



Joint Exercise of Powers Agency

City of Antioch City of Brentwood City of Oakley County of Contra Costa

Board of Directors

Thursday, July 13, 2006

7:05 p.m.

Tri-Delta Transit Meeting Room

801 Wilbur Avenue

Antioch, California

1. Call to Order

2. Closed Session

- A. Conference with legal counsel –Existing Litigation (Gov. Code, §54956.9(a))

State Route 4 Bypass Authority v. Immanuel Baptist Church of Antioch, et.al., C.C.C.
Superior Court No. C06-00002.

- B. Conference with legal counsel - Anticipated Litigation (Gov. Code, §54956.9(b))

Significant exposure to litigation pursuant to Government Code section 54956.9(b) (one potential case).

3. Public Comment

4. Consent Items

- A. **APPROVE** Minutes of May 31, 2006 special meeting.
- B. **APPROVE** Resolution No. 2006/04 which adopts the Waste Reduction and Recycling Policy and **AUTHORIZE** the Secretary or his designee to sign the resolution.
- C. **APPROVE** Resolution No. 2006/05 which authorizes the Program Manager to apply for the 2006/07 Targeted Rubberized Asphalt Concrete Incentive Grant Program.
- D. **APPROVE** an amendment to the Segment 1 Consulting Services Agreement with Parsons Brinckerhoff Construction Services, Inc. (PB) to increase the total contract payment limit by \$390,253 to a new total limit of \$6,527,410 for additional construction management services for Lindsey Detention Basin and Channel and Segment 1 re-staking, and **AUTHORIZE** the Secretary or his designee to sign the amendment.
- E. **APPROVE** an amendment to the Segment 3 Consulting Services Agreement with Parsons Brinckerhoff Construction Services, Inc. (PB) to increase the total contract payment limit by \$510,215 to a new total limit of \$3,590,184 for construction staking services to be included as part of construction management services to be provided for Segment 3, and **AUTHORIZE** the Secretary or his designee to sign the amendment.

Board of Directors:

Mary N. Piepho, Chair
Donald P. Freitas, Vice Chair
Annette Beckstrand
Brad Nix

Authority Staff Office:

Contra Costa County
255 Glacier Drive
Martinez, CA 94553
(925) 686-0619

- F. **APPROVE** Resolution No. 2006/06 accepting the Tree Removal on Marsh Creek Road and Segment 3B Project as complete and **AUTHORIZE** the Secretary or his designee to sign the resolution.
- G. **APPROVE** Contract Change Order (CCO) Nos. 3, 4, 5, and 6 with McGuire and Hester for an estimated cost of \$12,543.22, for the Undergrounding and Relocation of ECCID Facilities Project in Segment 3 and **AUTHORIZE** the Secretary or his designee to sign the change orders. In addition, **APPROVE** an increase of \$35,000 in contingency funds (for a new contract budget amount of \$688,637) to cover additional change order work currently being negotiated with McGuire and Hester.

5. Determination Items

- A. **RECEIVE** status report on the SR4 Bypass project and the Laurel Road Extension project and **PROVIDE** direction regarding July 18, 2006 Bid Opening and subsequent award of the Segment 3 project. (Item to be mailed separately.)
- B. **RECEIVE** status report on construction activities in Segments 1 and 3.
- C. **AUTHORIZE** the following agreements:
 - 1. **AUTHORIZE** the Program Manager to negotiate and execute an agreement between the SR4 Bypass Authority (SR4BA) and LB/L DUC III ANTICOH 330 LLC ("Developer") regarding the Nelson Ranch buttress installation.
 - 2. **AUTHORIZE** the Program Manager to execute an amendment to the Sound Wall Agreement between the SR4BA and Developer to authorize Developer to bid out and manage the SR4BA's portion of the sound wall. SR4BA will pay for the cost of constructing its portion of the sound wall upon review and approval of Developer's invoices.
 - 3. **APPROVE and/or RATIFY** the issuance of the attached encroachment permit to LBL/L Duc III Antioch 330 LLC and Standard Pacific Corporation dba Standard Pacific Homes (contractor) for the portion of buttress installation work to be completed within Authority right of way, and **AUTHORIZE** Secretary or his designee to sign the permit.

6. Board Member Comments

7. Correspondence

8. Adjournment

The Authority will provide reasonable accommodations for persons with disabilities planning to attend Board meetings who contact the Program Manager at least 24 hours before the meeting, at (925) 686-0619.

**STATE ROUTE 4 BYPASS AUTHORITY
Antioch - Brentwood - Oakley and Contra Costa County**

A JOINT EXERCISE OF POWERS AGENCY

SPECIAL MEETING OF THE BOARD OF DIRECTORS

SUMMARY MINUTES

May 31, 2006

The STATE ROUTE 4 BYPASS AUTHORITY meeting was called to order in the Tri Delta Transit Meeting Room, 801 Wilbur Avenue, Antioch, California by Vice Chair Donald Freitas at 6:06 P.M.

ROLL CALL

PRESENT: Vice Chair Donald Freitas (Antioch), Annette Beckstrand (Brentwood), Chair Mary N. Piepho (Contra Costa County), and Brad Nix (Oakley)

ABSENT: None

STAFF: Dale Dennis, Program Manager

Chair Piepho adjourned into Closed Session at 6:10 P.M.

CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to Government Code section 54956.9 (b) (one potential case)

Chair Piepho reconvened into open session at 6:41 P.M. and had nothing to report from Closed Session.

PUBLIC COMMENT

There was no public comment on items not on the Agenda.

DETERMINATION ITEMS

RECONSIDER the actions taken by the Authority on May 11, 2006 and approve one of the following options:

1. **RESCIND** the actions taken by the Authority on May 11, 2006 to reject bids and authorize rebidding of the Segment 3 construction project; **REINSTATE**

the bids for the Segment 3 construction project; and **DIRECT** the Secretary or his designee to send letters to each of the respective bidders requesting that they reaffirm their bids are valid through July 6, 2006, consistent with the bid documents for the State Route 4 Bypass Segment 3 Construction Project.

OR

2. REAFFIRM the following actions taken by the Authority on May 11, 2006:

- A. REJECT** all bids previously submitted for the project.
- B. APPROVE** the plans and specifications and **AUTHORIZE** the rebidding of the project.
- C. DIRECT** the Secretary or his designee to publish a Notice to Contractors in accordance with the procedures in Public Contract Code Sections 20390-20393 inviting bids for the work.
- D. AUTHORIZE** the Secretary or his designee to issue bid addenda as needed for clarification of contract bid documents.

Mr. Dennis presented the two options that were identified in the May 31, 2006 staff report, to the board.

Chair Piepho asked for public comments on this item. Board Member Nix left the meeting at 6:47 P.M.

PUBLIC COMMENTS:

Russ Olney, a representative from Bay Cities Paving & Grading Inc., urged the Board to rebid the project.

Bill Stewart, a representative of RGW, urged the Authority to reaffirm the actions that were taken by the Authority on May 11, 2006, wherein they rejected all bids and moved forward with readvertising the Segment 3 construction project.

Sandy Skaggs from Bingham McCutchen LLP, representing DeSilva Gates Construction, urged the Authority to rescind the actions taken by the Authority on May 11, 2006 and to reinstate the bids for the Segment 3 construction project.

Randall Smith from Smith & Brockhage, LLP, representing DeSilva Gates Construction, stated their opinion that the RGW bid protest was frivolous and discussed the basis for their position. Mr. Smith also indicated that a letter dated May 10, 2006 had also been sent to the Authority presenting their opinion that the bid protest was frivolous.

- Following discussion by the Board, Director Beckstrand moved that the