if needed, may require work along the waterside edge, underneath the wharf structure, and potentially underwater further emphasizing the need for a contractor with relevant marine experience.

In other words, the specifications clearly require extensive work directly over the waters of the San Francisco Bay, and could include work in the water as well. It was therefore reasonable for Public Works to determine that REI’s experience – which did not include work on, over or in water – did not meet the project’s minimum qualifications.

Third, to the extent the minimum qualification language was unclear or ambiguous, under the rules of the IFB, REI was obligated to seek clarification. REI did not attempt to clarify Public Works’s requirements for qualifying projects or project manager experience by submitting a Question on Bid Documents (“QBD”) during the pre-bid phase of the contract advertisement. Paragraph 1.6.A of Section 00 21 13, Instructions to Bidders, directs bidders to “notify at once the City in writing” should the bidder find “ambiguities ... in the Bid Documents”. QBDs must be submitted “no later than 10 calendar days



before the Bid Submission Due Date.” REI did not submit any QBD on qualifying experience and only later argued that the definition of “marine demolition” was ambiguous. REI repeatedly states that the relevant experience requirement is “ambiguous” (see, e.g. pp 30-32 of REI’s June 11, 2026 submittal). If REI is correct, it was obligated to notify the City of this ambiguity “at once” and in any event no later than ten days before bid opening. It failed to do so.

Fourth, REI argues that it should be able to meet the project’s minimum qualifications because REI listed Power Engineering, a firm with extensive marine experience, as a subcontractor. REI is mistaken. The IFB clearly states that the “Prime Contractor,” “Project Manager” and “Superintendent” must have sufficient experience with marine and landside demolition projects. REI, not Power Engineering, is the proposed Prime Contractor, and REI’s employees, not Power Engineering’s, are the proposed Project Manager and Superintendent. Under the plain language of the IFB, REI cannot use Power Engineering to meet this qualification. The prime contractor is responsible for meeting the scope, schedule, cost, environmental compliance, and safety requirements of the overall contract work. Requiring experience in marine demolition reduces the City’s risk of negative outcomes if the prime contractor falls short in any of these critical areas.

In summary, the project scope, as set out in the project drawings and specifications, clearly shows landside demolition work, over-water demolition work, and highlights the known risk of unplanned on-water and in-water demolition work. Public Works has reasonably determined that qualifying experience for contractors bidding on this work should include marine demolition experience, which must include some experience completing work on, over or in water. REI has not demonstrated sufficient experience with on, over, or in the water demolition to meet the minimum qualifications for this specific project. The determination that REI does not meet the minimum qualifications necessary for this project is based on objective evidence. Specifically, REI has not submitted documentation, nor does it assert, that it has experience with “marine” demolition, as that term is reasonably construed in the context of the IFB’s specifications.

2. REI’s Procedural and Due Process Contentions

REI’s June 11, 2026 pre-determination hearing request raised a number of objections to the procedure the City employed in this matter. REI’s objections are unfounded. The City’s process complies with the law and there is no evidence of bias. Indeed, the record shows that the City has given REI both ample notice of the evidence reflecting on REI’s responsibility, and many opportunities to submit additional evidence on the issue.

A. Due Process

Under California law, government entities must provide certain minimal procedures before finding a bidder non-responsible:

When a statute requires that an award be made to the lowest (or highest) responsible bidder, it must be awarded accordingly unless that bidder is found not responsible, i.e., not qualified to perform the particular work under



consideration. Although public bodies have discretion to determine which bidders are responsible, they may not, if they determine more than one bidder is responsible, make the award on the basis of relative superiority. (*City of Inglewood, supra*, 7 Cal.3d at p. 867, 103 Cal.Rptr. 689, 500 P.2d 601.) Before a contract may be awarded to one other than the lowest (or highest) bidder, the public body must (1) notify that bidder of any evidence reflecting upon the bidder's responsibility received from others or adduced as a result of independent investigation, (2) afford the bidder an opportunity to rebut such adverse evidence, and (3) permit the bidder to present evidence of qualification. (*Id.*, at p. 871, 103 Cal.Rptr. 689, 500 P.2d 601; *see also Taylor Bus Service, Inc. v. San Diego Bd. of Education* (1987) 195 Cal.App.3d 1331, 1341, 241 Cal.Rptr. 379.)

Boydston v. Napa Sanitation Dist., 222 Cal. App. 3d 1362, 1368, 272 Cal. Rptr. 458, 462 (Ct. App. 1990):

The City's process met the three requirements set out in *Boydston* and *Inglewood*.

