



PROCUREMENT AGENDA ITEM

R-26-67
Meeting 26-14
May 13, 2026

AGENDA ITEM 8

AGENDA ITEM

Contract amendment with Irish Excavation for the Prospect Road Culvert Replacement Project at Fremont Older Open Space Preserve

GENERAL MANAGER'S RECOMMENDATION

Authorize the General Manager to execute a change order in the amount of \$43,668 with Irish Excavation of Morgan Hill, California for emergency repairs on the Prospect Road Culvert Replacement Project (Project), bringing the total contract price to a not-to-exceed amount of \$319,423.

DISCUSSION

Prospect Road is an approximately 10-foot-wide asphalt road utilized by Fremont Older Open Space Preserve (Preserve) users that also provides access to private inholdings. Running under the road is an existing 55-foot long, 4-foot-wide corrugated metal pipe culvert at Prospect Creek. Large flow events during the winter storms of 2022/2023 caused significant damage to this culvert (Attachment 1). The storm flows triggered major erosion at the culvert outlet, ultimately resulting in failure of the culvert, culvert headwall, and portions of the creek bank.

On July 9, 2025, the Midpeninsula Regional Open Space District (District) Board of Directors (Board) approved a contract with Irish Excavation (Contractor) to complete the slide and culvert repairs for a base amount of \$222,222 with a 15% contingency, bringing the total not-to-exceed contract amount to \$255,555. The base contract scope of work included replacement of a damaged portion of the culvert and the addition of defensible measures, such as extending the culvert pipe to its original length, constructing a new headwall/footing, repairing the asphalt road above the culvert, and embankment stabilization.

After the contractor mobilized and further examined the condition of the damaged culvert, it was determined that a *full* culvert replacement was necessary. Staff authorized a contract change order to cover the additional work, exhausting the Board-approved contingency fund. As construction continued, the original quantity of riprap (rocks for slope stabilization) was deemed insufficient to meet the design criteria. Additionally, full culvert replacement necessitated additional earth work and erosion control measures beyond the original contract scope of work. Furthermore, during excavation for the culvert headwall foundation, several truckloads worth of large, buried concrete pieces and some metal scraps were unearthed requiring unanticipated off-hauling and disposal of the materials. These additional items were addressed through a contract amendment to increase the base contract amount, which was approved by the Board on

November 12, 2025 (R-25-144), bringing the total contract amount to \$273,365. The project was substantially completed in November 2025.

In January 2026, two sections of the newly installed corrugated metal culvert became separated behind the newly installed concrete headwall. The section of the corrugated metal pipe embedded in the headwall and the headwall itself remained intact and showed no signs of structural movement. The project engineer evaluated the site conditions and concluded that unanticipated subsurface soil saturation most likely contributed to the loss of supporting soil under the culvert, resulting in subsidence and culvert failure. The project engineer developed plans to urgently address the culvert failure, which included the removal of the failed section of culvert, excavation and removal of the saturated subsurface soils below the culvert, reconstruction of a stable base and reinstallation of the culvert. The repairs also consisted of the installation of a subsurface drainage system to minimize soil saturation. Staff received jurisdictional approval to implement the emergency work, and the repairs were successfully completed on February 27, 2026. The recommended change order allows the District to compensate the contractor for the additional repair work.

BUDGET / FISCAL IMPACT

The current fiscal year budget for project 35034 Prospect Road Culvert Replacement contains:

- sufficient funds.
- insufficient funds; the next quarterly budget update will include a reallocation of unspent funds from other budgets to cover for this expenditure.
- insufficient funds; approval of this item requires a fiscal year budget augmentation.
- future fiscal year budgets will include additional funds to complete the contracted work.

Measure AA

- No, this contract is not part of a Measure AA project.
- Yes, this contract is part of a Measure AA project.

PROCUREMENT PROCESS AND SELECTION

A change order is within public contracting code and not subject to a procurement process, but the initial procurement process for hiring Irish Excavation is as follows for context. On April 30, 2025, a Request for Bids (RFB) was issued via BidNet, released to four builders' exchanges, and sent directly to qualified contractors. Legal notices were posted in the San Jose Mercury News and San Mateo County Times, and a link to the solicitation was posted on the District website. Two mandatory pre-bid site tours were held on May 9 and May 13, 2025, with 10 contractor representatives in attendance.

The District received and publicly opened the following bids on May 28, 2025:

Consultant	Location	Total Bid	Percent Difference from Cost Estimate of \$260,000
Irish Excavation	Morgan Hill	\$222,222	-15.67%
Galeb Paving, Inc.	Saratoga	\$420,875	47.26%
D-Line Constructors, Inc.	Oakland	\$363,947	33.32%
Central Pacific Engineering	San Mateo	\$253,467	2.55%

Following the bid opening, Irish Excavation was announced as the apparent low bidder. Upon review of the bid proposals and confirmation of the contractors' qualifications, in accordance with state law and current Board purchasing policy, the General Manager recommended awarding the contract to Irish Excavation as the lowest responsive and responsible bidder.

PRIOR BOARD ACTION SUPPORTING THE PROJECT

December 13, 2025 Board Meeting: Award of Contract for Design and Engineering Services for the Prospect Road Culvert Replacement Project at Fremont Older Open Space Preserve ([R-23-148](#), [meeting minutes](#))

July 9, 2025 Board Meeting: Award of Contract to Irish Excavation for Construction Services for the Prospect Road Culvert Replacement Project in Fremont Older Open Space Preserve ([R-25-92](#), [meeting minutes](#))

November 12, 2025 Board Meeting: Contract Amendment with Irish Excavation for the Prospect Road Culvert Replacement Project at Fremont Older Open Space Preserve ([R-25-144](#), [meeting minutes](#))

PUBLIC NOTICE

Public notice was provided as required by the Brown Act. Emails were sent to an Interested Parties list (375 contacts) on July 7, 2025 for the July 9, 2025 Award of Contract to Irish Excavation for Construction Services ([R-25-92](#), [meeting minutes](#)). On August 6, 2025, a postcard mailer with the construction schedule was sent to residences within 1,500 ft of the site and on September 16, 2025 an email with the construction schedule was sent to the Interested Parties List.

CEQA COMPLIANCE

The potential environmental impacts for the Project, including the emergency repair, were evaluated in the Initial Study/ Mitigated Negative Declaration (IS/MND) for the Open Space Maintenance and Restoration Program (OSMRP) prepared under the California Environmental Quality Act (CEQA), which was certified by the Board on September 22, 2021 ([R-21-126](#)). An emergency OSMRP Permit was obtained by the jurisdictional agencies for the repair portion of the work.

NEXT STEPS

If approved, the District will issue a change order to Irish Excavation for the emergency repair work and close out the project.

Responsible Department Head:
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Prepared by / Contact person:
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