

**ADOPTED MINUTES  
SPECIAL MEETING OF THE BOARD OF COMMISSIONERS  
HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT**

**July 16, 2020**

The Humboldt Bay Harbor, Recreation and Conservation District met in special session on the above date, Closed Session met at 5:00 P.M. Special Session met at 6:00 P.M via video conference with a teleconference option.

**CLOSED SESSION – 5:00 PM**

**PUBLIC COMMENT:** The following individuals addressed the Commission regarding subject matters on the closed session meeting agenda: Kent Sawatsky and Felix Huerta.

- a) **CONFERENCE WITH LABOR NEGOTIATORS.** Agency designated representatives: Larry Oetker, Executive Director. Employee organization: Operating Engineers Local Union No. 3, AFL-CIO.
  
- b) **CONFERENCE WITH REAL PROPERTY NEGOTIATORS.** Terms of potential purchase of real property with Assessor's Parcel Numbers 401-011-001, 401-011-010, 401-011-012, 401-011-018, 401-011-020, 401-011-023, 401-021-011, 401-021-018, 401-021-027, 401-011-028, 401-021-029, and 401-031-045 on the Samoa Peninsula, Humboldt County, California pursuant to California Government Code § 54956.8. District negotiators: Larry Oetker, Executive Director and Ryan Plotz, District Counsel. Negotiating party: Security National. Under negotiation: price and payment terms.
  
- c) **CONFERENCE WITH REAL PROPERTY NEGOTIATORS.** Terms of potential sale / lease of the dredge Nehalem located at Fields Landing, California pursuant to California Government Code § 54956.8. District negotiators: Larry Oetker, Executive Director and Ryan Plotz, District Counsel. Under negotiation: price and payment terms.

**SPECIAL SESSION – 6:02 P.M.**

**ROLL CALL:**

PRESENT:       DALE  
                  DOSS  
                  MARKS  
                  HIGGINS  
                  KULLMANN

ABSENT:        NONE

QUORUM:       YES

**REPORT ON EXECUTIVE CLOSED SESSION:** The Board of Commissions met on above items A & B, no reportable action.

**PUBLIC COMMENT:** The following individuals addressed the Commission regarding subject matters not on this meeting's agenda: None

**BUSINESS**

a) **Woodley Island Marina 2020 Dredging Contract**

- I. District Staff presented the item.
- II. The Commission discussed the item.
- III. The Commission discussed a letter from FFC submitted before the meeting (Attachment A).
- III. Chair Kullmann opened the item to public comment. Scott Frazier, Kent Sawatsky, Corey Allbritton, Danny Roles and Jeff Hunterlock commented.
- IV. Chair Kullmann moved the discussion back to the Commission.

COMMISSIONER HIGGINS MOVED TO FOLLOW THE STAFF RECOMMENDATION AND ENTER INTO A CONTRACT WITH FIGAS CONSTRUCTION FOR EXECUTION OF THE BASE BID FOR DREDGING OF 7,192 CUBIC YARDS (CY) OF MATERIAL FROM WOODLEY ISLAND MARINA FOR A COST NOT TO EXCEED \$377,680, ENTER INTO A CONTRACT WITH FIGAS CONSTRUCTION FOR EXECUTION OF THE FULL OPTION BID FOR DREDGING OF 4,308 CY OF MATERIAL FROM

**Adopted Minutes for July 16, 2020 Special Board Meeting**

WOODLEY ISLAND MARINA FOR A COST NOT TO EXCEED \$172,320 AND APPROVE ADDITIONAL EXPEDITURES FROM THE DISTRICT DREDGING FUND UP TO 10% OF THE AWARDED BASE AND OPTION BID FOR UNFORSEEN COSTS NOT TO EXCEED \$55,000. COMMISSIONER DOSS SECONDED.

ROLL CALL VOTE WAS CALLED, MOTION CARRIED.

