



CITY OF COSTA MESA

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FROM THE DEPARTMENT OF PUBLIC WORKS/ENGINEERING DIVISION

City of Costa Mesa Procedure for Reconsideration Hearing

This procedure is recommended and should be in compliance based on 49 CFR 26.53(d).

The City of Costa Mesa's contracts may be subject to Administrative Reconsideration with the City of Costa Mesa's Reconsideration Panel. If the lowest bidder/offeror fails to meet the DBE goal and the City of Costa Mesa has determined that the lowest bidder/offeror did not make adequate good faith efforts, the City of Costa Mesa must invite the lowest bidder/offeror for administrative reconsideration.

Please note that for Design-Build contracts, Administrative Reconsideration process varies slightly. Design-Build receives a request for reconsideration directly from the proposer. There is also the possibility of a second reconsideration at the end of the project if the proposer fails to meet its DBE Performance Plan, and there is a finding of no GFE when the contract is closed out.

Three high level representatives of the City of Costa Mesa make up the three-person panel. Those representatives are provided by each branch of the City of Costa Mesa's Public Works Department. The Director of the Public Works Department chairs the Administrative Reconsideration Panel providing the final decision on behalf of the City of Costa Mesa. The City of Costa Mesa's reconsideration panel must consist of the officials who did not take part in the original determination that the bidder/offeror failed to meet the goal or make adequate good faith efforts.

As a part of the reconsideration, the bidder/offeror will have the opportunity to provide written documentation or argument concerning the issue whether it met the goal or made adequate good faith efforts to do so. Within five (5) business days of the reconsideration hearing, the City of Costa Mesa will send the bidder/offeror a written decision on reconsideration, explaining the basis for finding that the bidder did or did not meet the goal or make adequate good faith efforts to do so. The result of the reconsideration process is not administratively appealable to the City of Costa Mesa, Caltrans or the USDOT.