



**Contra
Costa
County**

To: Board of Supervisors
From: Julia R. Bueren, Public Works Director/Chief Engineer
Date: September 27, 2016

Subject: AWARD and AUTHORIZE execution of a construction contract for the Slifer Park Improvements - Shade Structures, Discovery Bay Area. (District III)

RECOMMENDATION(S):

- (1) APPROVE the plans, specifications and design for the Slifer Park Improvements – Shade Structures, Discovery Bay Area, Project No. 7783-6X5440.
- (2) DETERMINE that the lowest monetary bidder, S.R.P. Company, has failed to document an adequate good faith effort to comply with the requirements of the County’s Outreach Program, as provided in the project specifications, and the Board FURTHER DETERMINES that S.R.P. Company’s bid is non-responsive and REJECTS the bid on that basis; and
- (3) DETERMINE that the bid submitted by McNabb Construction, Inc., has complied with the requirements of the County’s Outreach Program and has exceeded the Mandatory Subcontracting Minimum for the project, as provided in the project specifications; and FURTHER DETERMINE that McNabb Construction, Inc. has submitted the lowest responsive and responsible bid for this project.
- (4) AWARD the construction contract for the above project to McNabb Construction, Inc., in the amount of \$218,491 and DIRECT that the Public Works Director, or designee,

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **09/27/2016** ☒ 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: September 27, 2016

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

By: Stacey M. Boyd, Deputy

Contact: Jason Chen, (925)
313-2299

cc:

prepare the contract.

(5) DIRECT that McNabb Construction, Inc. shall submit two good and sufficient security bonds (performance

RECOMMENDATION(S): (CONT'D)

and payment bonds) in the amount of \$218,491 each.

(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 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) DECLARE that, should the award of the contract to McNabb Construction, Inc. 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:

Funding for this project is provided by Countywide Landscape District (LL-2) Zone 61 (100%).

BACKGROUND:

The above project was previously approved by the Board of Supervisors, plans and specifications are filed with the Board, bids were invited by the Public Works Director. On August 25, 2016, the Public Works Department received bids from the following contractors:

BIDDER

TOTAL BASE BID

S.R.P. Company	\$215,000.00
McNabb Construction, Inc.	\$218,491.00
T Amarals Done Right Construction	\$295,000.00

The Public Works Director has determined that the low bidder, S.R.P. Company, submitted a non-responsive bid by failing to document an adequate good faith effort to comply with the requirements of the County's Outreach Program, as provided in the project specifications, and the Public Works Director recommends rejection of the bid submitted by S.R.P. Company.

On September 8, 2016, S.R.P. Company was notified in writing of the Public Works Director's determination. A copy of the letter is attached to this Board Order. S.R.P. Company did not appeal the determination.

The Public Works Director has determined that McNabb Construction, Inc. documented an adequate good faith effort to comply with the requirements of the County's Outreach Program and exceeded the Mandatory Subcontracting Minimum for this project, and the Public Works Director recommends that the construction contract be awarded to McNabb Construction, Inc.

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

The Board of Supervisors previously determined that this project is exempt from the California Environmental Quality Act (CEQA), Class 3(e) Categorical Exemption, pursuant to Article 19, Section 15303(e) of the CEQA Guideline during the May 22, 2012 board meeting.

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 construction contract is not awarded, the project will not be constructed.