



County of El Dorado

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Minutes - Final Board of Supervisors

Ron Briggs, Chairman, District IV
Norma Santiago, First Vice Chairman, District V
Ray Nutting, Second Vice Chairman, District II
John R. Knight, District I
James R. Sweeney, District III

Suzanne Allen de Sanchez, Clerk of the Board of Supervisors
Gayle Erbe-Hamlin, Chief Administrative Officer Louis B.
Green, County Counsel

Monday, November 9, 2009

2:00 PM

Board of Supervisor Meeting Room

2:00 P.M. - CALLED TO ORDER AND PLEDGE OF ALLEGIANCE TO THE FLAG

Present: 5 - Supervisor Knight, Supervisor Nutting, Supervisor Sweeney, Supervisor Briggs
and Supervisor Santiago

DEPARTMENT MATTERS:

1. **09-1101** Transportation Department recommending the following pertaining to the U.S. 50/Missouri Flat Road Interchange Improvements - Phase 1B Project, Contract No. 71336:
- 1) Award the Construction Contract to the lowest responsive, responsible bidder; said bidder to be determined after the bid opening scheduled for October 21, 2009;
 - 2) Authorize the Chairman 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;
 - 4) Authorize the Director of Transportation to execute Contract Change Orders with an individual value up to \$150,000, provided the cumulative total of all Contract Change Orders is within the contingency budget established for the Project;
 - 5) Authorize the Chairman to sign Contract Change Orders in the total amount of \$550,000 for the County's share of certain supplemental items of work (4/5 vote required per PCC 20137); and,
 - 6) Authorize the Director of Transportation to sign the Dispute Review Board Agreement with the Contractor, the County, and the Dispute Review Board Members for the purpose of assisting in the resolution of disputes and/or potential claims. (Cont'd 11/3/09, Item 20)

FUNDING: State Transportation Improvement Program regional grant funds; State Highway Operations and Protection Program state operation funds; American Recovery and Reinvestment Act Transportation Enhancement federal grant funds; Transportation, Community, and System Preservation federal grant funds; Congestion Mitigation and Air Quality regional grant funds and Missouri Flat Master Circulation and Funding Plan local funds.

A motion was made by Supervisor Sweeney, seconded by Supervisor Santiago, as follows:

- 1) Ratify Department of Transportation's (DOT) findings that DeSilva Gates/Viking Joint Venture made adequate good faith efforts to obtain Underutilized Disadvantaged Business Enterprise (UDBE) participation in accordance with federal regulations and bid specifications and demonstrated same to the satisfaction of the County;
- 2) Reject the bid protest by Nehemiah Construction Inc. on the grounds stated herein and on the basis of the findings and conclusions set forth by DOT in its review of DeSilva Gates/Viking Joint Venture's bid and UDBE submission;
- 3) Award the contract to DeSilva Gates/Viking Joint Venture in accordance with DOT's recommendations;
- 4) Authorize the Chairman to sign the Construction Contract, subject to review and approval of the final Contract Documents by County Counsel and Risk Management;
- 5) 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;
- 6) Authorize the Director of Transportation to execute Contract Change Orders with an individual value up to \$150,000, provided the cumulative total of all Contract Change Orders is within the contingency budget established for the Project;
- 7) Authorize the Chairman to sign Contract Change Orders in the total amount of \$550,000 for the County's share of certain supplemental items of work (4/5 vote required per PCC 20137);
- 8) Authorize the Director of Transportation to sign the Dispute Review Board Agreement with the Contractor, the County, and the Dispute Review Board Members for the purpose of assisting in the resolution of disputes and/or potential claims; and
- 9) Dismiss the bid protest by DeSilva Gates/Viking Joint Venture as moot based upon the award to DeSilva Gates/Viking Construction Joint Venture.

Yes: 5 - Knight, Nutting, Sweeney, Briggs and Santiago

CLOSED SESSION

2. [09-1407](#) Conference with Legal Counsel - **Significant Exposure to Litigation** pursuant to Government Code Section 54956.9(b), Title: Protest of Award of US 50/Missouri Flat Road Interchange Improvements Phase 1B (Contract No. 71336). Number of potential cases: one (1).

No Action Reported.

3. [09-1410](#) Conference with Legal Counsel - **Existing Litigation** pursuant to Government Code Section 54956.9(a): Title: Waste Connections of California, Inc., dba El Dorado Disposal Services v. County of El Dorado, et al, El Dorado County Superior Court Case PC20090649.
No Action Reported.

ADJOURNED