

July 29, 2026

Warren Lai, Director of Public Works
Contra Costa County Public Works Department
255 Glacier Drive, Martinez, CA 94553
Delivered by email and hand delivery

RE: APPEAL — Good Faith Effort Determination

Robert I. Schroder Pedestrian Bridge Rehabilitation Project — Project No. 7486-6X5240

Response to Department letter dated July 22, 2026 (A. Huerta, Design/Construction Division)

Dear Director Lai:

Thank you for the Department's prompt and thorough review. We accept every finding in the July 22 letter — the deficiencies identified were our shortfalls, and we take full responsibility for them.

Our request, in brief. We ask the Board to waive a single item: the two-day timing shortfall on Indicator 5 — written notices that went out Monday, July 6 instead of Saturday, July 4, over the Independence Day weekend. That one waiver, expressly reserved to the Board by Section 2-1.20A(6) of the special provisions, brings our score to 80 of 100 — above the 75-point threshold — without disturbing any other finding, and makes Dynamo eligible for award as the lowest responsible bidder.

A yes vote keeps this project's dollars in Contra Costa County — 70% will be performed by a Contra Costa-based certified small business. A no vote sends those dollars out of the County, to a prime contractor headquartered in San Mateo County.

Why the waiver is fair. We engaged our outreach service and published paid trade-journal advertisements on Friday, July 3 — eleven calendar days before bid opening. The individual notices followed on Monday, July 6, two days past a deadline that fell on the Saturday of the holiday weekend. Either way, subcontractors first saw the notice the same Monday morning: **a fully compliant notice and ours arrived with the identical number of business days left to respond.**

The Program's purpose was achieved on this bid. Granting this narrow waiver would not weaken the Outreach Program; its stated purpose — "a reasonable level of participation by all businesses" (Section 2-1.20A(1)) — was met here. Quotes were received and negotiated across eight work areas; CMC Traffic Control Specialists, LLC, a certified small business and minority-owned DBE firm, is listed on our bid at \$140,000 under an executed Letter of Intent; and our listed subcontracting of \$340,572 is 30.0% of our bid, against the 22% Mandatory Subcontracting Minimum. The Department's other findings — Indicators 6 and 8 — we accept, and no waiver of them is needed or requested.



The law supports this discretion. California courts have upheld an awarding body's waiver of a bid deviation that could not affect the amount of the bid and gives no unfair competitive advantage (Ghilotti Construction Co. v. City of Richmond (1996) 45 Cal.App.4th 897 [waiver of bid-form deviation upheld]; MCM Construction, Inc. v. City and County of San Francisco (1998) 66 Cal.App.4th 359 [waiver of a subcontractor-list timing defect upheld]). Judged objectively, our two-day notice delay could not have affected the amount of our bid and gave us no unfair competitive advantage.

What a yes vote delivers. The low bid, from a company whose only office is in Moraga, owned by a 38-year Contra Costa resident — with roughly \$793,000 of the work performed by our own local workforce on the Iron Horse Trail, a trail our neighbors walk every day.

Suggested motion. Should the Board be inclined to grant this appeal, the following would accomplish it: "Move to find that the two-day delay in transmittal of written notices under Indicator 5 could not have affected the amount of the bid and gave the bidder no unfair competitive advantage; to waive the Indicator 5 time requirement pursuant to Section 2-1.20A(6) of the special provisions; to find Dynamo Construction's Good Faith Effort documentation adequate at 80 of 100 points; and to award the contract to Dynamo Construction as the lowest responsible bidder."

We respectfully request the opportunity to appear at the Board's August 11, 2026 meeting to speak to the facts and arguments in this appeal, and we will promptly provide anything further the Department or the Board requests.

Respectfully submitted,

William Knudson

Owner, Dynamo Construction

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The Honorable Candace Andersen, Supervisor, District II
The Honorable Diane Burgis, Supervisor, District III
The Honorable Ken Carlson, Supervisor, District IV
The Honorable Shanelle Scales-Preston, Supervisor, District V