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Another setback with Fire Station 43 construction

By *Nick Marnell*

Frustration over the lack of progress with the construction of Fire Station 43 in north Orinda took on an added dimension when the Moraga-Orinda Fire District terminated its agreement with Federal Solutions Group, the second contractor the district had hired to do the job.

"It's shocking," said board President Kathleen Famulener. "We thought we had a good company. We thought we had a good company the first time."

As one of the terms of the agreement, FSG was to obtain a performance bond but it failed to do so, constituting a material breach of the contract. Performance bonds typically guarantee that a contractor will perform all aspects of a project according to the contract. If a contractor fails to uphold its end of the deal, then the performance bond will require a surety to fulfill the terms of the contract.

"We couldn't risk taking a waiver and proceed with the construction without the bond," Famulener said.

Kabir Singh, FSG principal, did not return calls seeking comment. The original winning bidder for the Station 43 project, Pacific Mountain Contractors, pulled out of the job this summer.

So now it's back to the drawing board, almost literally. The district has hired a company to go over the construction plans and confirm that the plans are still workable. After authorization by the board, the district plans to issue a new request for proposal for the Station 43 construction project, likely in mid-January.

Also coming on board will be a law firm to deal with potential construction litigation. "It's been a troubled project. It's been a complicated project," said director Brad Barber. "We need counsel with experience in the litigation of public agency construction matters." So the district brought on Renne Sloan Holtzman Sakai LLP to provide those legal services. Geoffrey Spellberg, one of the company lawyers, specializes in construction law and complex business and real estate litigation, according to the firm's website.

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[back](#)

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