

RESOLUTION NO. 20-79

A RESOLUTION PERMITTING THE ADDITION OF SUBCONTRACTOR  
BASED ON A FINDING OF PUBLIC NECESSITY

PROJECT UNIT NO. 4

SEWER AUTHORITY MID-COASTSIDE

RESOLVED, by the Board of Directors of the Sewer Authority  
Mid-Coastside, San Mateo County, California, that

WHEREAS, this Board did on May 16th, 1979, receive  
bids for the construction of the above Project;

NOW, THEREFORE, IT IS HEREBY FOUND as follows:

1. The apparent lowest, responsive, responsible bidder,  
Glanville Construction Company ("Glanville"), has requested that  
this Board permit it to add a subcontractor to a portion of the work  
for which it bid and for which no subcontractor was designated in  
the original bid. A copy of said request is attached hereto and  
hereby made a part hereof.

2. The request of Glanville states that the reason for adding  
the subcontractor is in order to enable Glanville to complete this  
Project in a period of time less than it would otherwise be able to  
do without said subcontractor, and in a period of time less than  
allowed under the contract documents for this Project.

3. This Authority, and each of its member agencies, is under  
a court injunction, pursuant to which it is to complete the construction  
of this Project by December 1, 1979.

4. When the Board called for bids for this Project it estab-  
lished 180 calendar days as the time within which said Project was to  
be completed, and had provided that bids be received at a time which  
would allow for the award of a contract by June 1, 1979, so that  
said Project would be completed by December 1, 1979.

5. A protest to the award of this contract has delayed  
this Board's ability to award a contract therefor, with a result  
that the completion of this Project within the time set forth in the  
contract documents has been extended beyond December 1, 1979.

6. Until the completion of this Project, the effluent from the City of Half Moon Bay will continue to be discharged in violation of Regional Water Quality Control Board discharge requirements because of the City's discharge of effluent through its existing outfall line which is broken.

7. The addition of the subcontractor is for work not previously proposed to be subcontracted.

8. The addition of the subcontractor will not increase the total amount of Glanville's bid to the Authority, and the amount to be paid to the subcontractor is equal to the amount originally bid by the subcontractor to Glanville for this work.

9. The addition of the subcontractor in accordance with the request from Glanville results in no violation of the legislative policy set forth in Government Code Section 4101.

10. The Engineers have recommended that request of Glanville Construction Company be considered.

11. There is a public emergency or necessity which exists, that is, this Authority requires that the construction of this Project be completed in the most expeditious manner in order to eliminate the present Half Moon Bay discharge and in order to attempt to comply with said court order.

THEREFORE, IT IS DETERMINED AND ORDERED, as follows:

1. There exists in this Authority the necessity of taking reasonable acts necessary to complete the construction of this Project within the time set forth in the above-referenced court injunction.

2. There exists in this Authority the necessity of taking reasonable acts necessary to allow the City of Half Moon Bay to discharge its effluent through the outfall to be constructed in this Project in order to eliminate the present pollution problem.

3. A public necessity exists which requires that Glanville Construction Company be permitted to add the subcontractor designated in his request therefor, and such request is hereby granted.

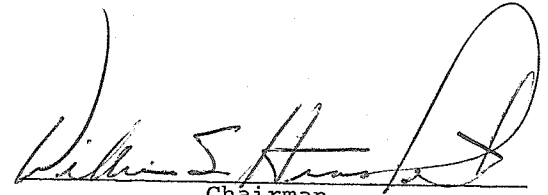
\* \* \* \* \*

I hereby certify that the foregoing is a full, true and correct copy of a resolution duly and regularly passed and adopted by the Board of Directors of the Sewer Authority Mid-Coastside at a meeting thereof held on the 12th day of July, 1979, by the following vote:

AYES, and in favor thereof, Directors: Heaslet, Shaw, Damer, Muth, Adreveno, Scott.

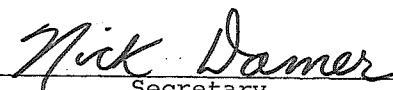
NOES, Directors: None.

ABSENT, Directors: None.



Chairman  
Sewer Authority Mid-Coastside

COUNTERSIGNED:

  
Secretary  
Sewer Authority Mid-Coastside

LAW OFFICES

**CROSBY, HEAFEY, ROACH & MAY**

PROFESSIONAL CORPORATION  
1939 HARRISON STREET  
OAKLAND, CALIFORNIA 94612

(415) 834-4820

JOHN B. ROSSON (1902-1963)  
GERALD H. HAGAR (1892-1965)  
LEON A. CLARK (1883-1968)  
GERALD P. MARTIN (1904-1970)  
CARLISLE C. CROSBY (1898-1977)

OF COUNSEL  
PETER J. CROSBY, JR.

