



**Contra
Costa
County**

To: Board of Supervisors
From: Brian M. Balbas, Public Works Director/Chief Engineer
Date: April 9, 2019

Subject: Construction Contract for the Byron Highway Traffic Safety Improvements Project, Byron area.

RECOMMENDATION(S):

(1) APPROVE plans, specifications, and design for the Byron Highway Traffic Safety Improvements Project, Byron area. (County Project No.0662-6R4011, Federal Project No. HSIPL-5928(131) (District III)

(2) DETERMINE that A. Teichert & Son., Inc., d/b/a Teichert Construction (Teichert), the lowest apparent bidder, made a mistake in filling out its bid and gave timely notice of the mistake, and CONSENT to relieve Teichert of the bid because of the mistake, pursuant to Public Contract Code Section 5101.

(3) DETERMINE that the bid submitted by Bay Cities Paving & Grading, Inc. ("Bay Cities"), exceeded the Disadvantaged Business Enterprise (DBE) Goal for this project and that Bay Cities has submitted the lowest responsive and responsible bid for this project.

(4) AWARD the construction contract for the above project to Bay Cities in the listed amount (\$3,044,868.50) and the unit prices submitted in the bid, and DIRECT that Bay Cities shall present two good and sufficient surety bonds, as indicated below, and that the Public Works Director, or designee, shall prepare the contract.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **04/09/2019** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Candace Andersen, District II Supervisor
Diane Burgis, 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: April 9, 2019

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

By: Stacey M. Boyd, Deputy

Contact: Kevin Emigh,
925.313.2233

cc:

RECOMMENDATION(S): (CONT'D)

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

(6) 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.

(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 Contract 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) 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.

(10) DECLARE that, should the award of the contract to Bay Cities 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 18.6% Federal Highway Safety Improvement Program (HSIP) Funds and 81.4% 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 March 19, 2019, the Public Works Department received bids from the following contractors:

BIDDER, TOTAL AMOUNT, BOND AMOUNTS

A. Teichert & Son, Inc., d/b/a Teichert Construction, \$2,282,700.00

Bay Cities Paving & Grading, Inc.: \$3,044,868.50 Payment: \$3,044,868.50; Performance: \$3,044,868.50

Ghilotti Bros., Inc., \$3,350,014.00

Granite Rock Company, \$3,545,296.00

On March 21, 2019, Teichert Construction, the lowest apparent bidder, gave timely written notice to the County of a mistake made in the filling out of Teichert Construction's bid and requested to be relieved of the bid. The

Public Works Director recommends that the Board consent to relieve Teichert Construction of its bid pursuant to Public Contract Code Section 5101.

The bidder listed second above, Bay Cities, submitted the lowest responsive and responsible bid, which is \$305,145.50 less than the next lowest bid.

This is a federally funded project subject to a DBE contract goal and requirements. The Public Works Director has determined and reports that Bay Cities attained 23.7% DBE participation, which exceeds the DBE goal for this project and the Public Works Director recommends that the construction contract be awarded to Bay Cities.

The Public Works Director recommends that the bid submitted by Bay Cities, 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 (CEQA) as a Class 1(c) Categorical Exemption, and a Notice of Exemption was filed with the County Clerk on September 15, 2017.

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.