

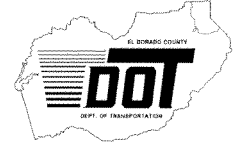


TAHOE ENGINEERING
924B Emerald Bay Road
South Lake Tahoe, CA 96150
Phone: (530) 573-7900
Fax: (530) 541-7049

KIMBERLY A. KERR
Interim 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



June 22, 2012

Board of Supervisors
330 Fair Lane
Placerville, CA 95667

Agenda Title: DOT 6/26/12 Echo View 2 Erosion Control Project Award of Bid, Legistar # 12-0274

Meeting Date: June 26, 2012

Dear Members of the Board:

Department of Transportation recommending the following pertaining to the Echo View 2 Erosion Control Project (Contract No. PW 11-30617, CIP No. 95169):

- 1) Award the Construction Contract to Don Garcia Excavating and Paving, Inc. who submitted the lowest responsive, responsible bid of \$279,699.40;
- 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 Interim 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. (Est. Time: 5 Min.) (Refer 5/22/2012, Item 23)

Background

The Project is an Environmental Improvement Program (EIP) project (EIP #706) and is consistent with the County's objectives related to improving and restoring the Lake Tahoe Environment and is included in the 2010 Capital Improvement Program as adopted by the Board of Supervisors on April 27, 2010.

On May 22, 2012 the Board adopted and approved the Plans and Specifications and authorized advertisement for construction bids for the Echo View 2 Erosion Control Project (Project) with the bid opening scheduled for June 8, 2012. In order to issue an addendum in response to bidders' inquiries no sooner than 72 hours before the bid opening to comply with Public Contract Code (PCC) Section 4104.5, the Department of Transportation (Department) postponed the bid opening to Thursday, June 14, 2012.

Reason for Recommendation

Award and Sign Construction Contract with Lowest Responsive, Responsible Bidder:
The Department opened bids for the Project on Thursday, June 14, 2012. Three bids were received ranging from \$279,699.40 to \$282,877.05. The Engineer's Estimate is \$286,665.

Following the Department's 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, Thursday, June 21, 2012, with no protests filed.

Don Garcia Excavating and Paving, Inc. (Garcia) submitted the lowest bid in the amount of \$279,699.40. Although Garcia did not indicate on the PCC Section 10285.1 Statement in its Proposal whether it had been convicted within the preceding three years of any offenses referred to in this PCC Section, the Department has independently verified that Garcia is eligible to contract with government agencies. The Department recommends award of the Construction Contract to Garcia who submitted the lowest responsive, responsible bid.

Authorize Interim Director of Transportation to Sign Escrow Agreement:

Pursuant to Special Provisions Section 5-1.19, "Payments," of the Contract Documents, the Department will retain five percent (5%) of the value of work done from each Contractor payment as security for the fulfillment of the Contract. Alternatively, 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 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 Interim Director of Transportation to execute the Escrow Agreement. Upon substantial completion as determined by the Engineer and upon written notification from the Interim Director of Transportation, half of all retentions withheld and interest accrued may be released to the Contractor by the Escrow Agent. Thirty-five days after the recordation of the Notice of Acceptance and upon written notification from the Interim Director of Transportation, the Contractor will receive from the Escrow Agent the remaining retention paid into the account and any interest earned thereon.

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

Sincerely,



Kimberly A. Kerr, Interim Director
Department of Transportation

Attachments