First, Public Works notified REI of all evidence reflecting on the issue of its minimum qualifications, whether that evidence came from others, or whether it was "adduced by independent investigation." *Id.*¹ The record shows that throughout this process, Public Works promptly notified REI of any issues bearing on the responsibility question, and identified the full record (absent REI's subsequent submissions) in its letter appointing a hearing officer.

Puzzlingly, REI repeatedly complains that the City reviewed Silverado's protest and included it in the record. REI appears to argue that the City was somehow procedurally barred from considering information submitted by a competitor about REI's qualifications. REI does not, however, point to any statutory or legal authority that bars the City from considering this information. To the contrary, one of the core tenets of a responsibility determination is the ability to consider "evidence reflecting upon the bidder's responsibility received from others" *Id.* Indeed, under *Inglewood*, the primary authority cited by REI, the City was arguably **obligated** to give REI notice of Silverado's protest and an opportunity to respond before resolving the responsibility question. The City did so, and REI did indeed respond. REI's response is in the record and was considered by the hearing officer.

REI's argument that the City simply substituted Silverado's judgment for its own is belied by the record; as discussed above, the City notified REI of the issues with its qualifications **before** it received a protest from Silverado. And in its preliminary non-responsibility determination, Public Works did not directly cite or quote any material from the Silverado protest. And again, even if Public Works gave Silverado's protest significant weight, REI cannot point to any authority requiring a public entity to ignore information from third parties bearing on a contractor's responsibility.

¹ REI does not appear to argue that Public Works failed to provide notice of evidence taken into consideration by Public Works, however given the length and lack of clarity in REI's submission and errata, the hearing officer nonetheless will address this issue.



Second, REI was provided an opportunity to “rebut adverse evidence.” *Id.* Public Works first notified REI that it required “[f]urther documentation” to substantiate its experience and qualifications on March 20, 2026. REI responded in a concise email with many of the arguments set out in its much longer June 11 submission. Following that email, Public Works provided REI repeated opportunities to augment the record and provide additional information. Public Works did not set a final deadline for closing the record until June 11, 2026, nearly three months after REI first received notice that its submitted qualifications and experience were deficient. And even then, the hearing officer has reviewed and considered materials submitted after that deadline.

Third, the City has allowed REI “to present evidence of qualification.” *Id.* Again, REI had since at least March 20, 2026 to present whatever evidence it sees fit to show that it has met the relevant minimum qualifications.

REI argues that it was not given sufficient time following the appointment of the hearing officer to respond to Public Works’s assertions. But this ignores the nearly three months REI had to identify experience that matched the published minimum qualifications. REI took advantage of this time by submitting hundreds of pages of evidence and advocacy. While it has identified a number of significant projects, those projects do not meet the objective criteria set forth in the IFB.

B. Relative Superiority

REI argues that the City has engaged in a prohibited comparison of REI’s and Silverado’s relative experience. This contention is not supported by the record, and the hearing officer has not engaged in any such comparison. Public Works’s preliminary determination does not mention Silverado; rather it focuses entirely on whether REI meets the minimum qualifications set out in the IFB. Similarly, Silverado’s own protest letter, which Public Works did not appear to consider in its preliminary determination, does not mention Silverado’s experience; rather it focuses on the issue of whether REI’s bid met the IFB’s minimum qualifications.² The hearing officer has focused on REI’s experience and qualifications, because that is the issue at hand. The hearing officer takes no position regarding whether Silverado is responsible or submitted a responsive bid. Silverado’s relative experience is irrelevant to whether REI meets the IFB’s minimum qualifications, and the hearing officer has not considered it.

The authority cited by REI does not require a different result. REI relies primarily on *City of Inglewood-L.A. County Civic Center Auth. v. Superior Court*. In that case, a public entity engaged in an explicit comparison between the two bidders. Notably, the “qualifications” of the eventual losing bidder “to perform the contract were never questioned.” (1972) 7 Cal.3d 861, 868. Here, both Public Works and the hearing officer have reviewed hundreds of pages of evidence and advocacy related to REI’s qualifications. REI cannot seriously contend that the City has made “no determination . . . whether . . .

² As discussed above, the hearing officer has listed the protest and REI’s response in the record to comply with due process requirements. This is entirely appropriate, particularly since Silverado’s protest does not mention its own experience, and does not mean that there has been a comparison of the bidders’ relative experience.



the lowest bidder was . . . qualified to perform the contract.” *See Id.* At 870; *see also Boydston* 222 Cal.App.3d at 1365 (public entity explicitly engaged a consultant to compare both bids, and the consultant found that one bidder “had ‘the edge’ as the more experienced operator with a broader base of management experience”; court of appeal remanded to public entity for determination of whether the rejected bidder was actually responsible). Public entities are free to set and enforce minimum qualifications for bidders, as the City has done here.

