



Contra
Costa
County

To: Board of Supervisors
From: Brian M. Balbas, Public Works Director/Chief Engineer
Date: May 21, 2019

Subject: Construction Contract for the San Pablo Dam Road Sidewalk Gap Improvements Project, El Sobrante area.

RECOMMENDATION(S):

(1) APPROVE plans, specifications, and design for the San Pablo Dam Road Sidewalk Gap Improvements Project, El Sobrante area. County Project No. 0662-6R4020, Federal Project No. HSIPL 5928(133), (District I)

(2) DETERMINE that the bid submitted by Kerex Engineering, Inc. (Kerex), demonstrated adequate good faith efforts to meet the Disadvantage Business Enterprise (DBE) requirements for this project and that Kerex has submitted the lowest responsive and responsible bid for this project.

(3) AWARD the construction contract for the above project to Kerex in the listed amount (\$595,025.00) 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: **05/21/2019** ☒ 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: May 21, 2019

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 and associated fees of this project will be funded by 68% Highway Safety Improvement Program Funds, 11% Transportation Development Act Funds, and 21% 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 April 30, 2019, the Public Works Department received bids from the following contractors:

BIDDER, TOTAL AMOUNT, BOND AMOUNTS

Kerex Company, \$595,025.00; Payment: \$595,025.00; Performance: \$595,025.00

ERA Construction, Inc., \$609,907.90

W.R. Forde Associates, Inc., \$622,222.00

Gruendl, Inc. d/b/a Ray's Electric, \$902,900.00

The bidder listed first above, Kerex, submitted the lowest responsive and responsible bid, which is \$14,882.90 less than the next lowest bid.

This is a federally funded project subject to a Disadvantaged Business Enterprise (DBE) contract goal and requirements. The Public Works Director reports that the lowest monetary bidder, Kerex, attained DBE participation of 8.4% and submitted adequate documentation of good faith efforts to meet the DBE goal (18.00%) and requirements for this project. The Public Works Director recommends that the Board determine that Kerex has demonstrated adequate good faith efforts to meet the DBE goal for this project and has complied with the DBE requirements for this project and 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.

The Board of Supervisors previously determined that the project is exempt from the California Environmental Quality Act (CEQA) as a Class 1c Exemption, and a Notice of Exemption was filed with the County Clerk on July 18, 2016.

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.