

# COUNTY OF EL DORADO DEPARTMENT OF TRANSPORTATION



**CONSTRUCTION UNIT**  
2441 Headington Road  
Placerville CA 95667  
Phone: (530) 642-4987  
Fax: (530) 295-2655

**JAMES W. WARE, P.E.**  
Director of Transportation

Internet Web Site:  
<http://edcgov.us/dot>

**MAIN OFFICE**  
2850 Fairlane Court  
Placerville CA 95667  
Phone: (530) 621-5900  
Fax: (530) 626-0387



July 20, 2010

Board of Supervisors  
330 Fair Lane  
Placerville, CA 95667

**Agenda Title: DOT 7/27/10 Rubicon 5 Erosion Control Project Contract Award, Legistar # 10-0160**

**Meeting Date: July 27, 2010**

Dear Members of the Board:

The Department of Transportation is recommending the following pertaining to the Rubicon 5 Erosion Control Project (Contract PW 09-30490, CIP No. 95178):

- 1) The Board find the lowest bidder, Aspen Developers Corp, non-responsive because it failed to acknowledge Addendum No.2 in its bid proposal;
- 2) The Board find the second lowest bidder, Burdick Excavating Company, Inc., non-responsive because it failed to acknowledge Addendum No.1 and Addendum No.2 in its bid proposal;
- 3) Award the Construction Contract to C.B. Ebright Company, Inc. who submitted the third lowest bid of \$385,442.00;
- 4) 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,
- 5) Authorize the Director of Transportation to execute Contract Change Orders with an individual value up to \$31,772 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 15, 2010, the Board adopted and approved the Plans and Specifications and authorized advertisement for construction bids for the Rubicon 5 Erosion Control Project (Project) with the bid opening scheduled for July 8, 2010.

Reason for Recommendation:

On July 8, 2010, the Department of Transportation (Department) opened bids for the Project. Four bids were received ranging from \$298,375.00 to \$388,443.00. The Engineer's Estimate for the Project is \$333,574.

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

Recommend the Board find Aspen Developers Corp's Bid Non-responsive

Aspen Developers Corp (Aspen) submitted the lowest bid in the amount of \$298,375.00, but failed to acknowledge Addendum No. 2 in its bid proposal. Because this failure is an

irregularity that can not be waived, the Department recommends that the Board find Aspen's bid non-responsive.

Recommend the Board find Burdick Excavating Company Inc.'s Bid Non-responsive

Burdick Excavating Company, Inc. (Burdick) submitted the second lowest bid in the amount of \$373,450.00, but there were material irregularities with the primary irregularity being the failure to acknowledge both Addendum No. 1 and Addendum No. 2 in its bid proposal. Since these actions are irregularities that can not be waived, the Department recommends that the Board find Burdick's bid non-responsive.

Recommend Award of the Construction Contract to C.B. Ebright Company, Inc.

C.B. Ebright Company, Inc. (Ebright) submitted the third lowest bid in the amount of the \$385, 442.00. Although Ebright's bid exceeds the Engineers Estimate by \$51,868, there are sufficient funds available and budgeted. The Department recommends that the Board award the construction contract to Ebright, 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, Friday, July 16, 2010, with no protests filed.

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 the contract award amount is equal to \$31,772. 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,



<sup>to</sup> James W. Ware, P.E.  
Director of Transportation

Attachments



COUNTY OF EL DORADO  
DEPARTMENT OF TRANSPORTATION



INTEROFFICE MEMORANDUM

Date: July 19, 2010

To: Gayle Erbe-Hamlin, Chief Administrative Officer  
Joe Harn, Auditor

From: Craig McKibbin, Deputy Director, Transportation Planning  
and Land Development

Subject: **Delegation of Authority**

Due to a sudden illness, Jim Ware will be out of the office on Monday July 12, 2010 until his return in August 2010.

In Jim's absence, Gayle Erbe-Hamlin has approved delegation of signature authority to Craig McKibbin, Deputy Director, Transportation Planning & Land Development from Monday, July 12, 2010 and continuing until Tuesday, July 20, 2010 at which time it is anticipated the Board of Supervisors will appoint an Acting Director of the Department of Transportation through agenda item #10-0797.

*Not Available*

Jim Ware, Director of Transportation

Craig McKibbin, Deputy Director, Transportation Planning & Land Development

cc: Tom Celio, Deputy Director, Maintenance & Operations  
Craig McKibbin, Deputy Director, Transportation Planning & Land Development  
Russ Nygaard, Deputy Director, Facilities Engineering  
Bob Slater, Deputy Director, Construction  
Matt Smeltzer, Deputy Director, Design  
Ruth Young, Chief Fiscal Officer  
Laura Friestad, Administration, DOT  
Melanie Draper, Auditor/Controller's Office

kt