C. Objectivity of the Hearing Officer.

REI also argues that the hearing officer is biased because he is associated with the Port of San Francisco (“Port”), and the project takes place within the Port’s jurisdiction.³ The bar for establishing impermissible bias for an administrative decisionmaker is a high one:

The standard of impartiality required at an administrative hearing is less exacting than that required in judicial proceedings. It is recognized that administrative decision makers are drawn from the community at large. Especially in a small town setting they are likely to have knowledge of and contact or dealings with parties to the proceeding. Holding them to the same standard as judges, without a showing of actual bias or the probability of actual bias, may discourage persons willing to serve and may deprive the administrative process of capable decision makers. Therefore, in order to prevail on a claim of bias violating fair hearing requirements, [a party] must establish an unacceptable probability of actual bias on the part of those who have actual decisionmaking power over their claims. A party seeking to show bias or prejudice on the part of an administrative decision maker is required to prove the same with concrete facts: bias and prejudice are never implied and must be established by clear averments.

Nasha v. City of Los Angeles (2004) 125 Cal.App.4th 470, 483 (internal citations, quotations and brackets omitted)

REI has not pointed to any authority, and the hearing officer is aware of none, that prohibits a public entity from designating one of its employees to make a responsibility determination. Public entities routinely ask employees or policymakers to make determinations regarding projects on properties that those entities own. The City is unaware of any case in which a bidder has even *argued* that it is improper for a public entity to ask its employees to determine a bidder’s responsibility. Indeed, one of the cases cited by REI in support of this argument disqualified a *third party* hearing officer, because that hearing officer may have been influenced by the promise of future work. *Haas v. County of San Bernardino* (2002) 27 Cal.4th 1017.

REI also argues that the hearing officer is biased because Silverado rents property from the Port and does business with the Port. The hearing officer has a management role in the Engineering Division

³ Notably, the Port is a constituent department of the City, and therefore *the City*, by and through the Port, owns the property.



of the Port. He has no involvement in Silverado's tenancy, which is handled by separate Maritime and Real Estate divisions. The hearing officer is unaware of a Silverado employee's alleged appearance in the minutes of the "maritime commerce advisory committee" and has had no role negotiating or enforcing the terms of Silverado's lease. The fact that Silverado is a repeat bidder on Port projects similarly is not sufficient to establish bias. It would be impractical to prohibit a public entity from deciding responsibility simply because one of the parties involved has or continues to do business with that public entity.

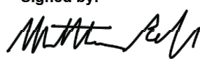
Again, REI has not pointed to a single case, and the City has found none, that prohibits a public official under circumstances like this from making a responsibility determination. The cases cited by REI do not support its position. In *Nasha*, the court noted that a party must make a significant showing to prove bias in administrative matters. The court held that a developer had met that standard because one of the planning commissioners had engaged in a public newsletter campaign against the developer prior to a commission hearing. There is no similar evidence of bias here. The other cases cited by REI are similarly inapposite. See *Today's Fresh Start, Inc. v. Los Angeles County Office of Education* (2013) 57 Cal.4th 197, 218 (upholding procedure followed by county board in revoking charter school's charter, finding that there was no fiduciary or actual bias, despite allegations that county competed with charter school, and holding that charter school was not entitled to a formal evidentiary hearing); *Haas* (2002) 27 Cal.4th 1017 (impermissible bias found when third party hearing officer had fiduciary interest in future work).

The hearing officer was designated by Public Works, and had no involvement in Public Works's initial determination of non-responsibility. He has knowledge and experience with marine construction and demolition, which is presumably why he was designated. He has reviewed the record carefully and objectively.

Conclusion

For the foregoing reasons, the hearing officer concurs with Public Works's finding that REI did not meet the minimum qualifications listed in for this project. As a courtesy, this determination will not become final until July 10, 2026. If REI decides to withdraw its bid by Thursday July 9, 11:59 pm, this determination will become moot and shall have no effect. This letter does not constitute a notice of award or intent to award of the contract.

Regards,

Signed by:

 F5D5CD5B32A9456...

7/2/2026

Matthew Bell
 Acting Chief Harbor Engineer, Port of San Francisco



Cc: Sean Dowsing, Kahana Feld LLP
Bruce Robertson, Deputy Director, San Francisco Public Works
Ben Washington, San Francisco Public Works
Dennis Lam, San Francisco Public Works
Robert Loftus, San Francisco Public Works
Tony Abuyaghi, San Francisco Public Works
Richard Robinson, Deputy City Attorney
Yadira Taylor, Deputy City Attorney

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Payment Events	Status	Timestamps