



COMMUNITY DEVELOPMENT AGENCY

TRANSPORTATION DIVISION

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

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April 7, 2017

Board of Supervisors
330 Fair Lane
Placerville, CA 95667

Agenda Title: Timber Mortality Project Phase 1 - Grizzly Flats and Camino, Award of Bid, Legistar #17-0042

Meeting Date: April 11, 2017

Dear Members of the Board:

Community Development Agency, Transportation Division, recommending the Board take the following actions pertaining to Timber Mortality Project Phase 1 – Grizzly Flats and Camino, Contract 439-C1799:

- 1) Award the Construction Contract to Mountain F. Enterprises, Inc., who submitted the lowest responsive, responsible, bid of \$515,420;
- 2) Approve and authorize the Chair to sign the Construction Contract, subject to final review and approval by County Counsel and Risk Management; and
- 3) Authorize the 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.

Funding

California Disaster Assistance Act Funds (75% - State) and General Fund (25% - Local)

The Estimate for the construction phase of the Project is \$566,962, which includes a bid of \$515,420 with a contingency of \$51,542. The construction management portion of the Contract will be performed by the Certified Forester, Black Fox Timber Management Group Inc., under separate Agreement approved by the Board on November 15, 2016 (Item #39)

Department Recommendation

On March 30, 2017, Transportation opened bids for the Project. Three bids were received ranging from \$349,840 to \$635,850. The low bidder, MTS&L, Inc., was determined non-responsive due to failure to provide a California Contractors License per Addendum #1, Item 1.05. The second lowest bidder, Mountain F. Enterprises, Inc., was determined the lowest responsive, responsible bidder for meeting all requirements of the Contract Documents.

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

There are no federal funds on the Project and therefore no Disadvantaged Business Enterprise (DBE) requirement. However, Transportation encourages the use of DBEs when opportunities exist. Transportation has reviewed the Mountain F. Enterprises, Inc. bid and determined it to be in compliance with the Contract Documents.

Transportation issued the All Bidders Letter on Tuesday, March 31, 2017 notifying bidders of the recommendation to the Board for award and initiating the five business day bid protest period. The bid protest period ended at 3:00 p.m. on Friday, April 7, 2017 with no protests filed.

Transportation recommends award of the Construction Contract to Mountain F. Enterprises, Inc., who submitted the lowest responsive, responsible bid in the amount of \$515,420.

Authorize Community Development Agency Director to Sign Escrow Agreement:

Pursuant to Section 6, "Payment" of the Sample Agreement, 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 CDA Director to execute the Escrow Agreement. Upon satisfactory completion of portions of the Contract and upon written notification from the CDA Director, the Contractor will receive incremental releases from the Escrow Agent of retention paid into the account and any interest earned thereon. A portion of the retention and interest will be retained in the escrow account until thirty-five (35) days after the recordation of the Notice of Acceptance of the Contract. After this time, upon written notification from the Community Development Agency Director, these funds will be released to the Contractor.

Contract Change Orders (CCOs):

In any contract there is a need to be able to make changes and the CCO process facilitates the ability to make necessary changes when needed within a contract. With construction contracts, there is an expectation that unanticipated changes will be encountered once construction begins. To prepare for this, a 10% contingency budget is set aside. PCC Section 20142 and Resolution 102-2012 authorize the CDA Director to execute individual CCOs, the maximum value of which is based on the original contract amount with a not-to-exceed limit of \$38,271 for this Contract. This authority is also for a cumulative total of contingency CCOs not to exceed 10% of the original Contract value.

Discussion / Background

Data collected by state and federal agencies demonstrates that drought conditions and bark beetle infestation have killed over 102 million trees in the State of California (State), and that tens of millions more are likely to die over the next five to six years.

On October 30, 2015, Governor Brown proclaimed a State of Emergency due to unprecedented tree mortality caused by conditions of extreme drought and drought-related bark beetle infestations. The Governor's Emergency Proclamation contains 18 distinct actions that direct State agencies, utilities, and local governments to remove dead or dying trees in high hazard areas across the entire State.

On March 28, 2016 (Item 1), the Board adopted Resolution 053-2016 declaring a State of Emergency in El Dorado County due to pervasive tree mortality, and on May 17, 2016 (Item 46), the Board approved the County's Tree Mortality Hazard Tree Removal Plan.

On August 2, 2016 (Item 33), the Board authorized the Chair to sign the California Disaster Assistance Act (CDAA) application and authorized the submittal of the application for funding related to the State's declared Tree Mortality Emergency. The El Dorado County Sheriff's Department received confirmation on September 2, 2016, that the County had been approved for CDAA funding.

Transportation identified parcels with trees that met the conditions for removal under the California Disaster Assistance Act (CDAA) grant funding and began sending the owners requests for right to enter the properties to inspect, identify, and remove dead or dying trees within 200 feet of County infrastructure or facilities. As of February 24, 2017, Transportation had sent 405 right of entry requests to parcel owners and received back 135 executed permits to enter private property. On these 135 parcels, Black Fox has identified 405 trees that qualify for removal under CDAA funding, 353 trees in Grizzly Flats and 52 trees in Camino. Removal of these 405 trees comprises the scope of the subject project.

A Licensed Timber Operator (LTO) will have responsible charge for the duties related to the falling and removal of designated dead and dying trees due to bark beetle infestation as shown in Exhibit A. Trees and brush equal to or less than 8-inches (8") diameter inside bark (DIB) will be stockpiled on site in an area designated by the Engineer for subsequent chipping by Cal Fire. Trees greater than 8-inches (8") DIB will be trucked to West Sacramento for shipping.

Per Governor Jerry Brown's emergency proclamation on October 30, 2015, documentation of compliance with the California Environmental Quality Act is not required for this Project. No Federal funds are being used on the Project, so documentation of compliance with the National Environmental Policy Act is not required.

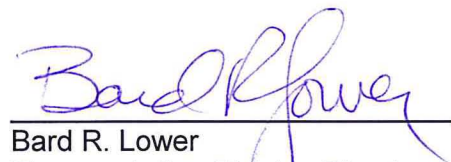
Due to the nature of the work, no environmental permits or utility coordination are required for the Project.

There are no Disadvantaged Business Enterprise (DBE) requirements for this Project. The County always encourages the use of DBE subcontractors when possible.

Clerk of the Board Follow Up Actions

- 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 for the Chair's signature.
- 2) The Clerk will forward the fully executed Construction Contract to Michele Weimer, Community Development Agency, Administration and Finance Division, Contracts and Procurement Unit, for further processing.

Sincerely,



Bard R. Lower
Transportation Division Director
Community Development Agency