



# Joint Exercise of Powers Agency

City of Antioch City of Brentwood City of Oakley County of Contra Costa

## SPECIAL MEETING

### Board of Directors

Thursday, September 21, 2006

6:00 p.m.

Tri-Delta Transit Meeting Room  
801 Wilbur Avenue  
Antioch, California

1. Call to Order
2. Public Comment
3. Determination Items
  - A. **RECEIVE** bids for SR4 Bypass Project, Segment 3, **DETERMINE** any bid protests, **AWARD** construction contract to the lowest responsible bidder, and/or take other appropriate actions (*staff report will be available at the meeting*).
5. Board Member Comments
6. Correspondence
7. Adjournment

*The Authority will provide reasonable accommodations for persons with disabilities planning to attend Board meetings who contact the Program Manager at least 24 hours before the meeting, at (925) 686-0619.*

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**Board of Directors:**  
Mary N. Piepho, Chair  
Donald P. Freitas, Vice Chair  
Annette Beckstrand  
Brad Nix

**Authority Staff Office:**  
Contra Costa County  
255 Glacier Drive  
Martinez, CA 94553  
(925) 686-0619

**STATE ROUTE 4  
BYPASS AUTHORITY**

**DATE:** September 21, 2006

**TO:** Board of Directors

**FROM:** Dale Dennis, Program Manager 

**SUBJECT:** AWARD construction contract or take other appropriate action for State Route 4 Bypass Project, Segment 3

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**Recommendation:** Staff recommends the Board of Directors take the following actions related to the above project:

1. **APPROVE** the prior issuance of Contract and Notice to Contractors and Special Provisions for the State Route 4 Bypass Project, Segment 3, including Addenda Nos. 1 through 12.
2. **DETERMINE** that the State Route 4 Bypass Project is in compliance with the California Environmental Quality Act (Public Resources Code §21000, *et seq.*), and has been fully analyzed in the following documents: State Route 4 Bypass Environmental Impact Report certified by the Authority on December 14, 1994; subsequent Addenda to the Environmental Impact Report for the State Route 4 Bypass Project; the Supplemental EIR adopted by the Authority on October 14, 2004.
3. **APPROVE** the project plans and specifications and the entire project design on behalf of the Authority and its member agencies.
4. **AWARD** the contract for furnishing labor and materials for State Route 4 Bypass Project, Segment 3 to DeSilva Gates Construction L. P., the lowest responsive and responsible bidder, in the amount of \$40,228,216.00 and **REQUIRE** the contractor to present surety bonds for payment and faithful performance in the amounts of \$40,228,216.00 and \$40,228,216.00, respectively.

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**ACTION OF BOARD ON** \_\_\_\_\_ **APPROVED AS RECOMMENDED** \_\_\_ **OTHER** \_\_\_\_\_

**VOTE OF DIRECTORS**  
UNANIMOUS (ABSENT \_\_\_\_\_)  
**AYES:** \_\_\_\_\_ **NOES:** \_\_\_\_\_  
**ABSENT:** \_\_\_\_\_ **ABSTAIN:** \_\_\_\_\_

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Directors on the date shown.

ATTESTED \_\_\_\_\_  
Secretary to the Authority

5. **DIRECT** the Secretary or his designee to prepare the contract for the project.
6. **AUTHORIZE** the Secretary or his designee to sign the contract on behalf of the Authority subject to the Secretary or his designee having reviewed and found sufficient all required documents, including the contract signed by the contractor and the required surety bonds and certificates of insurance.
7. **DIRECT** that, in accordance with the project specifications and/or upon the execution of the contract by the Secretary or designee, any bid bonds posted by the bidders be exonerated and any checks or cash submitted for bid security be returned.
8. **AUTHORIZE** the Secretary or his designee to sign any escrow agreements prepared for this project to permit direct payment of retention into escrow or the substitution of securities for moneys withheld by the Authority to ensure performance under the contract pursuant to Public Contract Code Section 22300.
9. Pursuant to Public Contract Code Section 4114, **DELEGATE** the Board's functions under Public Contract Code Sections 4107 and 4110 to the Secretary or his designee.
10. Pursuant to Section 6705 of the Labor Code, **DELEGATE** to the Secretary or to any registered civil or structural engineer designated by him the authority to accept detailed plans showing the design of shoring, bracing, sloping, or other provisions to be made for worker protection during trench excavating covered by that section.
11. **DECLARE** that, should the contract award be invalidated for any reason, the Board in any event would not have awarded the contract to the second bidder or any other bidder but instead would have exercised its discretion to reject all of the bids received. Nothing herein shall prevent the Board from 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).

**Discussion:**

On May 11, 2006, the Board rejected all bids previously submitted for the State Route 4, Segment 3 Project and authorized the Program Manager to re-bid the project and to prepare the necessary documents for the award of this work. The project was designed by the Contra Costa County Public Works Department, according to applicable design standards.

In accordance with legal requirements, the project was advertised as follows: Contra Costa Times/Newspapers, ebidboard.com, and 17 plan rooms.

The bids were received and opened on September 19, 2006 at the Authority office at the Contra Costa County Public Works Department in Martinez.

The construction bids received are as shown below.

<u>Contractor</u>	<u>Bid</u>
1. DeSilva Gates Construction L.P.	\$40,228,216.00
2. RGW Construction, Inc.	\$40,283,457.60
3. Bay Cities Paving and Grading, Inc.	\$40,430,125.90

Engineers Estimate \$39,359,731.06

The final project budget is \$42,442,217.61 and includes a 5% project contingency of \$1,967,986.55 for contract change orders, \$1,043,000 in supplemental funds, and \$71,500 for state-furnished materials.

Staff recommends that the Board award the construction contract for the State Route 4 Project, Segment 3 to DeSilva Gates Construction L.P., the lowest responsive and responsible bidder. Once staff has verified that all the contract-related documents, such as bonds and insurance certificates, are in order and within 10 days of contract approval, the contractor will be given the Notice to Proceed.

cc: Maurice Shiu, Secretary  
Julie Bueren, Contra Costa County Deputy Public Works Director  
Wanda Quevor, Accounting  
Carol Reynolds, Accounting  
David F. Schmidt, County Counsel's Office  
County Recorder  
Joe Brandt, City of Antioch  
Bailey Grewal, City of Brentwood  
Jason Vogan, City of Oakley  
Joe Sbranti, City of Pittsburg  
Bart Littell, Parsons Brinckerhoff