



**Contra  
Costa  
County**

To: Board of Supervisors  
From: Julia R. Bueren, Public Works Director/Chief Engineer  
Date: March 28, 2017

Subject: Construction Contracts for the 2017 On-Call Concrete Services Contract(s) for Various Road and Flood Control Maintenance Work, Countywide.

**RECOMMENDATION(S):**

(1) APPROVE the specifications for the 2017 On-Call Concrete Services Contract(s) for Various Road and Flood Control Maintenance Work Project, Countywide. (All Districts)

(2) DETERMINE that Kerex Engineering, Inc. (Kerex), the lowest monetary bidder, has complied with the project specifications, and FURTHER DETERMINE that Kerex has submitted the lowest responsive and responsible bid for the contract.

(3) DETERMINE that Sposeto Engineering, Inc. (Sposeto), the second lowest monetary bidder, has complied with the requirements of the project specifications, and FURTHER DETERMINE that Sposeto has submitted the second lowest responsive and responsible bid for the contract.

(4) AWARD on-call contracts to the following two contractors in the following priority for Job Orders, as provided in the project specifications:

(A) Kerex, in a not to exceed amount (\$150,000.00) and the unit prices submitted in the bid (\$60,255.00 Total Unit Price).

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **03/28/2017** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

**VOTE OF SUPERVISORS**

AYE: Candace Andersen, District II  
Supervisor  
Diane Burgis, District III  
Supervisor  
Karen Mitchoff, District IV  
Supervisor  
Federal D. Glover, District V  
Supervisor

ABSENT: John Gioia, District I  
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: March 28, 2017

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

By: Stacey M. Boyd, Deputy

Contact: Kevin Emigh,  
925.313.2233

cc:

(B) Sposeto, in a not to exceed amount (\$150,000.00) and the unit prices submitted in the bid (\$61,936.00 Total Unit Price).

(5) DIRECT that the

RECOMMENDATION(S): (CONT'D)

Public Works Director, or designee, shall prepare the contracts.

(6) ORDER that after the contractors have signed the contracts and returned them, together with any required certificates 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 contracts for this Board.

(7) 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.

(8) 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.

(9) DECLARE that, should the award of the contract to Kerex or Sposeto be invalidated for any reason, the Board would not in any event have awarded the contracts 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 contracts, for a maximum amount of \$150,000 each, will be funded by 100% Local Road and Flood Control 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 7, 2017 the Public Works Department received bids from the following contractors:

**BIDDER, TOTAL UNIT AMOUNT**

Kerex Engineering, Inc.: \$60,255.00 Total Unit Price

Sposeto Engineering, Inc.: \$61,936.00 Total Unit Price

JD Partners Concrete: \$70,725.00 Total Unit Price

CC & Company: \$89,380.00 Total Unit Price

Kerex submitted the lowest responsive and responsible bid, which is \$1,681.00 (Total Unit Price) less than the next lowest bid.

Sposeto submitted the second lowest responsive and responsible bid, which is \$8,789.00 (Total Unit Price) less than the next lowest bid.

The Public Works Director has reported that the bids submitted by Kerex and Sposeto comply with the requirements provided in the project specifications, and recommends that contracts be awarded to Kerex and Sposeto in that order. The Public Works Director recommends that the bids submitted by Kerex and Sposeto are the lowest responsive and responsible bids and this Board so concurs and finds. As provided in the project specifications, the two on-call contracts would be awarded in the following priority for Job Orders: (1) Kerex; and (2) Sposeto.

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 and flood control maintenance work in a timely manner.