



one COUNTY | one FUTURE

Legislation Details (With Text)

File #: 11-00705 **Version:** 2

Type: Agenda Item **Status:** Passed

File created: 9/1/2011 **In control:** BOARD OF SUPERVISORS

On agenda: 10/4/2011 **Final action:** 10/4/2011

Title: HEARING - Consider recommendations regarding the Seismic Retrofit of the San Marcos Road Bridge No. 51C-002 at Maria Ygnacia Creek, Federal Project No. BRLSZD-5951(090), County Project No. 862275, Second District, as follows: (EST. TIME: 30 MIN.)

a) Approve the plans and specifications for the Seismic Retrofit of San Marcos Road Bridge No. 51C-002 at Maria Ygnacia Creek;

b) Consider the bid protest of Souza Construction, Inc. (Souza), and the response of Brough Construction, Inc. (Brough) and follow the recommendation of staff and the County Executive Office, as follows:

i) Find that the good faith Underutilized Disadvantaged Business Enterprise (UDBE) efforts of Brough met the requirements of the bid documents;

ii) Find the bid protest of Souza to be without merit;

iii) Award the Construction Contract in the amount of \$737,911.50 to the lowest responsible bidder, Brough Construction, Inc. (a Tri-County Vendor), 634 Prinz Road, Arroyo Grande, California 93420, subject to the provision of documents and certifications, as set forth in the plans and specifications applicable to the project, and as required under California Law; and

iv) Approve a contingency fund of \$49,395.58 for the Seismic Retrofit of San Marcos Road Bridge No. 51C-002 at Maria Ygnacia Creek;

Or, consider the alternative, as follows:

c) Consider the bid protest of Souza Construction, Inc. (Souza), and the response of Brough Construction, Inc. (Brough) and act as follows:

i) Find that Brough's bid is non-responsive based on a lack of good faith UDBE efforts;

ii) Uphold the protest of Souza;

iii) Award the Construction Contract in the amount of \$789,473.54 to the lowest responsible bidder, Souza Engineering Contracting, (a Tri-County Vendor), P.O. Box 3810, San Luis Obispo, CA 93403, subject to the provision of documents and certifications, as set forth in the plans and specifications applicable to the project, and as required under California Law; and

iv) Approve a contingency fund of \$51,973.68 for the Seismic Retrofit of San Marcos Road Bridge No. 51C-002 at Maria Ygnacia Creek;

d) Approve and authorize the Chair to execute the Construction Contract upon return of the Contractor's executed contract documents, and the review and approval of County Counsel, Auditor-Controller, and Risk Management or their authorized representatives; and

e) Find that the proposed action is for the maintenance and minor alteration of an existing public structure, involving negligible, or no expansion of use beyond that which presently exists, and that the

proposed action is therefore exempt from CEQA pursuant to 14 CCR 15301.

COUNTY EXECUTIVE OFFICER'S RECOMMENDATION: POLICY

Sponsors: PUBLIC WORKS DEPARTMENT

Indexes:

Code sections:

Attachments: 1. Board Letter 9/13/11, 2. Draft Contract, 3. Continuance Memorandum 9/13/11, 4. Continuance Memorandum 9/20/11, 5. Board Letter 10/4/11, 6. Notice of Exemption, 7. Construction Contract, 8. Bid Protest Letter, 9. Bid Protest Response, 10. Presentation

Date	Ver.	Action By	Action	Result
10/4/2011	2	BOARD OF SUPERVISORS	Acted on as follows:	Pass
9/20/2011	1	BOARD OF SUPERVISORS	Continued, as follows:	Pass
9/13/2011	1	BOARD OF SUPERVISORS	Continued, as follows:	Pass

HEARING - Consider recommendations regarding the Seismic Retrofit of the San Marcos Road Bridge No. 51C-002 at Maria Ygnacia Creek, Federal Project No. BRLSZD-5951(090), County Project No. 862275, Second District, as follows: (EST. TIME: 30 MIN.)

- a) Approve the plans and specifications for the Seismic Retrofit of San Marcos Road Bridge No. 51C-002 at Maria Ygnacia Creek;
- b) Consider the bid protest of Souza Construction, Inc. (Souza), and the response of Brough Construction, Inc. (Brough) and follow the recommendation of staff and the County Executive Office, as follows:
 - i) Find that the good faith Underutilized Disadvantaged Business Enterprise (UDBE) efforts of Brough met the requirements of the bid documents;
 - ii) Find the bid protest of Souza to be without merit;
 - iii) Award the Construction Contract in the amount of \$737,911.50 to the lowest responsible bidder, Brough Construction, Inc. (a Tri-County Vendor), 634 Prinz Road, Arroyo Grande, California 93420, subject to the provision of documents and certifications, as set forth in the plans and specifications applicable to the project, and as required under California Law; and
 - iv) Approve a contingency fund of \$49,395.58 for the Seismic Retrofit of San Marcos Road Bridge No. 51C-002 at Maria Ygnacia Creek;

Or, consider the alternative, as follows:

- c) Consider the bid protest of Souza Construction, Inc. (Souza), and the response of Brough Construction, Inc. (Brough) and act as follows:
 - i) Find that Brough's bid is non-responsive based on a lack of good faith UDBE efforts;
 - ii) Uphold the protest of Souza;
 - iii) Award the Construction Contract in the amount of \$789,473.54 to the lowest responsible bidder, Souza Engineering Contracting, (a Tri-County Vendor), P.O. Box 3810, San Luis Obispo, CA 93403, subject to the

provision of documents and certifications, as set forth in the plans and specifications applicable to the project, and as required under California Law; and

iv) Approve a contingency fund of \$51,973.68 for the Seismic Retrofit of San Marcos Road Bridge No. 51C-002 at Maria Ygnacia Creek;

d) Approve and authorize the Chair to execute the Construction Contract upon return of the Contractor's executed contract documents, and the review and approval of County Counsel, Auditor-Controller, and Risk Management or their authorized representatives; and

e) Find that the proposed action is for the maintenance and minor alteration of an existing public structure, involving negligible, or no expansion of use beyond that which presently exists, and that the proposed action is therefore exempt from CEQA pursuant to 14 CCR 15301.

COUNTY EXECUTIVE OFFICER'S RECOMMENDATION: POLICY