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Title: Community Development Agency, Transportation Division, recommending the Board take the following actions pertaining to the U.S. 50/Missouri Flat Road Interchange Improvements - Phase 1C Riparian Restoration Project, Contract 14-31079, CIP 71346, P&C 033-C1799:

- 1) Award the Construction Contract to the lowest responsive, responsible bidder; said bidder to be determined after the bid opening scheduled for July 15, 2016;
- 2) Approve and authorize the Chair to sign the Construction 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: Project is funded by Missouri Flat Area Master Circulation and Financing Plan (100%).
(No Federal Funds)

Sponsors:

Indexes:

Code sections:

Attachments: 1. 2A - Addendum 1 8-2-16, 2. 2B - Bid Summary 8-2-16, 3. 2C - Director's Letter 8-2-16, 4. Executed Agreement 8-2-16, 5. A - Approved CRS 6-14-16, 6. B - Contract Docs 6-14-16, 7. C - Plan Set 6-14-16, 8. D - Vicinity Map 6-14-16, 9. Executed Plans 6-14-16

Date	Ver.	Action By	Action	Result
8/2/2016	2	Board of Supervisors	Approved	Pass
6/14/2016	1	Board of Supervisors	Approved	Pass

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DEPARTMENT RECOMMENDATION

Award and Sign Construction 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 U.S. Highway 50 (U.S. 50)/Missouri Flat Road Interchange Improvements - Phase 1C Riparian Restoration Project (Project) on Friday, July 15, 2016, at 2:00 p.m. Transportation will open and read all bids received at that time in conformance with contract bidding requirements.

Transportation will provide the bid summary showing the preliminary bid results to the Clerk of the Board to attach to this item when the results become available. After Transportation reviews the bids and after the five-day (5-day) bid protest period, Transportation will prepare a recommendation to the Board regarding the award of the Construction Contract to the lowest responsive, responsible bidder. Transportation intends to provide the Board with a hard copy recommendation for award at least one (1) day prior to the August 2, 2016, 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 CDA 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 (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 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 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, upon written notification from the CDA Director, these funds will be released to the Contractor.

Contract Change Orders (CCOs):

In any contract there is a need to be able to make changes and the CCO process facilitates the ability to make necessary changes when needed within a contract.

Supplemental CCOs

Certain types of work are necessary to complete the Project which cannot be estimated accurately because they require a variable effort to complete. These items are referred to as supplemental items and are identified in the Contract Documents as CCO work to be performed and paid for on a time and material basis, using California Department of Transportation (Caltrans) standard force account billing procedures. The work is authorized by issuance of a CCO, which also encumbers the funds anticipated to be needed for each of the planned supplemental items of work and is billed against as the work progresses. The amount of each CCO is based on an evaluation by Transportation staff of the Project components, area, and time frame. Supplemental items in this Contract include Flagging, Dust Control, Storm Water, and Water Use Charges totaling thirteen and one-half (13.5%) of the original Contract value. Because this work is anticipated and budgeted for separately, Supplemental CCOs are not included in the ten percent (10%) cap normally associated with Contingency CCOs.

Contingency CCOs

With construction contracts, there is an expectation that unanticipated changes will be encountered once construction begins. To prepare for this, a 10% contingency budget is set aside. PCC Section 20142 and Resolution 102-2012 authorize the CDA Director to execute individual CCOs, the maximum value of which is based on the original contract amount with a not-to-exceed limit. This authority is also for a cumulative total of Contingency CCOs not to exceed 10% of the original Contract value.

DISCUSSION / BACKGROUND

The Project provides riparian restoration and other environmental mitigation for the Missouri Flat 1A, 1B, and 1B.2 Projects. Construction for the Project includes plant propagation, plant installation, temporary irrigation installation and removal, along with a five-year (5-year) maintenance period.

The work included in the Project is required by the environmental document that was adopted for the reconstruction of the U.S. 50/Missouri Flat Interchange. The Environmental Impact Report and Supplemental Environmental Impact Report in accordance with the California Environmental Quality Act and the National Environmental Policy Act for the U.S. 50/Missouri Flat Interchange Project were adopted by the Board on August 31, 2004 (Item 92). Copies of the various permits required on the Project are included in Appendix B of the Contract Documents.

All required right-of-way for the Project has been acquired. Caltrans has issued the required encroachment permit.

On June 14, 2016 (Item 22), the Board adopted and approved the Contract Documents and Plans and authorized advertisement for construction bids for the Project.

ALTERNATIVES

- 1) Do not award the Project to any bidder. Transportation will make changes directed by the Board and re-advertise the Project. This action would delay construction to 2017.
- 2) Cancel the Project. Transportation will retain the Project files and archive it as a “shovel-ready” project. However, the Board has approved the Project previously and the County would have to refund any state or federal monies already spent.

OTHER DEPARTMENT / AGENCY INVOLVEMENT

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

CAO RECOMMENDATION

Approve the recommendation.

FINANCIAL IMPACT

There is no change to Net County Cost associated with this item. The Engineer's Estimate for the construction phase of the Project is \$1,508,000 which includes an estimated bid of \$1,109,312; supplemental items of work totaling \$109,757; construction management, survey, materials testing and design support during construction totaling \$178,000; and contingency of \$110,931.

Funding for this Project is budgeted in the Interim 2016 Capital Improvement Program which was adopted by the Board on June 7, 2016 (Item 39), with a construction budget of \$1,508,000, including

construction, construction management, and environmental monitoring. Funding for this Project will be provided by Missouri Flat Area Master Circulation and Financing Plan.

CLERK OF THE BOARD FOLLOW UP ACTIONS

- 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 for the Chair's signature.
- 2) The Clerk will forward the fully executed Construction Contract to the Community Development Agency, Administration and Finance Division, Contracts and Procurement Unit, for further processing.

STRATEGIC PLAN COMPONENT

Infrastructure

CONTACT

John Kahling, Deputy Director, Engineering
Community Development Agency, Transportation Division