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MOFD and Pacific Mountain settle civil complaint

By Nick Marnell

Another damage complaint against the Moraga-Orinda Fire District was settled favorably in November when the district and Pacific Mountain Contractors, which had secured the original bid to rebuild Fire Station 43 in Orinda, agreed to settle their grievances at no cost.

In 2017, Pacific pulled out of its \$2.66 million agreement with MOFD over what it cited were significant errors in the plans and specifications in the contract to rebuild the fire station. Rather than litigate, the district attempted to renegotiate, but MOFD determined that Pacific was unwilling to build the station at any price, demanding release from the contract in June 2017.

According to the 2017 separation agreement, Pacific paid MOFD \$54,000 to walk away and agreed to assign \$110,000 of preparatory work owed to its subcontractors. The district absorbed the subcontractor charges and built them into the terms of its \$3.34 million contract with a succeeding contractor, which failed to live up to the terms of its agreement. The station was eventually completed in 2019 at a cost of \$6 million.

Pacific sued the district in 2018 for an additional \$39,000 it claimed were costs the company had to pay subcontractors, for which it said MOFD should have been responsible. The district countersued for breach of contract. On Nov. 22, both the contractor and the district agreed to settle all claims asserted by each party, with no damage costs incurred by either side.

Representatives from Pacific Mountain could not be reached for comment.

In October, the Contra Costa County Superior Court dismissed charges against the district by former Fire Chief Pete Nowicki, who claimed that MOFD was obligated to make up the nearly \$600,000 stripped from his pension by the Contra Costa County Employees' Retirement Association because its board determined that the pension was calculated improperly.

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