



BOARD OF SUPERVISORS
 AGENDA LETTER
 Clerk of the Board of Supervisors
 105 E. Anapamu Street, Suite 407
 Santa Barbara, CA 93101
 (805) 568-2240

Agenda Number:

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COUNTY OF SANTA BARBARA
 CLERK OF THE
 BOARD OF SUPERVISORS

Department Name: Public Works
 Department No.: 054
 For Agenda of: 11/02/2021
 Placement: Administrative
 Estimated Tme: N/A
 Continued Item: No
 If Yes, date from:
 Vote Required: Majority

21-00977x

TO: Board of Supervisors
 Board of Directors, Laguna County Sanitation District Board of Directors, Flood Control and Water Conservation District
 Board of Directors, Water Agency

FROM: Department Director Scott D. McGolpin, P.E. Director, (805) 568-3010

Contact Info: Leslie Wells, Deputy Director, (805) 882-3605
 Chris Sneddon, Deputy Director, (805) 568-3005
 Thomas D. Fayram, Deputy Director, (805) 568-3436

SUBJECT: Authorization of Public Works Director to Preside over Subcontractor Substitution Hearings, All Supervisorial Districts

County Counsel Concurrence

As to form: Yes

Auditor-Controller Concurrence

As to form: N/A

Recommended Actions:

That the Board of Supervisors:

- a) Adopt a resolution that duly authorizes the Public Works Director, or Director's designee, to consent to requests to substitute subcontractors and, when a written objection is filed by the listed subcontractor, to preside over hearings to consider the substitution of subcontractors pursuant to California Public Contract Code Section 4107; and
- b) Find that the proposed action does not constitute a "Project" within the meaning of the California Environmental Quality Act, pursuant to 14 CCR 15378 (b)(5), in that it is a government administrative activity that will not result in direct or indirect changes in the environment.

That the Board of Directors of Laguna County Sanitation District:

- c) Adopt a resolution that duly authorizes the Public Works Director, or Director's designee, to consent to requests to substitute subcontractors and, when a written objection is filed by the listed subcontractor, to preside over hearings to consider the substitution of subcontractors pursuant to California Public Contract Code Section 4107; and

- d) Find that the proposed action does not constitute a “Project” within the meaning of the California Environmental Quality Act, pursuant to 14 CCR 15378 (b)(5), in that it is a government administrative activity that will not result in direct or indirect changes in the environment.

That the Board of Directors of the Santa Barbara County Flood Control and Water Conservation District:

- e) Adopt a resolution that duly authorizes the Public Works Director, or Director’s designee, to consent to requests to substitute subcontractors and, when a written objection is filed by the listed subcontractor, to preside over hearings to consider the substitution of subcontractors pursuant to California Public Contract Code Section 4107; and
- f) Find that the proposed action does not constitute a “Project” within the meaning of the California Environmental Quality Act, pursuant to 14 CCR 15378 (b)(5), in that it is a government administrative activity that will not result in direct or indirect changes in the environment.

That the Board of Directors of the Santa Barbara County Water Agency:

- g) Adopt a resolution that duly authorizes the Public Works Director, or Director’s designee, to consent to requests to substitute subcontractors and, when a written objection is filed by the listed subcontractor, to preside over hearings to consider the substitution of subcontractors pursuant to California Public Contract Code Section 4107; and
- h) Find that the proposed action does not constitute a “Project” within the meaning of the California Environmental Quality Act, pursuant to 14 CCR 15378 (b)(5), in that it is a government administrative activity that will not result in direct or indirect changes in the environment.

Summary Text:

This item is on the agenda to authorize the Public Works Director or Director’s designee to consent to requests to substitute subcontractors and, when a written objection is filed by the listed subcontractor, to preside over hearings to consider the substitution of subcontractors pursuant to California Public Contract Code Section 4107.

Background:

The “Subletting and Subcontracting Fair Practices Act” as codified in California Public Contract Code §4100 et seq., is intended to prevent bid shopping and bid peddling in connection with the construction, alteration, and repair of public improvements. This law requires prime contractors to list in their bids subcontractors performing an amount in excess of one-half of 1 percent (0.5%) of the prime contractor’s total bid (or in excess of \$10,000 if transportation related work). Listed subcontractors may not be substituted except for certain reasons as enumerated in §4107. This action duly authorizes the Public Works Director, or designee, to consent to requests to substitute a subcontractor. Prior to such consent, the listed subcontractor has the opportunity to file a written objection to the requested substitution, which would trigger a hearing on the request for the substitution. This action authorizes the Public Works Director, or designee, to act as the hearing officer at any subcontractor substitution hearing that may be necessary as related to any Public Works Department contract including those under the Laguna County Sanitation District, the Flood Control and Water Conservation District and the Water Agency.

Fiscal and Facilities Impacts:

There is no fiscal or financial impact with this action.

Special Instructions:

Original documents are to be filed with the Clerk of the Board.

Please forward a certified, stamped Minute Order approving the resolution, as well as copies of the fully executed resolutions to:

Public Works, Laguna County Sanitation District, Attn: Martin Wilder
North County Public Works Office, 620 West Foster Road, Santa Maria, CA 93455.

Attachments:

Resolutions for:

Att. A Public Works Department

Att. B Laguna County Sanitation District

Att. C Flood Control and Water Conservation District

Att. D Water Agency

Authored by:

Martin Wilder, P.E., Utilities Manager, (805) 803-8755

Copy:

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