



Contra  
Costa  
County

To: Board of Supervisors  
From: Julia R. Bueren, Public Works Director  
Date: January 24, 2012

Subject: Award of Construction Contract for the Iron Horse Corridor Landscaping at Walden Green, Phase 2

### **RECOMMENDATION(S):**

1. APPROVE the plans, specifications, and design for the subject project.
2. AWARD a contract in the amount of \$536,019 (Base Bid and Additive Alternates #1 through 5) to Clearly Bros. Landscape, Inc. ("Clearly Bros."), the lowest responsive and responsible bidder for the subject project; and DIRECT the Director of Public Works, or designee, to prepare the contract.
3. DETERMINE that Clearly Bros. has documented an adequate good faith effort to comply with the specifications and the requirements of the County's Outreach Program in connection with the above contract and WAIVE any irregularities in such compliance.
4. DIRECT that Clearly Bros. shall submit two good and sufficient surety bonds (performance and payment bonds), each in the amount of \$536,019.
5. ORDER that, after Clearly Bros. has signed the contract and returned it, together with the bonds, evidence of insurance, and other required documents, and the Director of Public Works has reviewed and found them to be sufficient, the Director of Public Works, or

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **01/24/2012** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

#### **VOTE OF SUPERVISORS**

AYE: John Gioia, District I  
Supervisor  
Gayle B. Uilkema, District II  
Supervisor  
Mary N. Piepho, 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: January 24, 2012

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

By: June McHuen, Deputy

Contact: Rob Lim, (925)  
313-7200

cc:

designee, is authorized to sign the contract for this Board.

RECOMMENDATION(S): (CONT'D)

6. AUTHORIZE the Director of Public Works, or designee, to exonerate any bid bonds posted by the bidders after execution of the above contract.
7. AUTHORIZE the Director of Public Works, or designee, to sign any escrow agreement prepared for this project to permit the direct payment of retentions into escrow or the substitution of securities for monies withheld by the County to ensure performance under the contract, pursuant to Public Contract Code Section 22300.
8. AUTHORIZE the Director of Public Works, or designee, to order changes or additions to the work pursuant to Public Contract Code Section 20142.
9. DELEGATE, pursuant to Public Contract Code Section 4114, the Board's function under Public Contract Code Sections 4107 and 4110, with regards to subletting and subcontracting, to the Director of Public Works, or designee.
10. DELEGATE, pursuant to Labor Code Section 6705, to the Director of Public Works 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.
11. DECLARE that, should the award of a contract to Clearly Bros. 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 herein shall prevent the Board from re-awarding a 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 in accordance with Public Contract Code Sections 5100-5107.

FISCAL IMPACT:

No General Funds are involved. Funding is provided by the Redevelopment Agency and County Park Dedication Fees.

BACKGROUND:

The adoption of the Contra Costa Centre Area Specific Plan by the Board of Supervisors in October 1998 provided for the conversion of the Iron Horse Corridor (the former Southern Pacific right-of-way) to a linear green between Treat Boulevard and Mayhew Road to the north. Portions of this corridor are also reserved for a future fixed guideway (transit) use, but may be landscaped in the interim. The Iron Horse Trail is located within the corridor.

In 2005, construction was completed on the first phase of the linear greenway ("Walden Green Phase I"), between Treat Boulevard and Coggins Drive. The Walden Green Phase II Project extends the linear greenway from Coggins Drive to Mayhew Way, a length of approximately 1/4 mile. As with the Walden Green Phase I Project, Phase II has been designed in conjunction with a community advisory committee that was authorized by the Board of Supervisors on March 23, 2010. The design is consistent with the design guidelines and requirements of the County's Iron Horse Corridor Management Program, the licenses and easements for utilities within the corridor, and the County contract with the State of California to preserve the corridor for future transit use. The Phase II project involves landscape and trail improvements, including the use of native and drought resistant plants.

Plans and specifications for the Phase II project have been prepared for the General Services Department by Philip Singer, Landscape Architect and filed with the Clerk of the Board by the General Services Deputy Director.

Six bids were received and opened by the General Services Department on September 15, 2011, and the bid results are as follows:

Bidder	Base Bid	Add Alt. #1	Add Alt. #2	Add Alt. #3	Add Alt. #4	Add Alt. #5	Total (Base Bid + All Alts.)
Clearly Bros. Landscape, San Ramon	\$437,719	\$5,775	\$11,250	\$10,740	\$32,629	\$37,906	<b>\$536,019</b>
Robert A. Bothman, Inc., San Jose	\$498,935	\$1,670	\$3,000	\$3,200	\$25,000	\$44,850	<b>\$576,655</b>
Clean Cut Landscape, Clovis	\$537,603	\$1,100	\$1,000	\$1,000	\$46,817	\$33,083	<b>\$620,603</b>

Green Valley Landscape, Livermore	\$526,600	\$2,100	\$2,800	\$3,100	\$28,000	\$70,000	<b>\$632,600</b>
Elite Landscape, Inc., Clovis	\$591,120	\$7,040	\$1,500	\$950	\$39,950	\$21,500	<b>\$662,060</b>
Suarez & Munoz, Hayward	\$569,000	\$2,600	\$5,800	\$10,200	\$38,400	\$55,900	<b>\$681,900</b>

All Base Bids were below the architect's Base Bid estimate of \$675,000. Clearly Bros. submitted the lowest responsive and responsible bid, which, including all of the alternates, is \$40,636 lower than the bid submitted by the next lowest bidder (Robert A. Bothman, Inc.). Staff recommends that the contract, including the Base Bid work plus Additive Alternates #1 through 5, be awarded to Clearly Bros. for a total award amount of \$536,019.

Clearly Bros. has submitted its documentation of good faith efforts to comply with the specifications and requirements of the County's Outreach Program. Staff has reviewed the documentation and has determined that Clearly Bros. documented an adequate good faith effort to comply with the requirements of the Outreach Program, and staff recommends that the Board so determine and waive any irregularities relating to the Outreach documentation.

The general prevailing wage rates, which shall be the minimum rates paid on this project, are on file with the Clerk of the Board, and copies are available to any party upon request.

**CONSEQUENCE OF NEGATIVE ACTION:**

Without Walden Green Phase II, the linear greenway portion of the Contra Costa Centre Area Specific Plan adopted by the Board will remain incomplete.

**CHILDREN'S IMPACT STATEMENT:**

None.