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August 17, 2012

Board of Supervisors
330 Fair Lane
Placerville, CA 95667

Agenda Title: DOT 8/21/12 Christmas Valley Phase 2C Erosion Control Project Award of Bid, Legistar # 10-0804

Meeting Date: August 21, 2012

Dear Members of the Board:

Department of Transportation recommending the Board take the following actions pertaining to the Christmas Valley Phase 2C Erosion Control Project (Contract No. PW 10-30540, CIP No. 95190):

- 1) Award the Construction Contract to White Rock Construction, Inc., who submitted the lowest responsive, responsible bid of \$597,346.75;
- 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 Interim Director of Transportation 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.) (Refer 7/17/2012, Item 20)

Background

The Christmas Valley Phase 2C Erosion Control Project (Project) is an Environmental Improvement Program (EIP) project (EIP #190 & #708) and is consistent with the County's objectives related to improving and restoring the Lake Tahoe Environment and is included in the Department of Transportation's (Department) 2012 Capital Improvement Program as adopted by the Board of Supervisors on June 19, 2012.

On July 17, 2012 the Board adopted and approved the Plans and Specifications and authorized advertisement for construction bids for the Project with the bid opening scheduled for August 3, 2012. In order to issue an addendum in response to bidders' inquiries no sooner than 72 hours before the bid opening to comply with Public Contract Code (PCC) Section 4104.5, the Department postponed the bid opening to Thursday, August 9, 2012.

Reason for Recommendation

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

The Department opened bids for the Project on Thursday, August 9, 2012. Two bids were received in the amounts of \$597,346.75 and \$613,007.00. The Engineer's Estimate is

\$586,273.

Following the Department's review of the bids, the Department issued the All Bidders Letter which initiated the bid protest period and included the Department's recommendation for award and the procedures for filing a bid protest. The bid protest period ended at 5:00 pm, Thursday, August 16, 2012, with no protests filed.

White Rock Construction, Inc. submitted the lowest bid in the amount of \$597,346.75. Although the bid exceeds the Engineer's estimate by \$11,073.75, there are sufficient funds available and budgeted. The Department recommends award of the Construction Contract to White Rock Construction, Inc., who submitted the lowest responsive, responsible bid.

Authorize Interim Director of Transportation to Sign Escrow Agreement:

Pursuant to Special Provisions Section 5-1.19, "Payments," of the Contract Documents, the Department will retain five percent (5%) of the value of work done from each Contractor payment as security for the fulfillment of the Contract. Alternatively, 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 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, the Department requests that the Board authorize the Interim Director of Transportation to execute the Escrow Agreement. Upon substantial completion as determined by the Engineer and upon written notification from the Interim Director of Transportation, 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 Interim Director of Transportation, 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, the Department will forward the Construction Contract, together with the required bonds and insurance, and the approved Contract Routing Sheet to the Acting Clerk of the Board for the Chair's signature.
2. The Acting Clerk of the Board will forward the fully executed Construction Contract to the Department for further processing.

Sincerely,



Robert S. Slater, P.E.
Assistant Director of Transportation

Attachments