



COMMUNITY DEVELOPMENT AGENCY

TRANSPORTATION DIVISION

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

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February 21, 2017

Board of Supervisors
330 Fair Lane
Placerville, CA 95667

Agenda Title: US 50 / Missouri Flat Road Interchange Phase 1B.2 – Bike Path Project (REBID), Award of Bid, Legistar #16-0485

Meeting Date: February 28, 2017

Dear Members of the Board:

Community Development Agency, Transportation Division, recommending the Board take the following actions pertaining to the US 50 / Missouri Flat Road Interchange Phase 1B.2 – Bike Path Project (REBID), Contract No. PW 16-31149, CIP No. 71359, P&C No. 034-C1799:

- 1) Award the Construction Contract to Vinciguerra Construction, who submitted the lowest responsive, responsible, bid of \$1,298,579.80;
- 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

Congestion Mitigation and Air Quality (CMAQ) (49%) and Master Circulation & Funding Plan Financing (51%) (Federal Funds)

US 50 / Missouri Flat Road Interchange Phase 1B.2 – Bike Path Project (REBID) (Project) is budgeted in the 2016 Capital Improvement Program (CIP), adopted by the Board on December 6, 2016 (Item No. 46), with a construction phase budget of \$1,839,000.

The Estimate for the construction phase of the Project is \$1,661,833.38, which includes a bid of \$1,298,579.80; construction management, survey, materials testing and design support during construction totaling \$194,786.97; with supplemental and contingency of \$168,466.61.

Department Recommendation

On February 1, 2016, the Community Development Agency (CDA), Transportation Division (Transportation) opened bids for the Project. Three bids were received ranging from \$1,298,579.80 to \$1,436,329.00.

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

The Disadvantaged Business Enterprise (DBE) goal for the Project is 11%. Vinciguerra Construction (Vinciguerra) submitted its DBE information with its bid and showed it would exceed the DBE goal with 11.1% committed. Transportation has reviewed Vinciguerra's DBE Commitment form submittal

and finds that the firms listed are certified DBEs under the California Unified Certification Program and meet the criteria for a DBE; that Vinciguerra provided sufficient written confirmation from each DBE firm that each is participating in the Contract; and, that Vinciguerra has committed to exceeding the Contract DBE goal.

Transportation issued the All Bidders Letter on Friday, February 3, 2017, notifying bidders of the recommendation to the Board for award and initiating the five-day bid protest period. The bid protest period ended at 12:00 p.m. on Friday, February 10, 2017 with no protests filed.

Transportation recommends award of the Construction Contract to Vinciguerra Construction, who submitted the lowest responsive, responsible bid in the amount of \$1,298,579.80.

Authorize Community Development Agency Director to Sign Escrow Agreement:

Pursuant to Special Provisions Section 9-1.16F, "Retentions", of the Special Provisions, 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.

Supplemental CCOs:

Certain types of work are necessary to complete the Project which cannot be estimated accurately because they require a variable effort to complete. These items are referred to as Supplemental items and are identified in the Contract Documents as CCO work to be performed and paid for on a time and material basis, using California Department of Transportation standard force account billing procedures. The work is authorized by issuance of a CCO, which also encumbers the funds anticipated to be needed for the planned supplemental items of work and is billed against as the work progresses. The amount of each CCO is based on an evaluation by Transportation staff of the Project components, area, and time frame. Supplemental items in this contract include Dust Control Implementation, Water Pollution Control and Flagging for an estimated total of \$38,608.63. This work is anticipated and budgeted for separately. Therefore, supplemental CCOs are not included in the 10% cap normally associated with contingency CCOs.

Contingency CCOs:

In 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. The budget for contingencies on this contract is \$129,857.98. PCC Section 20142 and Resolution 102-2012 authorize the Community Development Agency Director to execute individual CCOs, the maximum value of which is based on the original Contract amount with a not-to-exceed limit of \$89,928.99 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

The US 50 / Missouri Flat Road Interchange Phase 1B.2 – Bike Path Project (REBID) (Project) consists of completing the Class I Bike Lane along U.S. Highway 50, including retaining walls and drainage improvements.

The US/50 Missouri Flat Road Phase 1B.2 Bike Path Project (1B.2) was originally part of the US/50 Missouri Flat Road Phase 1B Project (1B) in 2010. Midway through construction, Caltrans had sight distance concerns that they thought were created by the bike path part of the 1B Project and shut it down. The partially built bike path has been sitting and unusable since the shut down of that portion of the 1B Project. The 1B.2 Project was redesigned, refunded, and put back out to bid on June 15, 2016 (June 7, 2016 Legistar item 16-0485). Bids were opened on July 14, 2016. All bids were higher than the approved CIP budget and the Project was not awarded as approved by the Board on August 2, 2016 (Item 20). No change in scope was made for the rebid of this Project. In accordance with Public Contract Code 22038, County staff performed a comparison of the Project unit price versus other recently bid County projects and the engineer's estimate was updated. The CIP amount was updated and The 1B.2 Project was rebid.

An Environmental Impact Report (EIR) and Supplemental Environmental Impact Report (SEIR), Missouri Flat Area Master Circulation and Funding Plan, in accordance with the California Environmental Quality Act (CEQA) and the California Department of Transportation National Environmental Policy Act (NEPA), for the Project were adopted by the Board on August 31, 2004. A Final Supplement to the EIR on the U.S. Highway 50/Missouri Flat Road Interchange Project to include the U.S. Highway 50/Weber Creek Bridge Bicycle/Pedestrian Facility Project was adopted by the Board on August 25, 2009 (Item No. 16).

No right of way or environmental permits were required for the Project.

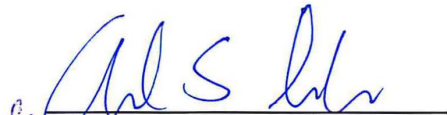
Transportation received federal funding authorization (E-76 for construction phase activities on June 10, 2016).

Due to the Congestion Mitigation and Air Quality (CMAQ) funds for the Construction phase of this Project, the Contract Documents include all required federal provisions and incorporate the current Caltrans Disadvantaged Business Enterprise (DBE) requirements. The DBE goal is 11%.

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



COUNTY OF EL DORADO
COMMUNITY DEVELOPMENT AGENCY
TRANSPORTATION DIVISION

INTEROFFICE MEMORANDUM

Date: February 7, 2017
To: Roger Niello, Interim CDA Director
From: Bard Lower, CDA Transportation Division Director
Subject: **Delegation of Authority**

I will be out of the office on vacation starting on Friday afternoon, February 17, 2017 and returning on Monday, February 27, 2017.

During my absence, I am delegating my signature authority to Andrew Gaber, Deputy Director, DRE, from Friday afternoon, February 17, 2017 through Sunday, February 26, 2017.

A handwritten signature in cursive script, appearing to read "Bard Lower".

Bard Lower, Director of CDA Transportation Division

A handwritten signature in cursive script, appearing to read "Andrew Gaber".

Andrew Gaber, Deputy Director, DRE

cc Don Ashton, CAO
Joe Harn, Auditor/Controller
Kate Sampson, Assistant Director Admin/Finance
Don Spear, Deputy Director, Maintenance & Operations
Andrew Gaber, Deputy Director, DRE
John Kahling, Deputy Director, Headington Engineering
Matt Smeltzer, Deputy Director, Fairlane Engineering
Ruth Young, Chief Fiscal Officer
Laura Friestad, Administrative Services Officer, Admin/Finance
Melanie Young, Auditor/Controller's Office

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