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June 2, 2008

Board of Supervisors
 330 Fair Lane
 Placerville, CA 95667

Agenda Title: DOT 6/3/08 Apalachee Phase 3B ECP Award of Bid

Meeting Date: June 3, 2008

2008 JUN -3 M 9:02
 BOARD OF SUP
 EL DORADO (CO)

Dear Members of the Board:

Transportation Department recommending award of Construction Contract for the Apalachee Phase 3B Erosion Control Project, Contract No. 95183, to the lowest responsive, responsible bidder, Herback General Engineering, in the amount of \$1,067,580.30; Chairman be authorized to sign Contract with Herback General Engineering, subject to review and approval of the final Contract Documents by County Counsel and Risk Management; and, authorize the Director of Transportation to execute Contract Change Orders with an individual value up to \$65,879, provided the cumulative total of all change orders is within the contingency budget established for this project.

RECOMMENDED ACTION: Approve.

FUNDING: United States Forest Service, United States Bureau of Reclamation, and California Tahoe Conservancy Grant Funds.

BUDGET SUMMARY:		
Total Estimated Cost		\$1,067,580.30
Funding		
Budgeted	\$1,067,580.30	
New Funding	\$	
Savings	\$	
Other	\$	
Total Funding Available	\$1,067,580.30	
Change To Net County Cost		\$0.00

Fiscal Impact/Change to Net County Cost:

Funding for this Project has been secured from the United States Forest Service, United States Bureau of Reclamation, and the California Tahoe Conservancy. There is no Net County Cost.

Reason for Recommendation:

On April 29, 2008, the Board approved the Apalachee Phase 3B Erosion Control Project's (Project) Plans and Specifications and authorized the Transportation Department (Department) to advertise for construction bids, with the bid opening scheduled for May 23, 2008.

The Department received 7 bid proposals for the Project as follows:

<u>CONTRACTOR</u>	<u>TOTAL BID AMOUNT</u>
Herback General Engineering	\$1,067,580.30
Marv McQueary Excavating, Inc.	\$1,071,946.00
Cruz Excavating, Inc.	\$1,178,224.81
V & C Construction, Inc.	\$1,193,669.25
White Rock Construction, Inc.	\$1,302,463.10
Aspen Developers Corp.	\$1,333,258.50
Burdick Excavating Co., Inc.	Irregular Bid

After reviewing the bid received from Herback General Engineering, the Department determined that the bid was responsive and there were no irregularities in the bid. There was an irregularity in the bid submitted by Burdick Excavating Co., Inc. The Proposal section of the Contract Documents included two Bidder's Bond forms: one for ten percent (10%) of the amount of the total Base Bid (Schedule A) and the other for ten percent (10%) of the amount of the total Additive Alternate Bid (Schedule B). Burdick Excavating Co., Inc. submitted a proposal with duplicate Bidder's Bond forms on the Schedule A form only, causing an irregular bid for failure to furnish the required Bidder's Bonds. The Engineer's construction cost estimate for this Project is \$1,485,249.00. The low bid is \$1,067,580.30, which is 28% less than the Engineer's estimate.

Request for Additional Contract Change Order Authority:

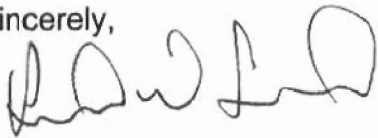
Public Contract Code Section 20142 allows a Board of Supervisors to authorize the County Engineer or other county officer to order changes in the work of a public contract. This ability to delegate is capped at \$150,000. The Board of Supervisors, by Resolution 106-93 has utilized this provision and delegated to the Directors of Transportation, Environmental Management and General Services, and the Chief Administrative Officer, change order authority not to exceed \$50,000.

Given the importance of the subject Contract and the exposure to the County should work be delayed due to a needed change, it is requested the change order limit for this Contract be increased to \$65,879, which is consistent with the limits set in the Public Contract Code. This authority is requested provided the cumulative cost of all change orders is maintained within the contingency budget established for the project.

Action to be taken following Board approval:

1. The Department will forward the approved Construction Contract to Herback General Engineering for its signature.
2. Upon receipt of the Construction Contract from Herback General Engineering, the Department will submit the final Contract Documents, including the required bonds and insurance, to County Counsel and Risk Management for review and approval.
3. Upon approval by County Counsel and Risk Management, the Department will forward the Construction Contract, together with the required bonds and insurance, and the approved Contract Routing Sheet to the Board Clerk for the Board Chairman's signature on the Construction Contract.
4. Upon receipt of the fully-executed Construction Contract, the Department will forward the approved Contract to Herback General Engineering and will issue a Notice to Proceed.
5. The Director of Transportation will execute change orders as approved and/or delegated by the Board.

Sincerely,

A handwritten signature in black ink, appearing to read 'Richard W. Shepard', written over a light blue rectangular background.

Richard W. Shepard, P.E.
Director of Transportation