



COMMUNITY DEVELOPMENT AGENCY

TRANSPORTATION DIVISION

<http://www.edcgov.us/DOT/>

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July 25, 2013

Board of Supervisors
330 Fair Lane
Placerville, CA 95667

Agenda Title: 7/30/13 CDA/TD Montgomery Estates Area 2 Erosion Control Project – Award of Bid, Legistar #13-0361

Meeting Date: July 30, 2013

Dear Members of the Board:

Community Development Agency -Transportation Division (Transportation) recommends the following pertaining to the Montgomery Estates Area 2 Erosion Control Project, Contract No. PW 13-30674, CIP No. 95170, P&C No. 057-C1499:

- 1) Award the Construction Contract to Herback General Engineering, who submitted the lowest responsive, responsible bid of \$350,549.90;
- 2) Authorize the Chair to sign the Construction Contract, subject to review and approval of the final Contract Documents by County Counsel and Risk Management; and
- 3) Authorize the Acting Community Development Agency Director to sign an Escrow Agreement, if requested by the Contractor and in accordance with Public Contract Code Section 22300, for the purpose of holding Contract retention funds. (Est. Time: 5 Min.)

Reason for Recommendation:

On Friday, July 12, 2013, Transportation opened bids for the Project. Five bids were received ranging from \$350,549.90 to \$408,863.00. The Engineer's Estimate is \$439,997.30. The difference between the low bid and the engineers estimate results in a savings of \$89,447.40

Award and Sign Construction Contract with Lowest Responsive, Responsible Bidder:

Following the Transportation's review of the bids, Transportation issued the All Bidders Letter on Friday, July 12, 2013, notifying bidders of the recommendation to the Board for award and initiating the five-day bid protest period. The bid protest period ended on Friday, July 19, 2013, with no protests received.

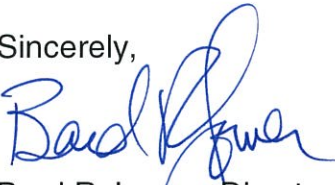
Herback General Engineering submitted the lowest bid in the amount of \$350,549.90. Transportation recommends award of the Construction Contract to Herback General Engineering who submitted the lowest responsive, responsible bid.

Authorize Acting Community Development Agency Director to Sign Escrow Agreement: Pursuant to Special Provisions Section 5-1.19, "Payments," of the Contract Documents, Transportation will retain five percent (5%) of the value of work done from each Contractor payment (excluding mobilization payments) as security for the fulfillment of the Contract. Alternatively, Public Contract Code (PCC) Section 22300 provides that the Contractor may request that payment of retentions earned be made directly to an Escrow Agent. The Contractor will receive the interest earned on the investment.

In accordance with these provisions, the Contractor may request in writing that the County make payment of retention funds directly into an escrow account, which would necessitate an Escrow Agreement. To help expedite this process if requested by the Contractor, Transportation requests that the Board authorize the Acting Community Development Agency Director to execute the Escrow Agreement. Upon substantial completion as determined by the Engineer and upon written notification from the Acting Director, Community Development Agency half of all retentions withheld and interest accrued may be released to the Contractor by the Escrow Agent. Thirty-five days after the recordation of the Notice of Acceptance and upon written notification from the Acting Director, Community Development Agency the Contractor will receive from the Escrow Agent the remaining retention paid into the account and any interest earned thereon.

Action(s) to be taken following Board approval

1. Upon approval by County Counsel and Risk Management, Transportation will forward the Construction Contract, together with the required bonds and insurance, and the approved Contract Routing Sheet to the Clerk of the Board for the Chair's signature.
2. The Clerk of the Board will forward the fully-executed Construction Contract to Transportation for further processing.

Sincerely,

Bard R. Lower, Director
Transportation Division
Community Development Agency