

071443

RESOLUTION NO. \_\_\_\_\_

**BOARD OF SUPERVISORS, COUNTY OF SAN MATEO, STATE OF CALIFORNIA  
ACTING AS THE GOVERNING BOARD OF THE SAN MATEO COUNTY FLOOD  
CONTROL DISTRICT**

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**RESOLUTION:**

- 1. ADOPTING PLANS AND SPECIFICATIONS, INCLUDING CONFORMANCE WITH PREVAILING WAGE SCALE REQUIREMENTS FOR THE COLMA CREEK FLOOD CONTROL CHANNEL WALL REPAIR PROJECT; AND**
- 2. AUTHORIZING THE PRESIDENT OF THE BOARD OF SUPERVISORS TO EXECUTE AN AGREEMENT WITH PROVEN MANAGEMENT, INC., IN THE AMOUNT OF \$2,290,280, FOR THE ENTIRE WORK LISTED IN THE BASE AND ADD ALTERNATE SCHEDULES FOR THE COLMA CREEK FLOOD CONTROL CHANNEL WALL REPAIR PROJECT; AND**
- 3. AUTHORIZING THE DIRECTOR OF PUBLIC WORKS TO EXECUTE SUBSEQUENT CHANGE ORDERS TO GRANT TIME EXTENSIONS FOR PROJECT COMPLETION AND PAYMENT UP TO A MAXIMUM AGGREGATE AMOUNT NOT TO EXCEED \$230,000, OR APPROXIMATELY 10% OF THE AGREEMENT AMOUNT.**

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**RESOLVED**, by the Board of Supervisors of the County of San Mateo, State of California, acting as the governing board of the San Mateo County Flood Control District (District), that

**WHEREAS**, this Board of Supervisors did, on January 25, 2011, adopt Resolution No. 071229, which Resolution certified the Initial Study/Mitigated Negative Declaration, dated August 26, 2010, for the Colma Creek Flood Control Channel Wall Repair Project (Project), authorized the Director of Public Works to prepare plans and specifications for the Project, proceed with advertising for bids on the Project, and report back to this Board with recommendations on awarding a contract; and

**WHEREAS**, plans and specifications, dated April 15, 2011, were prepared and

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approved by the Director of Public Works for the Project; and

**WHEREAS**, a schedule of prevailing wage scales for each craft or type of workman 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 Manager / 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., Thursday, May 19, 2011; and

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

**WHEREAS**, the Clerk of this Board of Supervisors did, in public on May 19, 2011, 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

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**WHEREAS**, the lowest responsible bid was submitted by ProVen Management, Inc., in the amount of Two Million Two Hundred Ninety Thousand Two Hundred Eighty and 00/100 Dollars (\$2,290,280) based on an estimate of the amount of work to be done; and

**WHEREAS**, a bid was required for the entire work described in the "Base" Schedule and "Add Alternate" Schedule and the aggregate bid submitted by ProVen Management, Inc., in the amount of Two Million Two Hundred Ninety Thousand Two Hundred Eighty and 00/100 Dollars (\$2,290,280) is the contract amount to be awarded.

**NOW THEREFORE, IT IS HEREBY DETERMINED AND ORDERED** as follows:

1. The plans and specifications dated April 15, 2011, 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 District to award the agreement for the Colma Creek Flood Control Channel Wall Repair Project to:

ProVen Management, Inc.  
712 Sansome Street  
San Francisco, CA 94111-1704

3. The District shall enter into a written agreement with ProVen Management, 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.

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4. The President of this Board of Supervisors shall be, and is hereby, authorized and directed to execute an agreement with ProVen Management, 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 \$230,000 in aggregate.
6. 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 Two Million Five Hundred Twenty Thousand Two Hundred Eighty and 00/100 Dollars (\$2,520,280) without this Board's approval.
7. 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.

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Regularly passed and adopted this 7<sup>th</sup> day of June, 2011.

*AYES and in favor of said resolution:*

Supervisors: DAVE PINE  
CAROLE GROOM  
DON HORSLEY  
ROSE JACOBS GIBSON  
ADRIENNE J. TISSIER

*NOES and against said resolution:*

Supervisors: NONE

Absent Supervisors: NONE

Carole Groom

President, Board of Supervisors  
County of San Mateo  
State of California

Certificate of Delivery

I certify that a copy of the original resolution filed in the Office of the Clerk of the Board of Supervisors of San Mateo County has been delivered to the President of the Board of Supervisors.

R. Romero

Rebecca Romero, Deputy  
Clerk of the Board of Supervisors

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