EDWIN A. HEAFEY  
PAUL L. MAY  
CHARLES E. BERTA  
CHRIS G. GASPARICH  
CHARLES W. DENNY  
RONALD A. WAGNER  
STEPHEN H. SCHADLICH  
RAOUL D. KENNEDY  
KENNETH F. JOHNSON  
JOHN A. REDING  
BOYD E. BURNISON  
HERBERT I. PIERCE III  
MICHAEL R. SILVEY  
PATRICK J. BECHERER  
JOHN G. TYNDALL III  
CLINTON A. JOHNSON  
TIMOTHY J. MURPHY  
JACK B. McCOWAN, JR.  
WILLIAM W. SCHOFIELD, JR.  
ERIC G. WALLIS  
NED H. ISOKAWA  
MICHAEL J. LOEB  
JAMES P. CASTLES  
STEVEN M. KOHN  
BERNADETTE W. HARTFIELD  
JAMES T. WILSON  
STEPHEN G. SCHREY  
VICTOR J. POREE

EDWIN A. HEAFEY, JR.  
JUSTIN M. ROACH, JR.  
E. ROBERT CUNNINGHAM  
JAY R. MARTIN  
RICHARD J. HEAFEY  
E. MELVILLE McKINNEY  
WILLIAM A. QUINBY  
PETER W. DAVIS  
RONALD V. ROSEQUIST  
NORMAN K. TUTTLE II  
MIKE C. BUCKLEY  
DENNIS J. GOULD  
STEPHEN A. McFEELY  
WILLIAM H. WAYSMAN  
JOHN E. CARNE  
DANIEL H. DAHLEN  
JAMES A. SWANSON  
ROY H. IKEDA  
PHILIP L. BUSH  
ANDREA R. MARTIN  
JAMES M. WOOD  
JOHN M. KEMP  
CAROLÉ D. BERGERON  
STEPHEN G. BLITCH  
NORMA J. WILLIAMS  
JAMES J. MARCHIANO  
CHRISTOPHER M. DOLAN  
JUDITH R. EPSTEIN

July 12, 1979

HAND DELIVERED

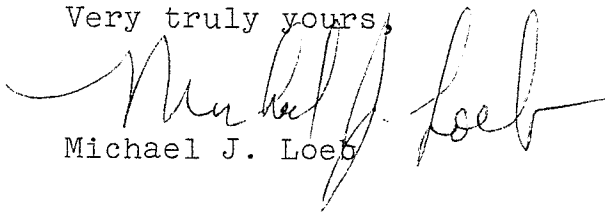
Sewer Authority Mid-Coastside  
c/o Mr. James Copeland  
630 North San Mateo Drive  
San Mateo, California

Re: Glanville Construction Co.

Dear Mr. Copeland:

Enclosed is Glanville Construction Co.'s request for permission to add Environmental Management & Research, Inc., as a subcontractor to the Unit 4 project.

Very truly yours,

  
Michael J. Loeb

MJL:ges  
Enclosure

05726

LAW OFFICES

CROSBY, HEAFEY, ROACH & MAY

PROFESSIONAL CORPORATION

1939 HARRISON STREET

OAKLAND, CALIFORNIA 94612

(415) 834-4820

JOHN B. ROSSON (1902-1963)  
GERALD H. HAGAR (1892-1965)  
LEON A. CLARK (1883-1968)  
GERALD P. MARTIN (1904-1970)  
CARLISLE C. CROSBY (1898-1977)

OF COUNSEL  
PETER J. CROSBY, JR.

EDWIN A. HEAFEY  
PAUL L. MAY  
CHARLES E. BERTA  
CHRIS G. GASPARICH  
CHARLES W. DENNY  
RONALD A. WAGNER  
STEPHEN H. SCHADLICH  
RAOUL D. KENNEDY  
KENNETH F. JOHNSON  
JOHN A. REDING  
BOYD E. BURNISON  
HERBERT I. PIERCE III  
MICHAEL R. SILVEY  
PATRICK J. BECHERER  
JOHN G. TYNDALL III  
CLINTON A. JOHNSON  
TIMOTHY J. MURPHY  
JACK B. McCOWAN, JR.  
WILLIAM W. SCHOFIELD, JR.  
ERIC G. WALLIS  
NED N. ISOKAWA  
MICHAEL J. LOEB  
JAMES P. CASTLES  
STEVEN M. KOHN  
BERNADETTE W. HARTFIELD  
JAMES T. WILSON  
STEPHEN G. SCHREY  
VICTOR J. POREE

