



**Contra
Costa
County**

To: Board of Supervisors
From: Julia R. Bueren, Public Works Director/Chief Engineer
Date: August 18, 2015

Subject: Construction Contract for the Byron Airport Pavement Enhancements Project, Byron area.

RECOMMENDATION(S):

1. APPROVE plans, specifications, and design for the Byron Airport Pavement Enhancements Project, Byron area. County Project No. 4875-4650-SAS-6X5314/Federal Project No. AIP 03-06-0008-014
2. DETERMINE that the bid submitted by Maxwell Asphalt, Inc. ("Maxwell Asphalt"), exceeded the Disadvantaged Business Enterprise (DBE) Goal for this project and that Maxwell Asphalt has submitted the lowest responsive and responsible bid for the base bid plus Alternate No. 1 combined per our specification for the project.
3. APPROVE and AUTHORIZE the Public Works Director, or designee, to execute a construction contract for the above project with Maxwell Asphalt, in the listed amount (\$851,353.48) and the unit prices submitted in the bid and DIRECT that Maxwell Asphalt shall present two good and sufficient surety bonds as indicated below, and that the Public Works Director, or designee, shall prepare the contract.
4. ORDER that, after the contractor has signed the contract and returned it, together with the bonds as noted below and any required certificates of insurance or other required

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **08/18/2015** ☒ 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

ABSENT: 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: August 18, 2015

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

By: Stacey M. Boyd, Deputy

Contact: Kevin Emigh,
925-313-2233

cc:

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

RECOMMENDATION(S): (CONT'D)

Board.

5. 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 security shall be returned.

6. ORDER that, the Public Works Director, or designee, is authorized 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.

7. DELEGATE, pursuant to Public Contract Code Section 4114, to the Public Works Director, or designee, the Boards' functions under Public Contract Code Sections 4107 and 4110.

8. 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.

9. DECLARE that, should the award of the contract to Maxwell Asphalt 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:

This project is funded by 90% Federal Aviation Administration (FAA) Airport Improvement Program (AIP) Funds, 2.25% Caltrans Funds, 7.75% Airport Enterprise Funds.

BACKGROUND:

The above project was previously approved by the Board of Supervisors, plans and specifications were filed with the Board, and bids were invited by the Public Works Director. On Tuesday, April 28, 2015, the Public Works Department received bids from the following contractors:

BIDDER TOTAL AMOUNT, BOND AMOUNTS

Maxwell Asphalt, Inc.: \$851,353.48; Payment Bond: \$851,353.48; Performance Bond: \$851,353.48

Alaniz Construction, Inc.: \$863,298.01

The bidder listed first above, Maxwell Asphalt, submitted the lowest responsive and responsible bid, which is \$11,944.53 less than the next lowest bid.

Per the requirements of the FAA and Section 3.1.04, Contract Award of the special provisions, the lowest responsible bidder's proposal is required to be submitted to FAA for approval and allocation of funds. Once FAA approves funding, the Public Works Director can execute the contract with Maxwell Asphalt. If FAA does not approve the funds the contract will not be awarded.

This is a federally-funded project subject to a DBE contract goal and requirements. The Public Works Director has determined and reports that Maxwell Asphalt attained 20.93% DBE participation, which exceeds the DBE goal for this project and the Public Works Director recommends that the construction contract be awarded to Maxwell Asphalt.

The Public Works Director recommends that the bid submitted by Maxwell Asphalt, is the lowest responsive and responsible bid, and this Board so concurs and so finds.

The Board of Supervisors previously determined that the project is exempt from the California Environmental Quality Act as a Class II Exemption, and a Notice of Exemption was filed with the County Clerk on April 4, 2012.

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

CONSEQUENCE OF NEGATIVE ACTION:

Construction of the Byron Airport Pavement Enhancements Project would be delayed, and the project might not be built.