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Council Awards Low Bid for Road Repairs

Metcalf warns that you get what you pay for

By Sophie Braccini

The Moraga Town Council awarded a construction contract for its 2013 paving campaign to Central Valley Engineering and Asphalt on June 12, despite Public Works Director Edric Kwan's recommendation to the contrary. The council also ignored an impassioned plea by Councilmember Mike Metcalf to award the contract to VSS International, Inc. instead.

Rules to bid and award contracts are very constraining for public agencies. Contracts must go the lowest compliant bidder and cannot give any consideration to other factors such as experience or perceived quality. The rule protects taxpayer money, but does not guarantee the choice of the most competent party, as Metcalf argued.

The contract for this summer's planned road repairs is over \$2 million. A difference of \$250,000 between bids was enough to convince the other council members that it was better to go with the lower bidder, even though that bidder didn't have experience with the specific road treatments chosen and had failed to provide the required waste assessment form as part of the bid package.

Kwan received proposals from five contractors. "Three of the more experienced ones in the area of rubberized cape seal had proposals in the same price range," commented Kwan. "There was a big price gap with the two lowest bidders." Kwan said that Central Valley Engineering and Asphalt does not have experience in rubberized cape seals, but otherwise satisfies the requirements listed in the bid. Kwan recommended declaring it non-compliant because of its omission of the waste assessment form.

But Central Valley Engineering and Asphalt filed a non-responsive bid protest with the town and three of the four council members present supported it. "We have signed a service contract with Harris & Associates to provide construction management and inspection services for the project," said Councilmember Roger Wykle. "We can be confident they will catch anything substandard."

Metcalf, a strong proponent of minimal government and budgetary frugality, did not think that the quarter million savings was worth what he perceived to be a risk for the town. Later in the meeting, when Judy Dinkle reported on work recently done at the Hacienda de las Flores, Metcalf asked, "What is your assessment of the contractor in terms of quality?" Dinkle replied, "This contractor didn't meet the quality standards that we were expecting. It required an extraordinary amount of babysitting to get the quality outcome we wanted with the labor pool we were awarded."

"When you hire the lowest bidder this is what you get," said Metcalf, "but we keep on doing it over and over again."

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