



**Contra
Costa
County**

To: Board of Supervisors
From: Brian M. Balbas, Public Works Director/Chief Engineer
Date: March 23, 2021

Subject: Construction Contract for the Lower Walnut Creek Restoration Project, Martinez area.

RECOMMENDATION(S):

- (1) APPROVE plans, specifications, and design for the Lower Walnut Creek Restoration Project, Martinez area. (County Project No. 7520-6B8285) (District V)
- (2) DETERMINE that the bid submitted by Four M Contracting, Inc., the lowest monetary bidder, has complied with the requirements of the project specifications; and FURTHER DETERMINE that Four M Contracting, Inc. has submitted the lowest responsive and responsible bid for the project.
- (3) AWARD the construction contract for the above project to Four M Contracting, Inc. in the listed amount (\$11,285,000.00) and the unit prices submitted in the bid, and DIRECT that Four M Contracting, Inc. shall present two good and sufficient surety bonds, as indicated below, and that the Chief Engineer, 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 Chief Engineer has reviewed and found them to be sufficient, the Chief Engineer, or designee, is authorized to sign the contract for this Board.

☒ APPROVE ☐ OTHER
☒ RECOMMENDATION OF CNTY ADMINISTRATOR ☐ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **03/23/2021** ☒ 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 23, 2021

Monica Nino, 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, in accordance with the project specifications and/or upon signature of the contract by the Chief Engineer, or designee, any 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 Chief Engineer, 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 Chief Engineer, or designee, the Board's functions under Public Contract Code Sections 4107 and 4110.

(8) DELEGATE, pursuant to Labor Code Section 6705, to the Chief Engineer 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 Four M Contracting, Inc., 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 Project will be funded by Flood Control Zone 3B funds (1%) and a collection of federal, state and local grants (99%). Grant funders include the US Environmental Protection Agency (7%), the San Francisco Bay Restoration Authority (45%), the Wildlife Conservation Board (8%), the National Coastal Wetlands Conservation Fund (6%), the State Department of Water Resources, Integrated Regional Water Management Program (9%), the National Fish and Wildlife Foundation (9%), the California Department of Fish and Wildlife (CDFW) Greenhouse Gas Fund (6%), and CDFW Proposition 1 (9%).

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 Chief Engineer. On February 23, 2021, the Flood Control and Water Conservation District (District) received bids from the following contractors:

BIDDER, TOTAL AMOUNT, BOND AMOUNTS

Four M Contracting, Inc.: \$11,285,000.00; Payment: \$11,285,000.00; Performance:

\$11,285,000.00
Suulutaaq, Inc., \$11,697,950.00
Maggiora & Ghilotti, Inc., \$12,555,555.00
Gordon N. Ball, Inc., \$13,608,250.00
The Dutra Group, \$15,084,167.00
Granite Rock Company, \$15,230,999.00
Ghilotti Construction Co., Inc., \$16,327,852.50
Ghilotti Bros., Inc., \$16,879,657.00
Goodfellow Bros. CA LLC, \$19,119,119.00

The Chief Engineer recommends that the construction contract be awarded to Four M Contracting, Inc.

The Chief Engineer recommends that the bid submitted by Four M Contracting, Inc., is the lowest responsive and responsible bid, which is \$412,950.00 less than the next lowest bid, and this Board concurs and so finds.

The Board of Supervisors previously adopted the Mitigated Negative Declaration and Mitigation and Monitoring Reporting Program in compliance with the California Environmental Quality Act (CEQA) and a Notice of Determination was filed with the County Clerk on November 21, 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 the project would be delayed, and the project might not be built.