



Contra Costa County
**Public Works
Department**

Warren Lai, Director

Deputy Directors
Stephen Kowalewski, Chief
Allison Knapp
Sarah Price
Carrie Ricci
Joe Yee

June 2, 2025

UPS Overnight: 1Z9703141390874788

Stephen George
E.E. Gilbert Construction
155 Howe Road
Martinez, CA 94553
Via Email: steve@eegilbert.com

RE: Wildcat Canyon Road Slope Failure Repair Project
County Project No.: 0672-6U6266
Federal Project No.: ACSTP-15JP (161)

Dear Mr. George:

Our office has reviewed the bid and Good Faith Effort documentation submitted by your firm on the above project. Based upon our review, we have determined that your firm's submitted Disadvantaged Business Enterprise (DBE) commitment and Good Faith Effort documentation (GFE) did not comply with the requirements of the project specifications, as described below.

Based on the List of Subcontractors/Suppliers/Manufactures/Truckers and Exhibit 15-G (Construction Contract DBE Commitment) submitted with your bid, your firm failed to meet the 18% DBE contract goal, having achieved a DBE commitment of only 1.11% or \$22,442.15 of the total bid¹. According to the Disadvantage Business Enterprise Program, since your firm did not meet the established goal, your firm's Good Faith Effort documentation was required to comply with the requirements as specified in Section 2-1.12 of the project specifications.

In accordance with the above, your firm failed to meet the GFE requirements due to inadequate outreach to DBE firms, which resulted in not being able to meet the DBE participation goal. Of the 362 available DBE firms listed in the CUCP for work identified in the paid advertisements and written notices, your firm contacted 32 firms. Additionally, your firm did not solicit to DBE firms capable of performing all of the work identified in the paid advertisement and written notices. Specifically, Soil Amendments (C2020), Message Signs, Lighting & Sign Illumination (C8851), Flat Bed Trucking (C9605) and Land Survey (C9826). The written notices and advertisement also did not offer assistance to DBE firms with line of credit, as required in Appendix A of 49 CFR 26.

¹ The County acknowledges that your 15-G claimed 5.50%; however, two of the firms, Sierra Traffic Marking, Inc. and Midstate Barrier, Inc. are not certified DBE firms. It is noted, however, that even if the entire amount claimed in your 15-G were credited, your bid would still nevertheless fail to meet project DBE commitment requirements.

Your firm also rejected a DBE bid from S Kwok Engineers for Line items 9, 11, and 12, without providing an adequate explanation, stating that a "separate company to perform" the work was selected, while not identifying which firm was selected to perform the services on the bid summary table or on the "List of Subcontractors/Suppliers/Manufactures/Truckers". The bid summary table did not include all DBE firm's bids received. A quote from Pacific Rig, LLC. (DBE #51425) was included but the bid was not on the bid summary table.

Furthermore, your firm did not provide documentation that they contacted agencies and organizations that provide assistance in the recruitment and placement of DBE firms or demonstrate that they took proactive steps in contacting DBE firms.

Based on your firm's failure to meet the established DBE contract goal or document an adequate Good Faith Effort, we plan to recommend that your firm's bid be rejected as non-responsive and that the contract be awarded to the second lowest bidder, Gordon N. Ball, Inc., which achieved 18.75% DBE commitment.

Pursuant to the federal DBE regulations (49 CFR 26.53(d)), our department has also scheduled an Administrative Reconsideration hearing, which will be conducted by a three-person panel (Public Works Director and two upper managers). At the hearing, your firm will have the opportunity to provide written documentation or argument concerning the issue of whether it met the DBE goal or made adequate good faith efforts to do so. For further information on the Administrative Reconsideration process, please refer to Exhibit 9-H of the Caltrans Local Assistance Procedures Manual (see enclosure).

The hearing date is set for June 5, 2025, at 2:00 p.m. Confirm your attendance by email to decocontracts@pw.cccounty.us no later than June 4, 2025. A meeting invitation link will be sent upon confirmation of attendance.

Also enclosed for reference is our Evaluation of Good Faith Effort (Exhibit 9-E), which describes the deficiencies with your firm's Good Faith Effort.

Prior to the hearing, your firm may also mail or email written documentation and argument to the following address:

Warren Lai, Public Works Director
Contra Costa County Dept. of Public Works
255 Glacier Dr.
Martinez, CA 94553
Email: warren.lai@pw.cccounty.us

If you have any questions, please contact me at (925) 313-2305 or adelina.huerta@pw.cccounty.us.

Sincerely,



Adelina Huerta
Division Manager
Design/Construction Division

AH:kr:ts

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WO6266\CONSTRUCTION\1 - Bid\Letter to E.E. Gilbert Construction_Final.docx

Enclosures: LAPM 9-H
Evaluation of Good Faith Efforts (Exhibit 9-E)
Addendum to 9-E

c: M. Nino, County Administrator
T. Ewell, County Administrator's Office
D. Schmidt, County Counsel
L. Strobel, County Administrator's Office
A. Wilson, Risk Management
W. Lai, Public Works Director
J. Yee, Public Works
K. Rodriguez, Public Works
K. Dahl, Public Works