

**COUNTY OF SAN DIEGO
BOARD OF SUPERVISORS - LAND USE
WEDNESDAY, MARCH 04, 2026**

MINUTE ORDER NO. 7

SUBJECT: AUTHORIZE SUBCONTRACTOR SUBSTITUTION FOR THE CALAVO PARK PROJECT (DISTRICT: 4)

OVERVIEW

This Board Letter provides the results of a subcontractor substitution hearing convened to determine whether De la Fuente Construction (DLF), the prime contractor for the Calavo Park project under Contract No. 571951, has demonstrated adequate grounds to substitute Johnston Tractor, Inc. for the current subcontractor to carry out necessary grading work as part of the project and asks the Board to adopt the Hearing Officer's recommendation. The Hearing Officer found DLF has adequate grounds to affect the substitution. The Board of Supervisors (Board) may (1) ratify the Hearing Officer's determination and allow the substitution to proceed or (2) order a new hearing to consider the matter.

Under Public Contract Code (PCC) section 4107, when a prime contractor desires to substitute a new subcontractor to complete work initially assigned to a different subcontractor, the prime contractor must first seek the County's consent. The County is then required to inform the existing subcontractor of the request and, if the existing subcontractor objects, the County must hold a hearing to determine whether substantial evidence supports authorizing the substitution based on the criteria enumerated in PCC section 4107. After hearing evidence from both parties, the Hearing Officer makes a recommendation. Under PCC section 4114, the Board then has the option of ratifying the Hearing Officer's recommendation or ordering a new hearing to consider the matter.

The Department of Parks and Recreation informed the current subcontractor of DLF's request to substitute Johnston Tractor, Inc. for the current subcontractor on January 30, 2026. The current subcontractor objected to the substitution on February 5, 2026. A hearing on the matter was held on February 25, 2026. In Attachment A the Hearing Officer found, based on substantial evidence, the criteria under PCC section 4107(a)(3) and (7) are met and recommends approving the subcontractor substitution request.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find that the proposed Board of Supervisors action is exempt from provisions of the California Environmental Quality Act (CEQA) pursuant to Sections 15061(b)(3) and 15378(b)(5) of the State CEQA Guidelines
2. Approve the Hearing Officer's recommendation and allow DLF to proceed with substituting Johnston Tractor, Inc. for the current subcontractor under Contract No. 571951 for the Calavo Park project.

EQUITY IMPACT STATEMENT

The recommended action replaces a subcontractor on a significant County construction project at the conclusion of an unbiased process designed to protect the due process rights of the contractors involved. This supports the efficient implementation of a County project while ensuring fairness and justice in access to County contracting opportunities.

SUSTAINABILITY IMPACT STATEMENT

N/A

FISCAL IMPACT

There is no fiscal impact associated with this recommendation. There will be no change in net General Fund costs and no additional staff years.

BUSINESS IMPACT STATEMENT

The recommended action replaces a subcontractor exhibiting unsatisfactory performance on a significant County construction project at the conclusion of an unbiased process designed to protect the due process rights of the contractors involved. This helps ensure a continued level playing field for contractors seeking to do business with the County.

ACTION:

ON MOTION of Supervisor Montgomery Steppe, seconded by Supervisor Aguirre, the Board of Supervisors took action as recommended, on Consent

AYES: Aguirre, Anderson, Lawson-Remer, Montgomery Steppe, Desmond

State of California)
County of San Diego)

I hereby certify that the foregoing is a full, true and correct copy of the Original entered in the Minutes of the Board of Supervisors.

ANDREW POTTER
Clerk of the Board of Supervisors



Signed
by Andrew Potter