



Contra
Costa
County

To: Board of Supervisors
From: Brian M. Balbas, Public Works Director/Chief Engineer
Date: August 7, 2018

Subject: Construction Contract for the Orwood Road Culvert Replacement Project, Knightsen area.

RECOMMENDATION(S):

- (1) APPROVE plans, specifications, and design for the Orwood Road Culvert Replacement Project, Knightsen area. (County Project No. 0672-6U2342) (District III)
- (2) DETERMINE that Kerex Engineering, Inc., (“Kerex”), the lowest monetary bidder, has complied with the requirements of the project specifications, and the Board WAIVES any irregularities in Kerex compliance with the requirements of the County’s Outreach Program; and FURTHER DETERMINE that Kerex has submitted the lowest responsive and responsible bid for the project.
- (3) AWARD the construction contract for the above project to Kerex in the listed amount (\$217,150.00) and the unit prices submitted in the bid, and DIRECT that Kerex 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 documents, and the Public Works Director has reviewed and found them to be sufficient,

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **08/07/2018** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I
Supervisor
Diane Burgis, District III
Supervisor
Karen Mitchoff, District IV
Supervisor
Federal D. Glover, District V
Supervisor

ABSENT: Candace Andersen, District II
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 7, 2018

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

By: Stacey M. Boyd, Deputy

Contact: Kevin Emigh,
925-313-2233

cc:

the Public Works Director, or designee, is authorized to sign the contract for this Board.

RECOMMENDATION(S): (CONT'D)

(5) ORDER that, in accordance with the project specifications and/or upon signature of the contract by the Public Works Director, or designee, and 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 Board's 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 Kerex 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 construction contract will be funded by 100% Local Road 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 July 17, 2018, the Public Works Department received bids from the following contractors:

BIDDER, TOTAL AMOUNT, BOND AMOUNTS

Kerex Engineering, Inc., \$217,150.00 Payment: \$217,150.00; Performance: \$217,150.00

The bidder listed above, Kerex, submitted the lowest responsive and responsible bid.

The Public Works Director recommends waiving any irregularities in Kerex compliance with the requirements of the County's Outreach Program, as provided in the project specifications, and the Public Works Director recommends that the construction contract be awarded to Kerex.

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

This project is covered by the California Department of Fish and Wildlife under a Routine Maintenance Agreement (RMA) under Section 1602 of the Fish and Game Code. CEQA was previously approved for all actions under the RMA and a Notice of Exemption was posted on March 1, 2011. The activities covered under the RMA consist of routine maintenance activities that pose minimal threat to water quality, and beneficial uses of the creeks within the County when appropriate Best Management Practices (BMPs) are implemented. Project-specific BMPs that will be implemented include the installation of a temporary Type ESA/Silt fence around the Environmentally Sensitive Area located at the southern drainage inlet before start of work, as well as limiting construction activities to the previously developed roadway area.

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 this project would be delayed, and the project might not be built.