



# DEPARTMENT OF PUBLIC WORKS

People serving people.

Robert Beaumont

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January 7, 2014

Marin County Board of Supervisors  
3501 Civic Center Drive  
San Rafael, California, 94903

**SUBJECT:** Award of Construction Contract for the Central Marin Ferry Connection and Multiuse Pathway Project

Dear Board Members:

**RECOMMENDATION:** 1. Authorize the Director of Public Works to award the contract to the lowest responsible and responsive bidder.

**SUMMARY:** This project is being undertaken by the Transportation Authority of Marin (TAM). Public Works is handling construction management of the contract under an agreement with TAM, SMART, and the City of Larkspur. On July 9, 2013 your Board approved the plans and specifications and authorized the Director of Public Works to advertise the project upon receipt of the authorization to construct (E76) from Caltrans. Bids were opened on November 14, 2013 and four bids were received:

|                              |                  |
|------------------------------|------------------|
| 1. Ghilotti Bros., Inc.      | \$9,391,938.39   |
| 2. Gordon Ball, Inc.         | \$10,514,385.55  |
| 3. Ghilotti Construction Co. | \$11,392,385.85  |
| 4. Proven                    | \$ 11,533,317.45 |

After a review of the submitted bids, it was determined that the apparent low bidder, Ghilotti Bros., Inc. had listed a subcontractor that did not possess a California state contractor's license. In addition, Gordon Ball, Inc. filed a written bid protest requesting that the apparent low bid be rejected due to the lack of a contractor's license on the part of the Ghilotti Bros. subcontractor.

County Counsel has reviewed the matter and has determined that the subcontractor did not have to possess a state contractor's license at the time of the bid opening but must possess a valid state contractor's license prior to the award of contract. Alternatively, Ghilotti Bros., Inc. may elect to perform this work with their forces. In either case, Ghilotti Bros., Inc. has committed to resolving this issue prior to award.

We are proceeding with the assumption that the contract will be awarded to Ghilotti Bros., Inc. in the amount of \$9,391,938.39. We are also working out final funding details with TAM which are still in progress at this time. The deadline for award of the contract is January 13 and we fully expect these issues to be favorably resolved at that time. In order to meet this deadline and to provide staff sufficient time to resolve the issues, it is recommended that your Board authorize the Public Works Director to award the contract.

The grant funding for the project requires that the end result be a usable project. Therefore, by authorizing construction, the County is committing itself to complete the project. Total funding of \$10,075,000 is secured for completion of the project, and \$1,965,000 is programmed and pending final obligation. Should final obligation of the pending funds not be secured, TAM will be responsible for evaluating and selecting alternatives to address any funding shortfall including eliminating project elements to fit within the available budget or seeking additional funding sources. In our role of providing construction management services, County staff would be involved in any such discussions.

**FISCAL IMPACT:** On December 17, 2013 your Board approved the reallocation of Nonmotorized Transportation Pilot Program (NTPP) funds in the amount of \$1,500,000 for this project. The total cost of the contract and 10% contingency is \$10,331,132. Our current agreement with TAM has a balance of \$8,975,000 available for this contract. The balance of \$1,356,132 will be provided by your Board's reallocation of NTPP funds to cover the construction contract. Additional NTPP funds and TAM funds will be used to fund County construction management services and staff time. We are currently working with TAM on documentation to formalize details for the additional funding commitments which we will bring to your Board at a later date along with the necessary fiscal adjustments.

The total impact at this time is \$8,975,000 with funding available in the current Board approved Central Marin Ferry budget (10000-4100995062-5220400).

**REVIEWED BY:**     Finance Department         N/A  
                          County Counsel             N/A  
                          Human Resources         N/A

Respectfully submitted,



Ernest Klock, PE  
Principal Civil Engineer

c: Dianne Steinhauser, TAM  
    Qiana Davis  
    Dave Bernardi