



**Contra  
Costa  
County**

To: Board of Supervisors  
From: Julia R. Bueren, Public Works  
Date: December 4, 2012

Subject: AWARD Construction Contract for the Chiller Replacement Project at the Martinez Detention Facility, 1000 Ward Street, Martinez

**RECOMMENDATION(S):**

- (1) APPROVE the design, plans, and specifications for the above project.
- (2) DETERMINE that the bid submitted by Agbayani Construction Corporation (“Agbayani”) is non-responsive for failure to comply with the requirements of the County’s Outreach Program for this project, as provided in the project specifications, and REJECT Agbayani’s bid on that basis.
- (3) DETERMINE that the bid submitted by Vila Construction Company, Inc. (“Vila”) complied with the requirements of the County’s Outreach Program for this project, as provided in the project specifications, and FURTHER DETERMINE that Vila submitted the lowest responsive and responsible bid for this project.
- (4) AWARD the construction contract for the above project to Vila in the amount of \$549,086 and DIRECT that the Public Works Director, or designee, prepare the contract.
- (5) DIRECT that Vila shall submit two good and sufficient security bonds (performance and payment bonds) in the amount of \$549,086 each.

☒ APPROVE ☐ OTHER  
☒ RECOMMENDATION OF CNTY ADMINISTRATOR ☐ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **12/04/2012** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

**VOTE OF SUPERVISORS**

AYE: John Gioia, District I Supervisor  
 Candace Andersen, District II Supervisor  
 Mary N. Piepho, District III Supervisor  
 Karen Mitchoff, District IV Supervisor  
 Federal D. Glover, District V Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: December 4, 2012

David Twa, County Administrator and Clerk of the Board of Supervisors

By: Carrie Del Bonta, Deputy

Contact: Rob Lim (925)  
 313-2000

(6) ORDER that, after the contractor has signed the contract and returned it, together with the bonds, evidence of insurance, and other required documents, and the Public Works Director has reviewed and found them to be sufficient, the Public Works Director, or designee, is authorized to sign the contract for this Board.

(7) ORDER that, in accordance with the project specifications and/or upon signature of the contract by the Public Works Director, or designee, any bid bonds posted by the bidders are to be exonerated and any checks or cash submitted for

RECOMMENDATION(S): (CONT'D)

security shall be returned.

(8) AUTHORIZE the Public Works Director, or designee, to sign any escrow agreements prepared for this project to permit the direct payment of retentions into escrow or the substitution of securities for moneys withheld by the County to ensure performance under the contract, pursuant to Public Contract Code Section 22300.

(9) AUTHORIZE the Public Works Director, or designee, to order changes or additions to the work pursuant to Public Contract Code Section 20142.

(10) DELEGATE, pursuant to Public Contract Code Section 4114, to the Public Works Director, or designee, the Board's functions under Public Contract Code Sections 4107 and 4110.

(11) DELEGATE, pursuant to Labor Code Section 6705, to the Public Works Director or to any registered civil or structural engineer employed by the County the authority to accept detailed plans showing the design of shoring, bracing, sloping, or other provisions to be made for worker protection during trench excavation covered by that section.

(12) DECLARE that, should the award of the contract to Vila be invalidated for any reason, the Board would not in any event have awarded the contract to any other bidder, but instead would have exercised its discretion to reject all of the bids received. Nothing in this Board Order shall prevent the Board from re-awarding the contract to another bidder in cases where the successful bidder establishes a mistake, refuses to sign the contract, or fails to furnish required bonds or insurance (see Public Contract Code Sections 5100-5107).

FISCAL IMPACT:

The project is funded by Budget Unit 0111, Plant Acquisition, and is a 100% General Fund expense.

BACKGROUND:

The project scope involves the replacement of two existing chillers with new, high-efficiency chillers, replacement of two boilers, replacement of a freezer, and construction of a new, rated-wall enclosure at the Martinez Detention Facility ("MDF"). The existing equipment requires constant repairs and has outlived its useful life span. Replacement of the equipment will help to minimize disruptions to MDF operations due to equipment failures, and will provide for energy efficiency.

Plans and specifications for the project were prepared for the Public Works Department by Interface Engineering, Inc. and filed with the Clerk of the Board by the Public Works Director. Bids were received and opened by the Public Works Department on October

25, 2012, and the bid results are as follows:

<b>BIDDER</b>	<b>BASE BID</b>
Agbayani Construction Co., Daly City	\$514,880 (non-responsive)
Vila Construction Co., Richmond	\$549,086
Bell Products, Napa	\$556,513
Pullman Construction, Middletown	\$571,000
Matrix HG, Concord	\$584,166
Bangar Contractors Corp., Sacramento	\$597,000
Lyles Mechanical Co., Fresno	\$629,900
Image Builders LLC, Gold River	\$793,800

Four of the eight bids received were below the Engineer's Estimate of \$581,000. In evaluating the apparent low bid submitted by Agbayani, it was determined that the bid was non-responsive for failure to comply with the requirements of the County's Outreach Program, as provided in the project specifications. On November 6, 2012, a letter was sent to Agbayani notifying them of the bid deficiencies and staff's determination of non-responsiveness (see attached copy). Agbayani responded with a letter dated November 13, 2012 questioning the determination of non-responsiveness (see attached copy). After reviewing the matter, the Public Works Division Head sent a reply on November 15, 2012 responding to all of the points raised in Agbayani's letter and confirming the bid deficiencies and determination of non-responsiveness (see attached copy). The Public Works Director recommends that the Board determine Agbayani's bid to be non-responsive and reject the bid on that basis.

Staff has evaluated the bid submitted by Vila, including Vila's documentation of good faith effort to comply with the County's Outreach Program. Staff has determined that Vila documented an adequate good faith effort and has fully complied with the County's Outreach Program and the project specifications. The Public Works Director recommends that the Board award the construction contract for this project to Vila, the lowest responsive and responsible bidder, in the amount of \$549,086.

The general prevailing rates of wages, which shall be the minimum rates paid on this project, are on file with the Clerk of the Board, and copies are available to any party upon request.

CONSEQUENCE OF NEGATIVE ACTION:

If the equipment is not promptly replaced, equipment failures will persist at the MDF and could result in disruptions to MDF operations and expensive repair costs.

CHILDREN'S IMPACT STATEMENT:

Not applicable.

ATTACHMENTS

County Letter dated 11-6-12

Agbayani Letter dated 11-13-12

County Letter dated 11-15-12