EDWIN A. HEAFEY, JR.  
JUSTIN M. ROACH, JR.  
E. ROBERT CUNNINGHAM  
JAY R. MARTIN  
RICHARD J. HEAFEY  
E. MELVILLE MCKINNEY  
WILLIAM A. QUINBY  
PETER W. DAVIS  
RONALD V. ROSEQUIST  
NORMAN K. TUTTLE II  
MIKE C. BUCKLEY  
DENNIS J. GOULD  
STEPHEN A. McFEELY  
WILLIAM H. WAYSMAN  
JOHN E. CARNE  
DANIEL H. DAHLEN  
JAMES A. SWANSON  
ROY H. IKEDA  
PHILIP L. BUSH  
ANDREA R. MARTIN  
JAMES M. WOOD  
JOHN M. KEMP  
CAROLE D. BERGERON  
STEPHEN G. BLITCH  
NORMA J. WILLIAMS  
JAMES J. MARCHIANO  
CHRISTOPHER M. DOLAN  
JUDITH R. EPSTEIN

REQUEST TO SUBCONTRACT WORK  
ON PROJECT UNIT 4 BY REASON  
OF PUBLIC NECESSITY

Glanville Construction Co. (Glanville) requests that grantee and awarding authority, Sewer Authority Mid-Coastside (SAM), permit Glanville to subcontract a portion of the work in its bid on Project Unit 4 which it had retained for itself to Environmental Management & Research, Inc., (E.M.R.I.) on the ground of public necessity as authorized under California Government Code Section 4109. This request is based on the following facts:

1. Glanville, the low bidder, submitted its bid on Project Unit 4: Ocean Outfall and Pumping Facilities, on May 16, 1979. This bid was good for forty-five (45) days.

2. Under the preliminary injunction issued by the Santa Clara County Superior Court to SAM, SAM was to have awarded the contract on this project no later than June 1, 1979. The preliminary injunction required completion of the Outfall Project by December 1, 1979.

05727

**CROSBY, HEAFEY, ROACH & MAY**  
PROFESSIONAL CORPORATION

3. Under the contract documents, work on the project is required to be completed by the contractor within 180 calendar days, subject to terms permitting additional time for construction.

4. Commencement of work on Unit 4 has been delayed, inter alia, by a protest and protest appeal filed by Radco Construction, Inc., concerning compliance with the Minority Business Enterprise (MBE) policies of the United States Environmental Protection Agency and the California Water Resources Control Board.

5. The start of construction on the project has been delayed one to two months. The months lost are among those when weather conditions are usually best for construction.

6. Delay in the start of construction will result in delay of project completion. Because of the initial delay, construction will be carried over to months when weather is likely to hinder or prevent it.

7. Construction delay will hinder or prevent compliance with the Court order requiring completion of the outfall, and will cause additional months of discharge of effluent through the broken Half Moon Bay outfall.

8. Subletting of work to E.M.R.I. should result in faster completion of the outfall project. E.M.R.I. will provide supervision, equipment, and skilled labor necessary for construction of the pump station, Unit 4-B of the project.

9. By subletting to E.M.R.I., Glanville will be able to concentrate its efforts on completion of the outfall, Unit 4-A of the project, and should be able to complete this portion of the project in less time.

CROSBY, HEAFEY, ROACH & MAY  
PROFESSIONAL CORPORATION

10. Expediting completion of the project is a public necessity because of the Superior Court injunction and the pollution caused by the broken Half Moon Bay outfall.

11. Glanville sent a letter dated April 23, 1979, to E.M.R.I. soliciting a sub-bid. E.M.R.I. submitted its sub-bid to Glanville approximately one-half hour after Glanville had presented its bid to SAM. For this reason, Glanville was unable to include E.M.R.I.'s sub-bid in its bid to SAM.

12. If so authorized by SAM, Glanville will subcontract to E.M.R.I. pursuant to the same sub-bid submitted by E.M.R.I. on May 16, 1979: \$326,374.00 for Unit 4-B complete. E.M.R.I. calculated this sub-bid without knowledge that Glanville was the low bidder.

13. The addition of E.M.R.I. as a subcontractor does not result from the practices of bid shopping and bid peddling which are prohibited under Government Code Section 4101.

14. The addition of E.M.R.I. as a subcontractor will not result in any change in the terms of Glanville's bid to SAM.

DATED: July 12, 1979.



---

MICHAEL J. LOEB  
Attorney for Glanville  
Construction Co.