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August 17, 2010

Board of Supervisors  
 330 Fair Lane  
 Placerville, CA 95667

**Agenda Title: DOT 8/24/10 Durock Road and Business Drive, Traffic Signal and Intersection Widening Project Contract Award, Legistar # 09-0952**

**Meeting Date: August 24, 2010**

Dear Members of the Board:

The Department of Transportation is recommending the following pertaining to the Durock Road and Business Drive, Traffic Signal and Intersection Widening Project (Contract No. PW 09-30446, CIP No. 73354):

- 1) Award the Construction Contract to Doug Veerkamp General Engineering, Inc. who submitted the lowest responsive, responsible bid of \$719,826.00
- 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;
- 3) Authorize the 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; and,
- 4) Authorize the Director of Transportation to execute Contract Change Orders with an individual value up to \$48,491, consistent with the Public Contract Code limits, provided the cumulative total of all Contract Change Orders is within the contingency budget established for the Project.

Background:

On June 29, 2010, the Board adopted and approved the Plans and Specifications and authorized advertisement for construction bids for the Durock Road and Business Drive, Traffic Signal and Intersection Widening Project (Project). Advertisement of the Project for construction bids was delayed to allow time for the Department of Transportation (Department) to negotiate with Caltrans to reduce the federal provisions included in the State Master Agreement since the SLPP funding requiring the State Master Agreement is based on State and not Federal funds. Advertisement for construction bids began on July 19, 2010 with the bid opening scheduled for August 9, 2010.

Reason for Recommendation:

On August 9, 2010 the Department opened bids for the Project. Four bids were received ranging from \$719,826.00 to \$1,095,535.40. The Engineer's Estimate for the Project is \$1,032,000.

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

Doug Veerkamp General Engineering, Inc. (Veerkamp) submitted the lowest bid in the amount of \$719,826.00. The Department recommends that the Board award the construction contract to Veerkamp, 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 4:30 pm, Tuesday, August 17, 2010, with no protests filed.

Authorize Director to Sign Escrow Agreement:

Pursuant to Special Provisions Section 5-1.15, "Payment of Withheld Funds," of the Contract Documents the Department will retain ten percent (10%) of the value of work done from each Contractor payment (excluding mobilization payments) as security for the fulfillment of the Contract. Alternatively, Public Contract Code (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 the 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 Director of Transportation to execute the Escrow Agreement. Upon substantial completion as determined by the Engineer and upon written notification from the Director of Transportation, half of all retentions withheld and interest accrued may be released to the Contractor by the Escrow Agent. Thirty-five (35) days after the recordation of the Notice of Acceptance of the Contract and upon written notification from the Director of Transportation, the Contractor will receive from the Escrow Agent the remaining retention paid into the account and any interest earned thereon.

Request for Additional Contract Change Order (CCO) Authority:

PCC 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. The Department is requesting that the Director's authority be increased pursuant to the limits set in the PCC, which for this contract amounts to \$48,491. This authority is requested provided the cumulative cost of all CCOs is

maintained within the contingency budget established for the Project.

Action 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 Board Clerk for the Board Chair's signature.
2. The Board Clerk will forward the fully executed Construction Contract to the Department for further processing.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Ware', with a long, sweeping horizontal flourish extending to the right.

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

Attachments