



COMMUNITY DEVELOPMENT AGENCY

TRANSPORTATION DIVISION

<http://www.edcgov.us/DOT/>

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June 11, 2013

Board of Supervisors
330 Fair Lane
Placerville, CA 95667

Agenda Title: 6/18/13 CDA/TD Boulder Mountain Erosion Control Project – Award of Bid, Legistar #13-0360

Meeting Date: June 18, 2013

Dear Members of the Board:

Community Development Agency -Transportation Division (Transportation) recommending the following pertaining to the Boulder Mountain Erosion Control Project, Contract No. PW 13-30675, CIP No. 95153, P&C No. 054-C1499:

- 1) Award the Construction Contract to Herback General Engineering, who submitted the lowest responsive, responsible bid of \$347,295.90;
- 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 Acting Community Development Agency Director 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.)

Reason for Recommendation:

On Friday, May 31, 2013, Transportation opened bids for the Project. Ten bids were received ranging from \$347,295.90 to \$530,527.70. The Engineer's Estimate is \$462,033.75.

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

Following the Transportation's review of the bids, Transportation issued the All Bidders Letter on Monday, June 3, 2013, notifying bidders of the recommendation to the Board for award and initiating the five-day bid protest period. The bid protest period ended on Monday, June 10, 2013, with no protests received.

Herback General Engineering submitted the lowest bid in the amount of \$347,295.90. Transportation recommends award of the Construction Contract to Herback General Engineering who submitted the lowest responsive, responsible bid.

Authorize Acting Community Development Agency Director to Sign Escrow Agreement: Pursuant to Special Provisions Section 5-1.19, "Payments," of the Contract Documents, Transportation will retain five percent (5%) 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, Transportation requests that the Board authorize the Acting Community Development Agency Director to execute the Escrow Agreement. Upon satisfactory completion of portions of the Contract and upon written notification from the Acting Community Development Agency Director, the Contractor will receive incremental releases from the Escrow Agent of retention paid into the account and any interest earned thereon. A portion of the retention and interest will be retained in the escrow account until thirty-five (35) days after the recordation of the Notice of Acceptance of the Contract at which time these funds will be released to the Contractor.

Action(s) to be taken following Board approval

1. Upon approval by County Counsel and Risk Management, Transportation will forward the Construction Contract, together with the required bonds and insurance, and the approved Contract Routing Sheet to the Clerk of the Board for the Chair's signature.
2. The Clerk of the Board will forward the fully-executed Construction Contract to Transportation for further processing.

Sincerely,



Bard R. Lower
Transportation Division Director