



**Contra
Costa
County**

To: Board of Supervisors
From: Julia R. Bueren, Public Works Director/Chief Engineer
Date: June 14, 2016

Subject: RELIEVE USA Trucking Inc. of its bid and AWARD Construction Contract for the 2016 On-Call Trucking Services Contract

RECOMMENDATION(S):

(1) DETERMINE that, following the award of the on-call contract for this project on April 16, 2016, USA Trucking Inc., the lowest bidder, failed to furnish insurance required by the construction contract, and CONSENT to relieving USA Trucking Inc. of its bid.

(2) DETERMINE that C&J Favalora Trucking, Inc. (Favalora Trucking), the next lowest monetary bidder, has complied with the requirements of the project specifications; and FURTHER DETERMINE, that Favalora Trucking has submitted the lowest responsive and responsible bid for the contract.

(3) AWARD the on-call contract to Favalora Trucking, for the maximum amount (\$300,000.00) and for the unit prices submitted in the bid (\$95.00 Total Unit Price) for the 2016 On-Call Trucking Services Contract for Aggregate Stockpiling and Transportation project, Project No. 0672-6U2151.

(4) DIRECT that the Public Works Director, or designee, shall prepare the contract.

(5) ORDER that after the contractor has signed the contract and returned it, together with

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **06/14/2016** ☒ 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: June 14, 2016

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

By: Stacey M. Boyd, Deputy

Contact: Kevin Emigh,
925-313-2233

cc:

any required certificates of insurance or other required documents, and the Public Works Director has reviewed and found them to be sufficient; the Public Works Director, or designee,

RECOMMENDATION(S): (CONT'D)

is authorized to sign the contract for this Board.

(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 Contracts Code Section 22300.

(7) 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.

(8) DECLARE that, should the award of the contract to Favalora Trucking 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 contract, for a maximum amount of \$300,000, will be funded by 100% Local Road funds.

BACKGROUND:

The above project was previously approved by the Board of Supervisors, specifications were filed with and approved by the Board, and bids were invited by the Public Works Director. On March 29, 2016, the Public Works Department received bids from the following contractors:

BIDDER, TOTAL UNIT AMOUNT

USA Trucking, Inc.: \$93.00 Total Unit Price

LS Trucking, Inc.: \$95.00 Total Unit Price

C&J Favalora Trucking, Inc.: \$95.00 Total Unit Price

The bidder listed first above, USA Trucking Inc., failed to furnish the insurance required by the construction contract. The Public Contract Code allows the Board to award the contract to the second lowest bidder in cases where the successful bidder refuses or fails to execute the contract (see Public Contract Code Sections 5100-5107).

The Public Works Department breaks tied bids with a coin toss, the Director reports that Favalora Trucking won the coin toss, that the bid submitted by Favalora Trucking complied with the requirements provided in the project specifications, and recommends that the

contract be awarded to Favalora Trucking. The Public Works Director recommends that the bid submitted by Favalora Trucking is the lowest responsive and responsible bid, and this Board so concurs and finds.

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, with copies to be made available to any party upon request.

CONSEQUENCE OF NEGATIVE ACTION:

The Public Works Department may be unable to complete routine road maintenance work in a timely manner.