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June 16, 2008

Board of Supervisors
 330 Fair Lane
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Agenda Title: DOT 6/17/08 Angora 3 Erosion Control Project (ECP) Award of Bid, Legistar # 08-0540, Item # 43

Meeting Date: June 17, 2008

2008 JUN 16 PM 3:33
 BOARD OF SUPERVISORS
 EL DORADO COUNTY

Dear Members of the Board:

Transportation Department recommending award of Construction Contract for the Angora 3 Erosion Control Project, Contract No. 95160, to the lowest responsive, responsible bidder, V & C Construction, Inc., in the amount of \$1,460,604.78; Chairman be authorized to sign Contract with V & C Construction, Inc., 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 \$150,000 pursuant to the Public Contract Code Section 20142 (b), provided the cumulative total of all change orders is within the contingency budget established for this project.

RECOMMENDED ACTION: Approve.

FUNDING: California Tahoe Conservancy Grant Funds and Tahoe Regional Planning Agency - Water Quality Mitigation Funds.

BUDGET SUMMARY:		
Total Estimated Cost		\$1,460,604.78
Funding		
Budgeted	\$1,460,604.78	
New Funding	\$	
Savings	\$	
Other	\$	
Total Funding Available	\$1,460,604.78	
Change To Net County Cost		\$0.00

Fiscal Impact/Change to Net County Cost:

The Construction Contract cost for the construction phase of the Angora 3 Erosion Control Project (Project) is pursuant to the V&C Construction, Inc. bid amount of \$1,460,604.78,

with an estimated construction contingency within the approved budget of \$289,230, and estimated construction engineering and administration costs within approved budget of \$505,000. Funding for this Project will be provided by the California Tahoe Conservancy (CTC) under the Grant Agreements CTA 05023 and 05023.1, and the Tahoe Regional Planning Agency (TRPA) from Water Quality Mitigation Funds. There is no Net County Cost.

Reason for Recommendation:

On May 20, 2008, the Board approved the Project's Plans and Specifications and authorized the Transportation Department (Department) to advertise for construction bids, with the bid opening scheduled for June 13, 2008.

The Department received 8 bid proposals for the Project as follows:

<u>CONTRACTOR</u>	<u>TOTAL BID AMOUNT</u>
V & C Construction, Inc.	\$1,460,604.78
White Rock Construction, Inc.	\$1,634,531.24
Cruz Excavating, Inc.	\$2,019,874.74
Aspen Developers Corp.	\$2,222,914.90
Curtis & Sons Construction, Inc.	\$2,329,332.12
Herback General Engineering	\$2,407,659.77
Granite Construction Company	\$2,478,478.00
Burdick Excavating Co., Inc.	Irregular Bid

After reviewing the bid received from V&C Construction, Inc., the Department determined that the bid was responsive and there were no irregularities in the bid. However, there was an irregularity in the bid submitted by Burdick Excavating Co., Inc. The Proposal section, Page P-14, of the Contract Documents includes a section where the Contractor is required to acknowledge all Addendum's by number. Furthermore, each addendum submitted to the Contractor contained verbiage in bold type at the end of the addendum letter stating the following: "**Receipt of this addendum must be acknowledged on Page P-14 of the Proposal.**" Burdick Excavating Co., Inc. submitted a proposal which contained an acknowledgement of addendum's #1 and #2 only, causing an irregular bid for failure to acknowledge addendum #3 pursuant to the requirements of the addendum letter and requirements on Page P-14 of the Proposal.

The Engineer's construction cost estimate, excluding a construction contingency amount, for this Project is \$2,081,483.00. The low bid is \$1,460,604.78, which is 43% less than the Engineer's estimate.

Request for Additional Contract Change Order Authority:

Public Contract Code (PCC) Section 20142 (b) 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.

However, given the importance of the subject Contract, the short construction season within Tahoe, 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 up to the maximum allowed by the PCC Section 20142 (b) of \$150,000, which is consistent with the limits set forth within this PCC section. 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 two (2) approved Construction Contracts to V & C Construction, Inc. in duplicate form for its signatures.
2. Upon receipt of the two (2) Construction Contracts, in duplicate form from V & C Construction, Inc., 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 Contracts, together with the required bonds and insurance, and the approved Contract Routing Sheet to the Board Clerk for the Board Chairman's signature on each duplicate Construction Contract.
4. Upon receipt of the fully-executed duplicative Construction Contracts, the Department will forward one fully executed Construction Contract to V & C Construction, Inc., and will issue a Notice to Proceed thereafter. The second fully executed Construction Contract will be retained by the County Clerk of which a copy will be submitted to the Tahoe Engineering Division.
5. The Director of Transportation will execute change orders as approved and/or delegated by the Board.

Sincerely,


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