



Contra
Costa
County

To: Board of Supervisors
From: Brian M. Balbas, Public Works Director/Chief Engineer
Date: March 1, 2022

Subject: Construction Contract for the Byron Highway at Byer Road Safety Improvements Project, Byron area.

RECOMMENDATION(S):

(1) APPROVE plans, specifications, and design for the Byron Highway at Byer Road Safety Improvements Project, Byron area. County Project No. 0662-6R4147, Federal Project No. HSIPL-5928(143)

(2) DETERMINE that GradeTech Inc. ("GradeTech"), 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 Granite Rock Company ("Granite Rock"), 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 Granite Rock has submitted the lowest responsive and responsible bid for this project.

(4) AWARD the construction contract for the above project to Granite Rock in the listed amount (\$997,714.00) and the unit prices submitted in the bid, and DIRECT that Granite Rock shall present two good and sufficient surety bonds, as indicated below, and that the

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **03/01/2022** ☒ 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 1, 2022

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

By: Stacey M. Boyd, Deputy

Contact: Adelina Huerta, (925)
313-2305

cc:

Public Works Director, or designee, shall prepare the contract.

(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.

RECOMMENDATION(S): (CONT'D)

(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 Granite Rock 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 22% Highway Safety Improvement (HSIP) Grant Funds, 58% Discovery Bay West Mitigation Funds, 6% Discovery Bay Area of Benefit (AOB) Funds, and 14% East County AOB 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 January 25, 2022, the Public Works Department received bids from the following contractors:

BIDDER, TOTAL AMOUNT, BOND AMOUNTS

GradeTech Inc., \$958,947.50

Granite Rock Company, \$997,714.00; Payment: \$997,714.00; Performance: \$997,714.00

McGuire and Hester., \$1,009,557.00

Dirt Dynasty, Inc., \$1,195,310.50

Kerex Engineering, Inc., \$1,226,502.00

Gruendl Inc. dba Ray's Electric, \$1,538,043.90

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, GradeTech, achieved 11.4% DBE participation, which failed to meet the 17% 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 GradeTech.

The second bidder listed above, Granite Rock, submitted the lowest responsive and responsible bid, which is \$11,843.00 less than the next lowest bid.

On February 7, 2022 GradeTech was notified in writing of the Public Work Director's determination that their bid was non-responsive for failure to comply with the DBE requirements of the project specifications (see Attachment A). GradeTech did not appeal the determination, as provided in the project specifications.

The Public Works Director has determined that Granite Rock achieved DBE participation of 21.5%, which exceeded the DBE goal for this project, and recommends that the construction contract be awarded to by Granite Rock.

The Public Works Director recommends that the bid submitted by Granite Rock is the lowest responsive and responsible bid, which is \$11,843.00 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 December 6, 2018.

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.

ATTACHMENTS

Attachment A

