

RESOLUTION NO. _____

BOARD OF SUPERVISORS, COUNTY OF SAN MATEO, STATE OF CALIFORNIA

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RESOLUTION:

A) ADOPTING PLANS AND SPECIFICATIONS, INCLUDING CONFORMANCE WITH PREVAILING WAGE SCALE REQUIREMENTS, FOR THE TUNITAS CREEK BEACH IMPROVEMENTS PROJECT; AND B) AUTHORIZING THE PRESIDENT OF THE BOARD TO EXECUTE AN AGREEMENT WITH GORDON N. BALL, INC., IN THE AMOUNT OF \$11,593,710 FOR THE TUNITAS CREEK BEACH IMPROVEMENTS PROJECT; AND C) AUTHORIZING THE DIRECTOR OF PUBLIC WORKS TO: 1) EXECUTE SUBSEQUENT CHANGE ORDERS TO GRANT TIME EXTENSIONS FOR PROJECT COMPLETION AND PAYMENT UP TO A MAXIMUM AGGREGATE AMOUNT NOT TO EXCEED \$1,159,371, OR APPROXIMATELY 10 PERCENT OF THE AGREEMENT AMOUNT; AND 2) EXECUTE PAYMENT UP TO THE NOT TO EXCEED AMOUNT OF \$12,753,081 FOR ITEMS REQUIRING ADJUSTMENT BASED ON UNIT BID PRICES WITHOUT EXECUTION OF A CHANGE ORDER; AND D) AUTHORIZING THE COUNTY EXECUTIVE OFFICER, OR DESIGNEE, TO EXECUTE THE TUNITAS BEACH IMPROVEMENTS PROJECT AIRSPACE LEASE MARLER-JOHNSON PARK AGREEMENT BETWEEN THE COUNTY OF SAN MATEO AND THE CALIFORNIA DEPARTMENT OF TRANSPORTATION UPON CALIFORNIA DEPARTMENT OF TRANSPORTATION'S LEGAL CERTIFICATION OF THE AGREEMENT; AND E) AUTHORIZING THE DIRECTOR OF PARKS TO ENTER INTO A RULE 20B AGREEMENT WITH PACIFIC GAS AND ELECTRIC COMPANY

RESOLVED, by the Board of Supervisors of the County of San Mateo, State of California, that

WHEREAS, this Board of Supervisors adopted Resolution No. 076842 on August 6, 2019, which authorized an agreement with CSW|ST2 for the professional services required to design and permit the Tunitas Creek Beach Improvements Project (Project); and

WHEREAS, this Board of Supervisors adopted Resolution No. 078636 on December 14, 2021, which certified the October 2021 Initial Study/Mitigated Negative Declaration ("IS/MND") consistent with CEQA requirements; and

WHEREAS, this Board of Supervisors adopted Resolution No. 078635, authorizing the Parks Director, or the Parks Director's designee, to submit an application to the California Department of Parks and Recreation's Proposition 68 Per Capita Grant Program seeking \$828,430 in grant funds to construct a portion of the Project; and

WHEREAS, this Board of Supervisors adopted Resolution No. 079437 on January 31, 2023, which authorized the Director of Public Works to proceed with finalizing the plans and specifications for the Project, and authorized the Director of Public Works to proceed with advertising for bids on the Project and reporting back to this Board of Supervisors with recommendations on awarding a contract; and

WHEREAS, the California Department of Transportation (Caltrans) requires the County to execute an Airspace Lease Marler-Johnson Park Agreement prior to issuing the Encroachment Permit necessary for performing construction of the Project within the Caltrans right-of-way; and

WHEREAS, Pacific Gas and Electric Company's (PG&E) Rule 20B program allows agencies to coordinate with PG&E to remove existing overhead electrical facilities and relocate them underground pursuant to a Rule 20B agreement; and

WHEREAS, The Project's Contractor will perform the trenching and installation of the underground conduits and substructures while PG&E will perform the work to remove the existing overhead electrical facilities and relocate them underground; and

WHEREAS, plans and specifications (the "Plans and Specifications"), dated April 21, 2023 were prepared and approved by the Director of Public Works for the Tunitas Creek Beach Improvements Project; and

WHEREAS, a schedule of prevailing wage scales for each craft or type of worker needed to execute these plans and specifications in the locality in which said work is to be performed has been established by the Department of Industrial Relations and has been referred to in said Plans and Specifications; and

WHEREAS, the Department of Public Works did issue a call for sealed proposals to be received at the office of the County Executive Officer / Clerk of the Board of Supervisors, Hall of Justice and Records, 400 County Center, Redwood City, California, until the hour of 2:30 p.m., on Thursday, May 25, 2023; and

WHEREAS, the Department of Public Works did cause the notice inviting sealed proposals to be published two (2) times in the Examiner Peninsula Newspaper Group, a newspaper printed and published in this County, and obtained an affidavit of said publication; and

WHEREAS, the Deputy Clerk of this Board of Supervisors did, in public on May 25, 2022 at 2:30 p.m., open and examine all sealed bids that were received in the specified time for the doing of the work referred to in said Plans and Specifications; and

WHEREAS, this Board of Supervisors has caused an analysis of said bids to be made by the Director of Public Works of the County of San Mateo, and has, in open session, fully reviewed and considered said sealed proposals and the analysis thereof; and

WHEREAS, the lowest responsible bid was submitted by Gordon N. Ball. Inc., in the amount of \$11,593,710 based on an estimate of the amount of work to be done.

NOW THEREFORE, IT IS HEREBY DETERMINED AND ORDERED as

follows:

1. The Plans and Specifications dated April 21, 2023, for the aforesaid Project are hereby approved and are adopted as the Plans and Specifications to be adhered to in letting and performing the work under a contract for said improvements.
2. It is to the best interest of the County of San Mateo to award the agreement for the Tunitas Creek Beach Improvements Project to:

Gordon N. Ball, Inc.
333 Camille Avenue
Alamo, CA 94507
3. The County of San Mateo shall enter into a written agreement with Gordon N. Ball, Inc., for the completion of said work as required by the Plans and Specifications adopted by this Board of Supervisors, as hereinbefore mentioned, which Plans and Specifications are on file in the office of the Director of Public Works of the County of San Mateo.
4. The President of this Board of Supervisors shall be, and is hereby, authorized and directed to execute an agreement with Gordon N. Ball, Inc., for the doing of said work described therein, subject to the Department of Public Works' receipt and approval of the Faithful Performance Surety Bond ("Performance Bond") and the Labor and Material Surety Bond ("Payment Bond") required to be posted by said Contractor with the County of San Mateo in connection therewith.

5. The Director of Public Works is hereby authorized to execute change orders related to said work for time extensions and payment not exceeding \$1,159,371 in aggregate.
6. The Director of Public Works is hereby authorized to approved payments up to the not to exceed amount of \$12,753,081 for items requiring adjustment based on unit bid prices without execution of a change order.
7. All payments to the Contractor shall be in accordance with the Plans and Specifications, and other agreement documents. Aggregate payment to the Contractor shall not exceed \$12,753,081 without this Board of Supervisor's approval.
8. The Clerk of the Board of Supervisors, County of San Mateo, is hereby authorized and directed to attest the signature of the President of this Board of Supervisors to said written agreement.
9. The County Executive Officer, or designee, is hereby authorized to execute the Tunitas Beach Improvements Project Airspace Lease Marler-Johnson Park Agreement between the County of San Mateo and the California Department of Transportation upon the California Department of Transportation's legal certification of the agreement.
10. The Director of Parks is authorized to execute a Rule 20B agreement with Pacifica Gas and Electric Company.

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