



**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 Solar Photovoltaic System at 746 Loring Avenue, Crockett

RECOMMENDATION(S):

1. APPROVE the design, plans, and specifications for the above project.
2. DETERMINE that the project is exempt from the California Environmental Quality Act (CEQA) as a Section 15301, Class 1d Categorical Exemption; DIRECT the Director of Conservation and Development, or designee, to promptly file a Notice of Exemption with the County Clerk; and DIRECT the Director of Public Works, or designee, to arrange for payment of the \$25 handling fee to the County Clerk for filing the Notice of Exemption and a \$25 handling fee to the Department of Conservation and Development for processing costs.
3. DETERMINE that the bid submitted by RBT Electric was non-responsive; and REJECT the bid on that basis.
4. AWARD the construction contract for the above project in the amount of \$108,800 to Synapse Electric ("Synapse"), the lowest responsive and responsible bidder for the subject project; and DIRECT the Director of Public Works, or designee, to prepare the contract.
5. DIRECT that Synapse shall submit two good and sufficient surety bonds (performance

☒ 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

bond and payment bond) in the amount of

RECOMMENDATION(S): (CONT'D)

\$108,800.

6. ORDER that, after Synapse 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 them and found them to be sufficient, the Director of Public Works, or designee, is authorized to sign the contract for this Board.

7. AUTHORIZE the Director of Public Works, or designee, to exonerate any bid bonds posted by the bidders after execution of the above contract.

8. AUTHORIZE the Director of Public Works, or designee, to sign any escrow agreements 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.

9. AUTHORIZE the Director of Public Works, or designee, to order changes or additions to the contract work pursuant to Public Contract Code Section 20142.

10. 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.

11. DECLARE that, should the award of a contract to Synapse 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:

Funding for the contract is from the Bay Area Air Quality Management District's ("BAAQMD") Greenhouse Gas Reduction Grant Program (73%) and Fire District funds (27%). The solar photovoltaic system is expected to generate 655,000 kWh and save \$153,000 in electricity costs over 20 years. District funds for this project will be paid back in 5 years through anticipated energy savings.

BACKGROUND:

The Crockett-Carquinez Fire District was awarded a grant from the BAAQMD through its Greenhouse Gas Reduction Grant Program ("GGRGP"). The grant is to be used for energy efficient improvements which includes solar photovoltaic systems.

Bids were received by the General Services Department on October 27, 2011, and the bid results are as follows:

<u>BIDDERS</u>	<u>BASE BID</u>
RBT Electric	\$99,500 (non-responsive)
Synapse Electric	\$108,800
Premier Power	\$120,597
K2 Solar	\$148,346

The construction cost estimate for this project was \$98,000. Since the estimated cost was below \$100,000, informal bidding was used pursuant to the Public Contract Code and the County's Outreach Program requirements did not apply.

In evaluating the apparent low bid submitted by RBT Electric ("RBT"), it was determined that RBT had omitted required information, including cash flow calculations, a schedule, and specifications for the proposed system components. Because of the omission of required information, RBT's bid was deemed non-responsive. The next apparent low bid submitted by Synapse Electric ("Synapse") was evaluated and determined to be responsive.

A letter was previously sent to RBT notifying them of the above deficiencies with their bid and affording RBT an opportunity to appeal their disqualification. No appeal was submitted.

Synapse's bid is \$11,797 less than the next low bidder but \$ 10,800 over the estimate. However, the Fire District has confirmed they have the funds to cover the difference. While Synapse's bid exceeds the County's limit for informal bidding (\$100,000), Public Contract Code Section 22034 allows for a 10% overage (i.e., a contract award of up to \$110,000) if approved by the Board of Supervisors. Staff recommends that the Board reject as non-responsive the bid submitted by RBT and award the construction contract for this project to Synapse in the amount of \$108,800.

The general prevailing rates of wages, 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.

On October 21, 2011, the Department of Conservation and Development determined that the Project is categorically exempt from the California Environmental Quality Act (CEQA) per Section 15301, Class 1d, of the CEQA Guidelines.

CONSEQUENCE OF NEGATIVE ACTION:

Failure to award the construction contract for the solar photovoltaic system would mean continued higher electricity bills and potential loss of grant funding from BAAQMD.

CHILDREN'S IMPACT STATEMENT:

Not applicable.