



Contra  
Costa  
County

To: Board of Supervisors

From: Brian M. Balbas, Public Works Director/Chief Engineer

Date: June 8, 2021

Subject: AWARD The Happy Valley Road Embankment Repair Project

**RECOMMENDATION(S):**

(1) APPROVE plans, specifications, and design for the Happy Valley Road Embankment Repair Project, Lafayette area. County Project No. 0662-6U6215, Federal Project No. ER-32L0(550) (District II)

(2) DETERMINE that the bid submitted by Azul Works, Inc. ("Azul") exceeded the Disadvantaged Business Enterprise (DBE) goal for this project as provided in the project specifications; and FURTHER DETERMINE that Azul has submitted the lowest responsive and responsible bid for this project.

(3) AWARD the construction contract for the above project to Azul in the listed amount (\$507,770.00) and the unit prices submitted in the bid, and DIRECT that Azul 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: **06/08/2021** ☒ 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: June 8, 2021

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

By: Stacey M. Boyd, Deputy

Contact: Xiuwei Tang,  
925.313.2105

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, 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 Azul 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 88.5% federal Emergency Relief Funds (FHWA) and 11.5% 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 May 18, 2021, the Public Works Department received bids from the following contractors:

### **BIDDER, TOTAL AMOUNT, BOND AMOUNTS**

Azul Works, Inc.: \$507,770.00; Payment: \$507,770.00; Performance: \$507,770.00

Granite Rock Company: \$538,439.50

Kerex Engineering, Inc.: \$564,705.00

Bridgeway Civil Constructors, Inc.: \$578,453.60

The first bidder listed above, Azul, submitted the lowest responsive and responsible bid, which is \$30,669.50 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, Azul, attained DBE participation of 13.8% exceeding the DBE goal (13.00%) for this project. The Public Works Director recommends that the Board determine that Azul has complied with the DBE requirements for this project and recommends that the construction contract be awarded to Azul.

The Board of Supervisors previously determined that the project is exempt from the California Environmental Quality Act (CEQA) as a 15301 Class 1(c) Categorical Exemption, and a Notice of Determination was filed with the County Clerk on April 7, 2020.

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.