

RESOLUTION NO. 25-095

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS TO ACKNOWLEDGE RECEIPT OF BIDS, RESOLVE ANY AND ALL BID PROTESTS, AND AWARD DEPARTMENT OF TRANSPORTATION CONTRACT NUMBER 250001 FOR THE LITTLE RIVER AIRPORT AIRCRAFT PARKING APRON REHABILITATION TO THE LOWEST RESPONSIVE, RESPONSIBLE BIDDER (LITTLE RIVER AREA)

WHEREAS, Mendocino County Department of Transportation (DOT) would like to reconstruct the pavement for the aircraft parking apron at Little River Airport; and

WHEREAS, the cost of the Little River Airport (LLR) Aircraft Parking Apron Rehabilitation is estimated to be \$1.95 million, of which \$1,852,500 is anticipated to be paid by the Federal Aviation Administration, \$52,500 is anticipated to be paid by Caltrans' Aviation funds, and approximately \$45,000 is anticipated to be paid out of the County's General Fund; and

WHEREAS, funding to accommodate construction costs is included in Budget Unit 3060 for Fiscal Year 2025/26; and

WHEREAS, by Resolution No. 25-068 (April 8, 2025), the Board of Supervisors authorized the Director of Transportation to advertise and award DOT Contract No. 250001; and

WHEREAS, bids for DOT Contract No. 250001 were opened as scheduled on Thursday, April 17, 2025, at 2:00 PM; CSI Services, of San Pedro, California, was deemed the apparent "low bidder" for this project with a base of \$2,079,560.00; and

WHEREAS, the second lowest bidder, Argonaut Constructors, Inc., of Santa Rosa, California, with a bid of \$2,462,167.00, has protested awarding the contract to CSI Services, based on allegations that:

- a. CSI Services failed to include Evidence of Competency information with their bid package at the time of bid opening;
- b. CSI Services failed to write in a stated commitment for the % of DBE Utilization on page PF-27;
- c. CSI's bid price for Bid Item 21, Asphalt Surface Course appears very low;
- d. Argonaut asserts that CSI is not self-performing the work in violation of contractual self-perform obligations; and

WHEREAS, based on the evidence in the record before it, the Board of Supervisors makes the following findings:

- (1) For airport construction contracts, FAA General Provision 20-02 requires evidence of bid competency to be provided with bid packages. However, FAA General Provision 20-09 does not explicitly list the failure to comply with Provision 20-02 as a *per se* basis for rejecting a bid, and FAA General Provisions 20-08 and 20-09 afford the County significant discretion to determine whether omissions and/or irregularities are material, and to waive such omissions and/or irregularities.
- (2) Although CSI Services failed to include Evidence of Competency information with its bid package, state law does not generally require bidding parties to include evidence of competence with bid packages, and allows the County to investigate a bidder's competency after bid packages are received, using materials beyond those included with the bid package.
- (3) DOT investigated CSI Services, and concluded that CSI Services is competent to perform the contracted work.
- (4) The Board of Supervisors adopts DOT's conclusion, finds that CSI is a responsible bidder; to the extent that CSI Services' failure to include Evidence of Competency with its bid package constituted non-responsiveness, the Board of

- Supervisors finds that this non-responsiveness was not material and did not provide CSI Services with a competitive advantage in the bidding process;
- (5) CSI Services failed to write in a stated commitment for the percentage of DBE Utilization on Page PF-27; however, CSI Services included this percentage on Page PF-26; and provided information on Page PF-27 that demonstrated that the actual stated percentage actually exceeded both the amount stated on Page PF-26 and contained in the bid requirements
 - (6) To the extent that CSI's failure to include the stated commitment for the percentage of DBE Utilization on Page PF-26 constituted non-responsiveness, the Board of Supervisors finds that this non-responsiveness was not material and did not provide CSI Services with a competitive advantage in the bidding process;
 - (7) When considered in the entirety of its bid package, given the variance between per unit prices offered by bidders in this and other line items, and in light of DOT's recommendation, CSI Services' bid price for the asphalt surface course was neither unreasonable nor unfair.
 - (8) In light of DOT's recommendation, CSI Services' bid met or exceeded the self-perform obligations contained in the bid requirements; and

WHEREAS, based on these above-stated findings, the Board of Supervisors does not find the protest items to be sufficient to deny award of DOT Contract No. 250001 to CSI Services; and

WHEREAS, the Director of Transportation has reviewed the bids and recommends award of DOT Contract No. 250001 to the lowest responsive, responsible bidder, CSI Services, in the amount of \$2,079,560.00.

NOW, THEREFORE, BE IT RESOLVED that the Mendocino County Board of Supervisors hereby:

1. Accept the bid of CSI Services, of San Pedro, California, in the amount of \$2,079,560.00, for DOT Contract No. 250001, as the lowest responsive, responsible bidder for the Little River Airport Aircraft Parking Apron Rehabilitation; and

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2. Authorize and direct the Director of Transportation to award DOT Contract No. 250001, upon confirmation of acceptable contract documents by County Counsel and Risk Management, and upon award of the applicable FAA grant.

The foregoing Resolution introduced by Supervisor Cline, seconded by Supervisor Williams, and carried this 20th day of May 2025, by the following vote:

AYES: Supervisors Cline, Mulheren, Haschak, Norvell, and Williams
NOES: None
ABSENT: None

WHEREUPON, the Chair declared said Resolution adopted and SO ORDERED.

ATTEST: DARCIE ANTLE
Clerk of the Board

JOHN HASCHAK, Chair
Mendocino County Board of Supervisors

Deputy

I hereby certify that according to the provisions of Government Code Section 25103, delivery of this document has been made.

APPROVED AS TO FORM:
CHARLOTTE E. SCOTT
County Counsel

BY: DARCIE ANTLE
Clerk of the Board

Deputy