

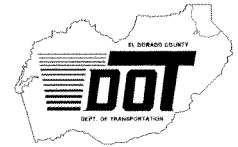


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June 20, 2011

Board of Supervisors
330 Fair Lane
Placerville, CA 95667

**Agenda Title: DOT 6/28/11 Ice House Road Bridges Maintenance
Award of Bid, Legistar # 11-0319**

Meeting Date: June 28, 2011

Dear Members of the Board:

Department of Transportation recommending the following pertaining to the Ice House Road Bridges Maintenance Project (Contract No. PW 09-30469, CIP No. 77121):

- 1) Adopt the factual findings as stated in Department of Transportation's June 21, 2011 letter responding to Myers and Sons Construction, L.P.'s protest, and based thereon, deny the protest;
- 2) The Board find the bids from Myers and Sons Construction, L.P. and American Civil Constructors West Coast, Inc. non-responsive because they failed to submit their Proposals attached to the Contract Documents package; and find the bid from Victory Engineers, Inc. non-responsive because it failed to meet the Underutilized Disadvantaged Business Enterprise Program goal or demonstrate a good faith effort to meet this goal;
- 3) The Board reject all bids; and
- 4) The Board authorize re-advertisement for construction bids. (Est. Time 5 Min.)

Background:

The Ice House Road Bridges Maintenance Project (Project) provides maintenance for five bridges located on Ice House Road. The bridges are at the intersection of the South Fork Rubicon River, Big Silver Creek, Tells Creek, South Fork Silver Creek and Jones Fork Silver Creek. Specific work includes: replacement of joint seals, deck rehabilitation and resurfacing and leveling roadway approaches. The performance of the maintenance of the bridges is proposed as a combination of County forces and contract work. County Maintenance Division staff will provide labor and materials for the final stage of the Project to remove and replace the roadway section at the approaches to four of the five bridges, replace asphalt concrete dike and install overside drains and restripe resurfaced roadway and bridge segments.

On May 17, 2011 the Board adopted and approved the Plans and Specifications and authorized advertisement for construction bids for the Project with the bid

opening scheduled for June 13, 2011. The Board also authorized the Director of Transportation to use County staff/maintenance workers as day labor to perform the proposed work required for the final stage roadway approach and striping.

Reason for Recommendation:

On June 13, 2011, the Department of Transportation (Department) opened bids for the Project. Three bids were received ranging from \$348,233.00 to \$395,346.50. The Engineer's Estimate for the Project is \$260,600.00.

Adopt the factual findings as stated in the Department's June 21, 2011 letter and deny the bid protest

On June 20, 2011 the Department faxed the All Bidders Letter to the three bidders. The letter included an explanation of why the Department would be recommending that the Board find the bids non-responsive and that they reject all bids. The letter also initiated the bid protest period and outlined the bid protest procedure contained within the Contract Documents.

On June 20, 2011 the Department received via fax a response to the All Bidders Letter from Myers and Sons Construction, L.P. (Myers) protesting the recommendation that its bid be rejected. A copy of Myers' letter and the Department's response is attached. The Department recommends that the Board adopt the factual findings in our response letter and, based thereon, deny Myers' protest.

Find all Bids Non-responsive; Reject All Bids; and Authorize Re-advertisement for Construction Bids

The first and third bidders, Myers and American Civil Constructors West Coast, Inc., submitted only their bid Proposals, rather than submitting their Proposal attached to the bound Contract Documents. Section 2-1.01 of the Special Provisions states that "A Proposal shall be deemed 'Non-Responsive' if the Proposal is submitted without the entire Contract Document package attached." Submitting the Proposal attached to the bound Contract Documents is essential because it confirms that the bidder's Proposal is reflective of the work described in the Contract Documents. Therefore, the Department recommends that the Board find the bids from Myers and American Civil Constructors West Coast, Inc. non-responsive.

Victory Engineers, Inc. (Victory) was the second lowest bidder. Victory failed to meet the Underutilized Disadvantaged Business Enterprise (UDBE) goal of 1.73% and to demonstrate a good faith effort to meet this goal. Victory listed three firms on its UDBE Commitment form; however only one of the firms is a certified UDBE. When the two firms that are not certified UDBEs are excluded from the commitment calculations, Victory's UDBE commitment amounts to 1.42%. Victory failed to demonstrate a good faith effort to meet the goal by stating that it "used the normal subs and suppliers on this specialized work that we use on all state/local jobs" rather than following the eight required steps that comprise a good faith effort. Awarding a contract to a bidder who did not meet the goal or demonstrate adequate

good faith effort is ineligible for Federal participation. The majority of the funding for the Project is from the Federal Highway Bridge Program. Therefore, the Department recommends that the Board find Victory's bid non-responsive.

If the Board finds all the bids non-responsive; the Board must also reject all bids.

In order to re-bid the Project and construct in the 2011 season, the Department is requesting Board authorization to re-advertise the Project for construction bids.

Action to be taken by the Department following Board approval:

1. The Department will re-advertise for construction bids and open bids on July 18, 2011.
2. The Department will forward a recommendation of award for the Board's consideration, under a separate agenda item, anticipated for the August 2, 2011 Board meeting.

Sincerely,



James W. Ware, P.E.
Director of Transportation

Attachments