

## RESOLUTION NO. 22-147

### **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 220000 FOR 2022 CORRECTIVE/PREVENTATIVE MAINTENANCE ON VARIOUS COUNTY MAINTAINED ROADS TO THE LOWEST RESPONSIVE, RESPONSIBLE BIDDER (WILLITS/BROOKTRAILS AREA)**

WHEREAS, the Mendocino County Department of Transportation (DOT) is desirous of providing road maintenance by applying a pulverized roadbed compacted and graded in place prior to a Double Chip Seal or Asphalt Overlay on Goose Road, County Road (CR) 640, from milepost (M.P.) 0.00 to M.P. 1.20; and

WHEREAS, the Mendocino County DOT is desirous of providing road maintenance by applying a Leveling Course and Double Chip Seal on Primrose Drive, CR 604, from M.P. 0.00 to M.P. 4.60; Poppy Drive, CR 623, from M.P. 0.00 to M.P. 3.24; Lilac Road, CR 605, from M.P. 0.00 to M.P. 1.43; and Daphne Way, CR 608, from M.P. 0.00 to M.P. 0.85; and

WHEREAS, the estimated \$3.5 million cost of the 2022 Corrective/Preventative Maintenance Project on Various County Maintained Roads is anticipated to be paid 100% by available Road Maintenance and Rehabilitation Account (RMRA) funds; and

WHEREAS, funding to accommodate construction costs is available in Budget Unit 3041 for Fiscal Year (FY) 2021/22 and FY 2022/23; and

WHEREAS, By Resolution No. 22-083 (April 5, 2022), the Board of Supervisors authorized the Director of Transportation to advertise and award DOT Contract No. 220000; and

WHEREAS, Pursuant to Board Resolution No. 22-083 (April 5, 2022), bids for DOT Contract No. 220000, were opened as scheduled on Tuesday, May 3, 2022, at 2:00 PM. Northwest Paving, Inc. of Redding, California, was deemed the apparent "low bidder" for this project with a base bid of \$2,316,796.46; and

WHEREAS, the second lowest bidder, VSS International, Inc. of West Sacramento, California, with a base bid of \$2,447,120.00, has protested awarding the contract to Northwest Paving Inc., based on:

- a. Northwest Paving, Inc. submitted an incomplete bid proposal by leaving 4 bid items blank,
- b. Northwest Paving, Inc. did not include any Disadvantaged Business Enterprises (DBE) subcontractors,
- c. Northwest Paving, Inc. failed to complete the required bid form "Exhibit 12-B Part 2" or remove the form from the bid package,
- d. Northwest Paving, Inc. failed to list two subcontractors as required by Public Contracts Code. It is the opinion of VSS International, Inc. that Northwest Paving, Inc. lacks the expertise and equipment to perform the bid items for Micro-surfacing leveling course and Pulverized Roadbed; and

WHEREAS, the contract has a 0.00% DBE goal, so there is not a DBE requirement for the project; and

WHEREAS, based on the evidence in the record before it, the Board of Supervisors finds in favor of the VSS International, Inc., bid protest against awarding the contract to Northwest Paving, Inc., finding that the Northwest Paving, Inc., bid was non-responsive, based on the fact that Northwest Paving, Inc., submitted an incomplete bid by leaving 4 bid items blank

in the bid form for both additives, making the bid materially different and was a mistake in filling out the bid; and

WHEREAS, the second low bidder, VSS International, Inc. of West Sacramento, California, is considered to be the lowest responsive, responsible bidder with a base bid amount of \$2,447,120.00; and

WHEREAS, the Director of Transportation has reviewed the bids and recommends award of DOT Contract No. 220000 to the lowest responsive, responsible bidder, VSS International, Inc. in the amount of \$2,447,120.00.

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

1. Reject the bid of Northwest Paving, Inc. of Redding, California in the amount of \$2,316,796.46 for DOT contract No. 220000, as non-responsive; and
2. Accept the bid of VSS International, Inc. of West Sacramento, California, in the amount of \$2,447,120.00 as the lowest responsive, responsible bidder for the 2022 Corrective /Preventative Maintenance project; and
3. Authorize and direct the Director of Transportation to award DOT Contract No. 220000, upon confirmation of acceptable contract documents by County Counsel and Risk Management.

The foregoing Resolution introduced by Supervisor Haschak, seconded by Supervisor Gjerde, and carried this 21<sup>st</sup> day of June, 2022, by the following vote:

AYES: Supervisors McGourty, Mulheren, Haschak, Gjerde, and Williams  
NOES: None  
ABSENT: None

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

ATTEST: DARCIE ANTLE  
Interim Clerk of the Board

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TED WILLIAMS, Chair  
Mendocino County Board of Supervisors

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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:  
CHRISTIAN M. CURTIS  
County Counsel

BY: DARCIE ANTLE  
Interim Clerk of the Board

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Deputy