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September 13, 2010

Board of Supervisors  
330 Fair Lane  
Placerville, CA 95667

**Agenda Title:** DOT 9/28/10 Asphalt Concrete Overlay 2010 - Latrobe Road Project Contract Award, Legistar # 10-0557

**Meeting Date:** September 28, 2010

Dear Members of the Board:

The Department of Transportation is recommending the Board consider the following pertaining to the Asphalt Concrete Overlay 2010 - Latrobe Road Project, Contract No. PW 09-30492/CIP No. 72182:

- 1) Find the lowest bidder, Tom Mayo Construction, Inc., non-responsive since the certification date on the Power of Attorney on behalf of the surety for the Bidder's Bond was omitted;
- 2) Award the Construction Contract to Granite Construction Company who submitted the second lowest bid of \$743,897.50;
- 3) 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,
- 4) Authorize the Director of Transportation to execute Contract Change Orders with an individual value of \$49,695, 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 August 10, 2010, the Board adopted and approved the Contract Documents and authorized advertisement for construction bids for the Asphalt Concrete Overlay 2010 – Latrobe Road Project (Project) with the bid opening scheduled for September 2, 2010.

Reason for Recommendation:

On September 2, 2010 the Department of Transportation (Department) opened bids for the Project. Ten bids were received ranging from \$725,831.00 to \$1,012,080.60. The Engineer's Estimate for the Project is \$899,586.

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

Recommend the Board find Tom Mayo Construction, Inc.'s Bid Non-responsive  
Tom Mayo Construction, Inc. (Mayo) submitted the lowest bid in the amount of \$725,831, but omitted the certification date on the Power of Attorney form authorizing the attorney-in-fact to execute the Bidder's Bond on behalf of the surety. Because this omission is an irregularity that can not be waived, the Department recommends that the Board find Mayo's bid non-responsive.

Recommend Award of Construction Contract to Granite Construction Company  
Granite Construction Company (Granite) submitted the second lowest bid in the amount of \$743,897.50. Granite is the lowest responsive, responsible bidder.

The Underutilized Disadvantaged Business Enterprise (UDBE) goal for the Project is 0.87%. Per the Contract Documents, if the top three bidders did not submit their UDBE information with their bid, they were required to submit this information by 4:00 pm the fourth business day after the bid opening, which for this Project was September 9, 2010. Granite submitted with its bid a UDBE Commitment form which shows that Granite has committed to a UDBE goal of 4.4% through the utilization of Chavez Trucking and Construction Area Signs. The Department has reviewed Granite's UDBE Commitment form submittal and finds both firms are certified female DBEs under the California Unified Certification Program meeting the criteria for a UDBE; that Granite provided sufficient written confirmation from each UDBE firm that each is participating in the contract; and, that Granite has exceeded the contract goal of 0.87%.

Following review of the UDBE information, 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 2:00 pm, Monday, September 13, 2010, with no protests filed. Therefore, the Department recommends award of the construction contract to Granite as having submitted the lowest responsive, responsible bid.

Request for Additional Contract Change Order (CCO) Authority:

Public Contract Code (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 \$49,695. This authority is requested provided the cumulative cost of all CCOs is maintained within the contingency budget established for the Project.

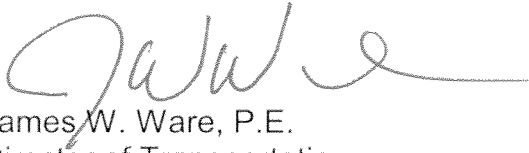
Action to be taken following Board approval:

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.W. Ware', with a long horizontal flourish extending to the right.

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

Attachments