



**Contra  
Costa  
County**

To: Board of Supervisors  
From: Brian M. Balbas, Public Works Director/Chief Engineer  
Date: March 31, 2020

Subject: Construction Contract for the San Pablo Dam Road Traffic Safety Improvements Project, Orinda and Richmond areas.

**RECOMMENDATION(S):**

(1) APPROVE plans, specifications, and design for the San Pablo Dam Road Traffic Safety Improvements Project, Orinda and Richmond area. County Project No. 0662-6R4151, Federal Project No. HSIPL-5928(142) (District I and II)

(2) DETERMINE that Sposeto Engineering, Inc. ("Sposeto Engineering"), the lowest monetary bidder, submitted a non-responsive bid by failing to comply with the requirements of the County's Disadvantaged Business Enterprise ("DBE") Program, as provided in the project specifications; and REJECT the bid on that basis.

(3) DETERMINE that FBD Vanguard Construction, Inc. ("FBD Vanguard"), the second lowest monetary bidder, has complied with the requirements of the County's DBE Program for this project as provided in the project specifications; and FURTHER DETERMINE that FBD Vanguard has submitted the lowest responsive and responsible bid for this project.

(4) AWARD the construction contract for the above project to FBD Vanguard in the listed amount (\$1,270,202.80: Base Bid plus Additive No. 1) and the unit prices submitted in the bid, and DIRECT that FBD Vanguard shall present two good and sufficient surety bonds, as

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **03/31/2020** ☒ 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: March 31, 2020

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

By: Stacey M. Boyd, Deputy

Contact: Kevin Emigh  
925-313-2233

cc:

indicated below, and that the Public Works Director, or designee, shall prepare the contract.

#### 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, and 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 FBD Vanguard 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 65% HSIP Grant Funds and 35% 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 February 18, 2020, the Public Works Department received bids from the following contractors:

BIDDER, TOTAL AMOUNT, BOND AMOUNTS

Sposeto Engineering, Inc., \$1,215,651.50

FBD Vanguard Construction, Inc., \$1,270,202.80; Payment: \$1,270,202.80; Performance: \$1,270,202.80

CF Contracting, Inc., \$1,381,542.50

Ghilotti Bros., Inc., \$1,421,335.00

This is a federally funded project subject to the County's Disadvantaged Business Enterprise (DBE) Program's goals and requirements. The Public Works Director has determined and reports that the lowest monetary bidder, Sposeto Engineering, failed to meet the 16% DBE goal for this project and failed to submit an adequate good faith effort to comply with the requirements for this project. The Public Works Director recommends rejection of the bid submitted by Sposeto Engineering.

The second bidder listed above, FBD Vanguard, submitted the lowest responsive and responsible bid, which is \$111,340.30 less than the next lowest bid.

On March 4, 2020 Sposeto Engineering was notified in writing of the Public Work Director's determination (see Attachment A). Sposeto Engineering did not appeal the determination, as provided in the project specifications.

The Public Works Director has determined that FBD Vanguard exceeded the DBE goal for this project and recommends that the construction contract be awarded to by FBD Vanguard.

The Public Works Director recommends that the bid submitted by FBD Vanguard is the lowest responsive and responsible bid, which is \$111,339.70 less than the next lowest 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 15301(c) Categorical Exemption, and a Notice of Exemption was filed with the County Clerk on January 17, 2019.

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.