

FORM APPROVED COUNTY COUNSEL
 BY: Y. S. Kester 3/31/10
 MARSHA L. VICTOR DATE

Departmental Concurrence

**SUBMITTAL TO THE BOARD OF SUPERVISORS
 COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

522



FROM: Economic Development Agency

SUBMITTAL DATE:
 March 30, 2010

SUBJECT: Resolution 2010-097, Delegating Authority Regarding Requests for Substitution of Subcontractors on Public Works Construction Projects

RECOMMENDED MOTION: That the Board of Supervisors:

1. Adopt Resolution 2010-097 delegating authority to the Assistant County Executive Officer/EDA (or designee Assistant Director) to manage requests for substitution of subcontractors and hold hearing(s) as required; and
2. Authorize the Economic Development Agency (EDA) to apply Resolution 2010-097 to all current and ongoing public works construction projects.

BACKGROUND: The Board of Supervisors regularly authorizes EDA to construct and implement public works construction projects pursuant to §20120 - 20145 and 22000 - 22045 of the Public Contract Code. In the course of managing these projects, a request for substitution of subcontractors will at times be received from the general contractor performing the work. Public Contract Code Sections 4107 and 4107.5 requires that a hearing be held if a listed subcontractor that is proposed to be removed submits an objection.

(Continued)

Robert Field

Robert Field
 Assistant County Executive Officer/EDA

FINANCIAL DATA	Current F.Y. Total Cost:	\$ 0	In Current Year Budget:	N/A
	Current F.Y. Net County Cost:	\$ 0	Budget Adjustment:	N/A
	Annual Net County Cost FY:	\$ 0	For Fiscal Year:	09/10

SOURCE OF FUNDS: N/A	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	<input type="checkbox"/>

C.E.O. RECOMMENDATION: APPROVE

BY: *Jennifer L. Sargent*
 Jennifer L. Sargent

County Executive Office Signature

Policy
 Policy
 Consent
 Consent
 Dept't Recomm.:
 Per Exec. Ofc.:

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Stone, seconded by Supervisor Buster and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Buster, Tavaglione, Stone, Benoit and Ashley
 Nays: None
 Absent: None
 Date: April 20, 2010
 xc: EDA

Kecia Harper-Ihem
 Clerk of the Board
 By: *Kecia Harper-Ihem*
 Deputy

Prev. Agn. Ref.: | District: ALL | Agenda Number:

ATTACHMENTS FILED WITH
 THE CLERK OF THE BOARD

3.30

BACKGROUND: (Continued)

In order to process these matters in a timely manner, it is requested that the authority to conduct these hearings be delegated to the Assistant County Executive Officer/EDA (or designee Assistant Director) as the designated hearing official so that they can be handled promptly and not cause project delays. Upon conclusion of the required hearing, the hearing official will bring a recommendation to the Board of Supervisors.

Adoption of the attached Resolution 2010-097 will formally authorize the Assistant County Executive Officer/EDA (or designee Assistant Director) to handle these requests by:

1. Determining compliance with Public Contract Code §4100 et seq.
2. Approving the requests if the subcontractor consents or does not submit a timely objection.
3. Holding a hearing should an objection be filed and return to the Board with a recommendation.

EDA recommends that the Board adopt Resolution 2010-097.

RESOLUTION NO. 2010-097

RESOLUTION OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF RIVERSIDE
DELEGATING AUTHORITY REGARDING REQUESTS FOR SUBSTITUTION OF
SUBCONTRACTORS ON PUBLIC WORKS CONSTRUCTION PROJECTS

WHEREAS, the Board of Supervisors regularly authorizes the Economic Development Agency (“EDA”) to construct and implement public works construction projects pursuant to sections §20120 - 20145 and 22000 – 22045 of the Public Contract Code; and,

WHEREAS, the Board of Supervisors desires to delegate to the Assistant County Executive Officer/EDA (or designee), the authority to determine compliance with Public Contract Code §4100 et seq. and conduct necessary hearings when a request for substitution of a subcontractor is submitted on public works construction projects that have been approved by the Board of Supervisors;

NOW, THEREFORE, BE IT RESOLVED, DETERMINED, AND ORDERED by the Board of Supervisors of the County of Riverside, State of California, in regular session assembled on April 20, 2010, that they do hereby delegate to the Assistant County Executive Officer/EDA (or designee), the authority to manage Substitution of Subcontractor issues on EDA related public works construction projects as follows:

1. Review all requests by construction contractors to allow the substitution of subcontractors.
2. Determine whether the requirements of Public Contract Code Section 4100 et seq. for substitution of subcontractors have been met and if so, whether the change is in the best interest of the awarding authority.
3. If the determinations made in paragraph 2 above are affirmative, approve a request by a construction contractor to substitute a new subcontractor for a listed subcontractor when the listed subcontractor consents in writing, or does not submit a timely objection to the substitution.
4. Act as a hearing official and make recommendations to the Board in cases where:
 - a. The listed subcontractor objects to a substitution as provided in Public Contract Code Section 4107(a).

FORM APPROVED COUNTY COUNSEL
BY: *M. V. [Signature]*
MARGAL VICE FOR DATE: 3/31/10

1 b. The prime contractor claims to have made a clerical error in listing a subcontractor(s)
2 and has given proper notice as prescribed by Public Contract Code Section 4107.5.
3
4

5 ROLL CALL:

6 Ayes: Buster, Tavaglione, Stone, Benoit, and Ashley
7 Nays: None
8 Absent: None

9
10 The foregoing is certified to be a true copy of a resolution duly
 adopted by said Board of Supervisors on the date therein set forth.

11 KECIA HARPER-IHEM, Clerk of said Board

12 By: _____
13 Deputy