Ayes: DALE, DOSS, HIGGINS, KULLMANN

Noes: MARKS

Absent: NONE

Abstain: NONE

**b) Nehalem Dredge Lease and/or Sale**

I. Executive Director presented the item.

II. The Commission discussed the item.

III. Chair Kullmann opened the item to public comment. Kent Sawatsky commented.

IV. Chair Kullmann moved the discussion back to the Commission.

COMMISSIONER MARKS MOVED TO AUTHORIZE STAFF TO RELEASE AN RFP TO LEASE OR SELL THE NEHALEM DREDGE.

COMMISSIONER HIGGINS SECONDED.

ROLL CALL VOTE WAS CALLED, MOTION CARRIED WITH NO DISSENT.

Ayes: DALE, DOSS, HIGGINS, KULLMANN, MARKS

Noes: NONE

Absent: NONE

Abstain: NONE

**PERMITS - NONE**


**ADJOURNMENT – 7:52 P.M.**

APPROVED BY:



Patrick Higgins  
Secretary of the Board of Commissioners

RECORDED BY:



Mindy Hiley  
Director of Administrative Services



VIA EMAIL – loetker@humboldtby.org

July 15, 2020

Larry Oetker  
Humboldt Bay Harbor, Recreation & Conservation District  
601 Startare Drive  
Eureka, CA 95501

RE: **BID ADVISORY**  
BIDDER: **FIGAS CONSTRUCTION**  
AWARDING AGENCY: **HUMBOLDT BAY HARBOR, RECREATION &  
CONSERVATION DISTRICT**  
PROJECT: **2020 MAINTENANCE DREDGING-WOODLEY ISLAND  
MARINA**  
FFC CASE NO.: **761RP**

Dear Mr. Oetker:

Please enter this formal bid advisory against the above-noted contractor as a matter of public record and circulate to the District Commissioners. We respectfully request that Figas Construction's (Figas) bid be rejected.

The bid provided to your offices by Figas signifies that the contractor would not be able to successfully perform its duties on the above project, while fulfilling its obligations with the Rules and Regulations Governing the Payment of Prevailing Wages, at the bid amount provided due to the following:

- Figas' bid is significantly lower than the other bidders on this project which indicates a failure to account for the proper prevailing wage rate and include all items in the bid packet. **Most notably, the surveying and mobilization were not accounted for at the proper prevailing wage rate.** If awarded the project, this contractor would need to submit multiple costly change orders to complete the project in accordance with the specifications **and/or** compromise prevailing wage laws/standards. This gives Figas an unfair advantage in its bidding practices against its competitors and puts the District in a compromised legal position.
- Item number nine of the contract documents requires competency from each bidder. Upon investigation, FFC has determined that **Figas has not had any public works dredging experience.** Therefore, does not have the technical ability, project references, nor experience to execute this contract.
- Figas has not made a good faith effort to participate and invest in Local Workforce Development, nor have they participated in local hiring of workers in the community through formal and recognized pre-apprenticeship programs and formal apprenticeship programs. Figas has failed to request, employ, train, graduate, and pay the proper prevailing wages to apprentices.

FOUNDATION FOR FAIR CONTRACTING  
3807 Pasadena Avenue, Suite 150 – Sacramento, CA 95821  
(916) 487-7871 – Fax (916) 487-0306  
www.ffccalifornia.com

Larry Oetker  
Humboldt Bay Harbor, Recreation & Conservation District  
July 15, 2020  
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Please contact our office with questions, comments, or clarifications.

Sincerely,

A handwritten signature in blue ink that reads "Bryan Berthiaume". The signature is written in a cursive style.

Bryan Berthiaume  
Executive Director

Case: 761RP

cc: Humboldt Bay Harbor, Recreation & Conservation District – Commissioners  
Larry Doss – Email: [larryo@mingtree.com](mailto:larryo@mingtree.com)  
Greg Dale – Email: [gdale574@gmail.com](mailto:gdale574@gmail.com)  
Stephen Kullmann – Email: [swkullmann@gmail.com](mailto:swkullmann@gmail.com)  
Richard Marks – Email: [samoafog@aol.com](mailto:samoafog@aol.com)  
Patrick Higgins – Email: [phiggin@sonic.net](mailto:phiggin@sonic.net)