

Court: Lakeview Commons construction work must stop

By Kathryn Reed

South Lake Tahoe's second stalled hole in the ground became a reality this week when a judge granted a construction firm's injunction request to bring work at the Lakeview Commons project to a halt.

"What we're seeking is to have the job awarded to us and we complete the work," BJ Sullivan, president of Clark & Sullivan Construction, told *Lake Tahoe News*. In support of the Sparks company writ is the local Carpenters Union.



The dilapidated wall at El Dorado Beach will be destroyed and rebuilt.

Photo/Kathryn Reed

El Dorado County Superior Court Judge Steve Bailey signed the injunction Aug. 30 at 4pm. A hearing is scheduled for Sept. 17. It is not known if Bailey will make a decision that day.

Work may continue at the site through Friday to shore up

erosion issues. Essentially, it is being winterized. Even though it was never going to be available to Labor Day crowds, the minimum three-week delay could affect locals and visitors next year. With it being directly across from Campground by the Lake, this beach and picnic area is a huge draw for campers.

“If it doesn’t go our way, I don’t know how it will play out,” Jim Marino, South Lake Tahoe assistant engineer, said. “July 15, 2011, it was supposed to be done. We were hoping to have it a little in advance for the July 4 weekend. The longer this plays out, the worse this is going to get (to meet the deadline.)”

It will be South Lake Tahoe’s responsibility to defend the bid process in court. It will be up to Clark & Sullivan’s attorney to prove the bid process for the multi-million project at El Dorado Beach was not fair.

The bid process became a bit convoluted this summer. On Aug. 3, the City Council voted 4-1 to award the nearly \$4.5 million project to Reeve-Knight Construction out of Roseville. At that meeting Clark & Sullivan petitioned the bid award, saying their competitor’s numbers for subcontractor work v. in-house work were wrong. The Sparks firm was picked as the lower bidder in the first round that was subsequently quashed by the council in June.

The difference between the two firms’ bids the second time around was close to a half million dollars. Legally, the city has to pick the lowest responsive bidder. Responsive is the key word because even though Clark & Sullivan was not the low bidder, the company believes it was the most responsive.

(Calls to Reeve Knight’s CEO, president and VP of operations were not returned.)

Sullivan said the city “over-stepped” its responsibility by allowing Reeve Knight to adjust figures to meet the bid

criteria.

To that, the city has repeatedly said, the clarifications being sought by the low bidder were minor.

Neither the city nor Clark & Sullivan has been in this predicament before, so authorities aren't sure what to expect next. If the city prevails in court, it would like to use the remainder of the grading season, which ends Oct. 15, to get the foundation of the non-motorized boathouse in. If the city loses, it's likely the site will be closed until May 1, when dirt can be moved again.

It's possible the bid process could have to start from scratch, or one of the two firms involved will prevail.

(Whatever the outcome, the project is not destined to go the route of the stalled convention center – which hasn't seen a construction worker on that property in years and remains mired in bankruptcy court for at least another 120 days per the judge's ruling last week.)

Funding for the project is coming from the California Tahoe Conservancy. The state agency isn't about to take sides as to which firm should do the work.

"This is a large project. The important thing is to do it right, do it well, on time and on budget," said Peter Eichar, CTC associate environmental planner. "This (injunction) does not jeopardize Conservancy funding."

Stopping work will hit the local economy. A number of the subcontractors were local. Supplies were being bought locally. Clark & Sullivan had not proposed to use the number of local subs that Reeve Knight is using.

Before *Lake Tahoe News* or Andrew Galicia knew about the injunction, he said the project was ahead of schedule. He runs GB General, an excavating firm based in South Tahoe since the

1950s.

It took less than two days to fell 52 trees. His company was supposed to do all the site work. Now his employees are without work.



What El
Dorado
Beach area
will look
like in
summer
2011.

Plans call for creating a terraced sitting area, revamped picnic/barbecue sites, access for all, storage for canoes/kayaks, rest rooms and overall upgrades of this stretch of shoreline. The rest of what once was called the 56-acre project will be built in phases.

“If it turns out the way it’s supposed to, you really can use it,” Galicia said of the beach and barbecue areas.