

**COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS
AGENDA ITEM TRANSMITTAL**

(1) DEPARTMENT Public Works	(2) MEETING DATE 10/22/2013	(3) CONTACT/PHONE Jeff Werst, Design Engineer (805) 781-4480	
(4) SUBJECT Submittal of a resolution adopting a policy governing bid protests and other challenges to construction contracts of the San Luis Obispo County Flood Control and Water Conservation District. All Districts.			
(5) RECOMMENDED ACTION It is our recommendation that your Honorable Board, acting as the Board of Supervisors for the San Luis Obispo County Flood Control and Water Conservation District (District), approve and direct the Chair to sign the attached resolution to adopt a policy governing Bid Protests and other Challenges to Construction Contracts and direct staff to process future construction bids under this policy.			
(6) FUNDING SOURCE(S) N/A	(7) CURRENT YEAR FINANCIAL IMPACT N/A	(8) ANNUAL FINANCIAL IMPACT N/A	(9) BUDGETED? N/A
(10) AGENDA PLACEMENT <input checked="" type="checkbox"/> Consent <input type="checkbox"/> Presentation <input type="checkbox"/> Hearing (Time Est. ___) <input type="checkbox"/> Board Business (Time Est. ___)			
(11) EXECUTED DOCUMENTS <input checked="" type="checkbox"/> Resolutions <input type="checkbox"/> Contracts <input type="checkbox"/> Ordinances <input type="checkbox"/> N/A			
(12) OUTLINE AGREEMENT REQUISITION NUMBER (OAR) N/A		(13) BUDGET ADJUSTMENT REQUIRED? BAR ID Number: N/A <input type="checkbox"/> 4/5th's Vote Required <input checked="" type="checkbox"/> N/A	
(14) LOCATION MAP N/A	(15) BUSINESS IMPACT STATEMENT? No	(16) AGENDA ITEM HISTORY <input type="checkbox"/> N/A Date: 7/16/13; Item #26	
(17) ADMINISTRATIVE OFFICE REVIEW <i>Nikki J. Schmidt</i>			
(18) SUPERVISOR DISTRICT(S) All Districts -			

Reference: 13OCT22-C-2

County of San Luis Obispo



TO: Board of Supervisors

FROM: Public Works
Jeff Werst, Design Engineer
Joe Morris, Survey Program Manager

VIA: Paavo Ogren, Director of Public Works

DATE: 10/22/2013

SUBJECT: Submittal of a resolution adopting a policy governing bid protests and other challenges to construction contracts of the San Luis Obispo County Flood Control and Water Conservation District. All Districts.

RECOMMENDATION

It is our recommendation that your Honorable Board, acting as the Board of Supervisors for the San Luis Obispo County Flood Control and Water Conservation District (District), approve and direct the Chair to sign the attached resolution to adopt a policy governing Bid Protests and other Challenges to Construction Contracts and direct staff to process future construction bids under this policy.

DISCUSSION

On July 16, 2013, the Board of Supervisors of the County of San Luis Obispo established a Board approved policy entitled "Bid Protests and other Challenges to Construction Contracts." The item was discussed under a business item and it was noted that we would return with similar action for the District.

The action before your Board today is the adoption of the same policy for the District and requires no hearing on the matter.

OTHER AGENCY INVOLVEMENT/IMPACT

County Counsel has provided detailed input towards development of the proposed policy. The County Administrative Office and General Services Agency actively participated in preparation, review and approval of the original countywide policy approved on July 16, 2013 policy.

FINANCIAL CONSIDERATIONS

Implementation of the proposed policy is not expected to have any additional financial impact. Staff in the respective departments is presently available to address bid protests and must undertake a similar effort in data collection and evaluation which would not vary under the new policy. Costs to

address bid protests are incorporated into the various capital and maintenance project budgets that require the bidding procedures to be used. Therefore, there is no impact on General Fund or Department budgets.

RESULTS

Adoption of the Proposed Policy Governing Bid Protests and Other Challenges to Construction Contracts will provide for a single countywide process leading to final resolution for addressing irregularities or issues which arise through the bidding process for District construction contracts. Inclusion of the policy in future District bidding documents, whether through hard copy or by reference, will provide proper instruction to bidders. Establishment of the policy provides for a well governed community.

File: CF 160.40.01 Contract Bidding (new)

Reference: 13OCT22-C-2

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ATTACHMENTS

1. Resolution Adopting a Policy Governing Bid Protests and Other Challenges to Construction Contracts
2. Proposed District Wide Construction Contract Bid Protest Policy