



**Contra  
Costa  
County**

To: Contra Costa County Fire Protection District Board of Directors  
 From: Lewis T. Broschard III, Chief, Contra Costa Fire Protection District  
 Date: January 19, 2021

Subject: Construction Contract for New Fire Station 86 at 10 Goble Drive in Bay Point

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**RECOMMENDATION(S):**

APPROVE the plans, specificaitons, and design for the above Project.

DETERMINE that the bid submitted by C. Overaa & Co. (Overaa) complies with all requirements of the Project specifications, including the requirements of the County's Outreach Program.

WAIVE any minor irregularities in Overaa's bid.

FURTHER DETERMINE that Overaa has submitted the lowest responsive and responsible bid for the Project.

CONFIRM the rejection and denail of the bid protest submitted by D.L. Falk Construction Inc, the second lowest bidder.

AWARD the construction contract for the above project to Overaa (Contractor), in the listed amount (\$9,579,000) submitted in the bid, and DIRECT the Fire Chief, or designee, to prepare the contract.

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☒ APPROVE

☐ OTHER

☐ RECOMMENDATION OF CNTY  
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

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Action of Board On: **01/19/2021** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

**VOTE OF SUPERVISORS**

AYE: John Gioia, Director  
 Candace Andersen, Director  
 Diane Burgis, Director  
 Karen Mitchoff, Director  
 Federal D. Glover, Director

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: January 19, 2021

Monica Nino, County Administrator and Clerk of the Board of Supervisors

Contact: Aaron McAlister, Deputy  
 Fire Chief (925) 383-5003

By: June McHuen, Deputy

cc:

DIRECT that Overaa shall submit two good and sufficient surety bonds (performance and payment bonds) in the amount of \$9,579,000 each.

### RECOMMENDATION(S): (CONT'D)

>ORDER that, after the Contractor has signed the contract and returned it, together with the bonds, certificate of insurance, and other required documents, and the Fire Chief has reviewed and found them to be sufficient, the Fire Chief, or designee, is authorized to sign the contract for this Board.

ORDER that, in accordance with the project specifications and upon signature of the contract by the Fire Chief, or designee, any bid bonds posted by the bidders are to be exonerated and any checks or cash submitted for bid security shall be returned.

ORDER that the Fire Chief, or designee, sign any escrow agreements prepared for this Project to permit the direct payment of retention into escrow or the substitution of securities for moneys withheld by the District to ensure performance under the contract, pursuant to Public Contract Code Section 22300.

AUTHORIZE the Fire Chief, or designee, to order changes or additions to the work in a total amount not to exceed \$957,900 (i.e., 10% of the contract award amount).

DELEGATE, pursuant to Labor Code Section 6705, to the Fire Chief or to any registered civil or structural engineer employed by the District, 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.

DELEGATE to the Fire Chief, Public Works Director, or designee, the authority to approve requests for subcontractor substitution pursuant to Public Contract Code Section 4107.

DECLARE that, should the award of the contract to Overaa 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 bids. 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:

This project will be financed by lease revenue bonds, approved by the Board on December 15, 2020. The debt service for these bonds will be paid by a combination of revenue from development impact fees and the Contra Costa County Fire Protection District general operating fund over a 20 year period.

### BACKGROUND:

Fire Station 86 is presently located at 3000 Willow Pass Road in Bay Point. The Fire Station is in excess of 60 years old and is too small to accommodate the needs of the modern fire service. The layout consists of multiple unconnected buildings used for various purposes. This station itself is believed to contain asbestos, requiring remediation for even the smallest of modifications to the structure. Ownership of the new site predates the annexation of Riverview Fire Protection District. This project has had several starts and stops over the decades. This fire station will serve Bay Point and the adjacent City of Pittsburg. The Pittsburg area south of Highway 4 has seen significant growth in recent year. This growth is anticipated to continue.

On January 16, 2018, the District contracted with RRM Design Group to develop plans and specifications for a fire station at this location. On January 22, 2020, this Project was approved by the Contra Costa County Department of Conservation and Development with a Mitigated Negative Declaration pursuant to the California Environmental Quality Act (CEQA). The Mitigated Negative Declaration having been posted and no legal challenge having been filed within the time allowed by law, this Project fully complies with CEQA. The new station will house one engine company but will be capable of housing a second crew for red flag fire weather events or expansion of services in the future. The facility will comply with seismic standards as well as ADA requirements. The station will provide fire protection for the community over the next fifty years and provide personnel with the components, systems, and features found in modern fire stations. The new Fire Station 86 will be a 10,800 square foot, single-story structure (5,100 square foot living area and 5,700 square foot apparatus bay) including, but not limited to, three (3) apparatus bays, kitchen, seven firefighter dormitories across from three restrooms, offices, training, exercise, decontamination, storage, day and dining rooms, along with all associated heating and cooling, electrical, civil site work, and landscaping. The site includes visitor parking spaces, secured firefighter parking in the back, an emergency power generator, and an onsite fuel tank. The project will also include a photovoltaic roof system and has been designed to meet LEED Silver equivalency per the County's standard for public buildings.

On October 13, 2020, this Board approved the design and bid documents for the construction of the Project and authorized the solicitation of bids in accordance with Public Contract Code Section 22037. Bids were received and opened by the Public Works Department on December 10, 2020, and the bid results are as follows:

#1 Bidder: C. Overaa & Co., Richmond, CA. \$9,579,000

#2 Bidder: D.L. Falk Construction Inc., Hayward, CA. \$9,714,000

#3 Bidder: Alten Construction, Inc., Richmond, CA. \$10,088,000

County Public Works Department staff has thoroughly reviewed the bids and determined that Overaa's bid is responsive and that Overaa has documented an adequate good faith effort to comply with the requirements of the County's Outreach Program, as provided in the Project specifications. Staff recommends that the construction contract for this Project be awarded to Overaa Construction Inc., the lowest, responsible bidder, in the amount of \$9,579,000, as listed in Overaa's bid.

On December 14, 2020, Falk, which submitted the second lowest bid at a price \$135,000 higher than Overaa's, submitted a written bid protest to the County challenging three subcontractors listed in Overaa's bid (see Attachment A). After thoroughly reviewing and investigating Falk's bid protest, the Public Works Director, on January 5, 2021, sent a letter rejecting and denying the bid protest as defective and invalid for failure to sign it under penalty of perjury, as required by the Project specifications, and concluding that, even if the bid protest had complied with the Project specifications and could somehow be considered, it had no merit because the alleged deficiencies were being cured, as allowed by law, did not exist, or at most would be considered minor irregularities that could be easily waived by this Board (see Attachment B). Falk did not appeal rejection of the bid protest and, pursuant to the Project specifications, has waived any right to further pursue the bid protest. Staff recommends that the Board confirm the rejection and denial of Falk's bid protest.

CONSEQUENCE OF NEGATIVE ACTION:

If the Project is not approved, a new fire station will not be constructed, potentially impacting future emergency response in the area. Alternatively, if the District is directed to proceed under a different course of action, delays would be added to the construction timeline increasing cost due to escalation.