



## Legislation Details (With Text)

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**File created:** 12/30/2016      **In control:** Board of Supervisors

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**Title:** Community Development Agency, Transportation Division, recommending the Board consider the following pertaining to the Timber Mortality Project Phase 1 - Grizzly Flats and Camino, Contract 439-C1799:

- 1) Award the Contract to the lowest responsive, responsible bidder; said bidder to be determined after the bid opening scheduled for March 30, 2017;
- 2) Approve and authorize the Chair to sign the Contract, subject to final review and approval by County Counsel and Risk Management; and
- 3) Authorize the 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.

**FUNDING:** California Disaster Assistance Act Funds (75% - State) and General Fund (25% - Local).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. 2A - Addendum 1 4-11-17, 2. 2B - Bid Summary 4-11-17, 3. 2C - Award Letter 4-11-17, 4. Executed Contract 439-C1799, 5. A - Approved CRS 3-7-17, 6. B - Contracts Documents 3-7-17

Date	Ver.	Action By	Action	Result
4/11/2017	2	Board of Supervisors	Approved	Pass
3/7/2017	1	Board of Supervisors	Approved	Pass

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### **DEPARTMENT RECOMMENDATION**

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

In order to move forward in an expeditious manner, this item has been prepared prior to receipt of bids. Community Development Agency (CDA), Transportation Division (Transportation), is scheduled to receive sealed bids for the Timber Mortality Project Phase 1 - Grizzly Flats and Camino (Project), on Thursday, March 30, 2017, at 2:00 p.m. Transportation will open and read all bids received at that time in conformance with contract bidding requirements. When the bid results become available, the

bid summary showing preliminary results will be provided to the Board Clerk for attaching to this item.

After Transportation reviews the bids and after the five-day bid protest period, Transportation will prepare a recommendation to the Board regarding the award of the Contract to the lowest responsive, responsible bidder. Transportation intends to provide the Board with a hard copy recommendation for award at least one day prior to the April 11, 2017, Board meeting. If there is a substantive issue with the responsiveness of the apparent low bidder's bid, or if there is a bid protest, Transportation may ask that this item be continued to a subsequent Board meeting.

Authorize the Community Development Agency Director to Sign Escrow Agreement:

Pursuant to Special Provisions Section 9-1.16F, "Retentions," 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 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 CDA Director to execute the Escrow Agreement. Upon satisfactory completion of portions of the Contract and upon written notification from the CDA Director, the Contractor will receive incremental releases from the Escrow Agent paid into the Escrow Account and any interest earned thereon. A portion of the retention and interest will be retained in the Escrow Account until thirty-five days after the recordation of the Notice of Acceptance of the Contract at which time, upon written notification from the CDA Director, these funds will be released to the Contractor.

**DISCUSSION / BACKGROUND**

Data collected by state and federal agencies demonstrates that drought conditions and bark beetle infestation have killed over 102 million trees in the State of California (State), and that tens of millions more are likely to die over the next five to six years.

On October 30, 2015, Governor Brown proclaimed a State of Emergency due to unprecedented tree mortality caused by conditions of extreme drought and drought-related bark beetle infestations. The Governor's Emergency Proclamation contains 18 distinct actions that direct State agencies, utilities, and local governments to remove dead or dying trees in high hazard areas across the entire State.

On March 28, 2016 (Item 1), the Board adopted Resolution 053-2016 declaring a State of Emergency in El Dorado County due to pervasive tree mortality, and on May 17, 2016 (Item 46), the Board approved the County's Tree Mortality Hazard Tree Removal Plan.

On August 2, 2016 (Item 33), the Board authorized the Chair to sign the California Disaster Assistance Act (CDAA) application and authorized the submittal of the application for funding related to the State's declared Tree Mortality Emergency. The El Dorado County Sheriff's Department received confirmation on September 2, 2016, that the County had been approved for CDAA funding.

Transportation identified parcels with trees that met the conditions for removal under the California Disaster Assistance Act (CDAA) grant funding and began sending the owners requests for right to

enter the properties to inspect, identify, and remove dead or dying trees within 200 feet of County infrastructure or facilities. As of February 24, 2017, Transportation had sent 405 right of entry requests to parcel owners and received back 135 executed permits to enter private property. On these 135 parcels, Black Fox has identified 405 trees that qualify for removal under CDAA funding, 353 trees in Grizzly Flats and 52 trees in Camino. Removal of these 405 trees comprises the scope of the subject project.

A Licensed Timber Operator (LTO) will have responsible charge for the duties related to the falling and removal of designated dead and dying trees due to bark beetle infestation as shown in Exhibit A (Attachment B). Trees and brush equal to or less than 8-inches (8") diameter inside bark (DIB) will be stockpiled on site in an area designated by the Engineer for subsequent chipping by the California Department of Forestry and Fire Protection known as CAL FIRE. Trees greater than 8-inches (8") DIB will be trucked to West Sacramento for shipping.

Per Governor Jerry Brown's emergency proclamation on October 30, 2015, documentation of compliance with the California Environmental Quality Act is not required for this Project.

No Federal funds are being used on the Project, so documentation of compliance with the National Environmental Policy Act is not required.

Due to the nature of the work, no environmental permits or utility coordination are required for the Project.

There are no Disadvantaged Business Enterprise (DBE) requirements for this Project. The County always encourages the use of DBE subcontractors when possible.

## **ALTERNATIVES**

- 1) Do not award the Contract and direct Transportation to re-advertise for bids.
- 2) Cancel the Project. Note: The Board has previously approved the Project and canceling the Project may include the consequence of reimbursing all grant funding received to date.

## **OTHER DEPARTMENT / AGENCY INVOLVEMENT**

County Counsel and Risk Management have reviewed and approved the Contract Documents.

## **CAO RECOMMENDATION**

It is recommended that the Board approve the this item and start the removal process of dead and dying trees that threaten County infrastructure.

## **FINANCIAL IMPACT**

There is no change to Net County Cost associated with this item. The estimate for this phase of the Project is \$700,000. The County's share of cost (\$175,000) has been included in the FY 2016-17 Adopted Budget, and any remaining costs will be re-budgeted in FY 2017-18.

## **CLERK OF THE BOARD FOLLOW UP ACTIONS**

- 1) Upon approval by County Counsel and Risk Management, Transportation will forward the Contract, together with the required bonds and insurance, and the approved Contract Routing Sheet to the Clerk for the Chair's signature.
- 2) The Clerk will forward the fully executed Contract to the Community Development Agency, Administration and Finance Division, Contracts and Procurement Unit, for further processing.

**STRATEGIC PLAN COMPONENT**

Infrastructure

**CONTACT**

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Community Development Agency