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June 20, 2011

Board of Supervisors  
330 Fair Lane  
Placerville, CA 95667

**Agenda Title: DOT 6/28/10 Montgomery Estates Area 1A Erosion Control Project Contract Award, Legistar # 11-0041**

**Meeting Date: June 28, 2011**

Dear Members of the Board:

Department of Transportation recommending the following pertaining to the Montgomery Estates Area 1A Erosion Control Project (Contract No. PW 09-30485, CIP No. 95155)

- 1) The Board find that incomplete execution of the Equal Employment Opportunity Certification at the time of bid submittal is not an irregularity; and award the Construction Contract to Herback General Engineering, who submitted the lowest responsive, responsible bid of \$248,443.00; and
- 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. (Est. Time 5 Min.)

Background:

On May 24, 2011 the Board adopted and approved the Plans and Specifications and authorized advertisement for construction bids for the Montgomery Estates Area 1A Erosion Control Project (Project) with the bid opening scheduled for June 13, 2011. The Board also authorized the Director to sign an Escrow Agreement, if requested by the Contractor.

Reason for Recommendation:

On June 13, 2011 the Department of Transportation (Department) opened bids for the Project. Six bids were received ranging from \$248,443.00 to \$343,467.50. The Engineer's Estimate is \$409,696.

The Equal Employment Opportunity Certification (EEO Cert) included in the Proposal includes the locations where the Bidder inserts its name and the names of its subcontractors to certify whether or not each has participated in previous contracts subject to equal employment opportunity clauses. Herback General Engineering's (Herback's) EEO Cert included only its name and not the name of its subcontractors. Since the statutes requiring EEO Cert allow the certification to be executed with the Contract execution, the Department recommends that

the Board find the incomplete execution is not an irregularity. The Department will ensure that Herback executes a new EEO Cert as part of the Contract execution.

Herback submitted the lowest bid in the amount of \$248,443.00. The Department recommends that the Board award the Construction Contract to Herback, who submitted the lowest responsive, responsible bid.

Following 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, Monday, June 20, 2011, with no protests filed.

Action to be taken by the Department following Board approval:  
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 Chair's signature.

Action to be taken following Board approval:  
The Board Clerk will forward the fully executed Construction Contract to the Department for further processing.

Sincerely,

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

Attachments