



## Legislation Details (With Text)

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**On agenda:** 5/16/2017      **Final action:** 5/16/2017

**Title:** Community Development Agency, Transportation Division, recommending the Board take the following actions pertaining to the extension to the El Dorado Trail Class 1 Bike Lane, El Dorado Trail - Los Trampas to Halcon Project, Contract PW 16-31117, CIP 97012, P&C 352-C1699:  
 1) Award the Construction Contract to the lowest responsive, responsible bidder; said bidder to be determined after the bid opening scheduled for April 27, 2017;  
 2) Approve and authorize the Chair to sign the Construction Contract, subject to 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. (Est. Time: 30 Min.)

**FUNDING:** State Parks Recreational Trails Program (39% - State), Congestion Mitigation and Air Quality Program (34% - Federal), Accumulative Capital Outlay - Parks (19% - Local), Transportation Development Act (5% - Local), and Pollock Pines/Camino Park Zone of Benefit (3% - Local).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. 2A - Addendum 1 5-16-17, 2. 2B - Bid Summary 05-16-17, 3. 2C - Bid Rejection Letter 05-16-17, 4. A - Approved CRS 3-21-17, 5. B - Contract Docs 3-21-17, 6. C - Plans 3-21-17, 7. D - Vicinity Map 3-21-17, 8. Executed Plans 3-21-17

Date	Ver.	Action By	Action	Result
5/16/2017	2	Board of Supervisors	Approved	Pass
3/21/2017	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. The Community Development Agency (CDA), Transportation Division (Transportation), is scheduled to receive sealed bids for the El Dorado Trail Class 1 Bike Lane, El Dorado Trail - Los Trampas to Halcon Project (Project) on Thursday, April 27, 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 results become available, Transportation will provide to the Board Clerk, for attaching to this item, a copy of the bid summary showing the preliminary bid results.

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 Construction Contract to the lowest responsive, responsible bidder. Transportation intends to provide the Board with a hard copy recommendation for award at least two days prior to the May 16, 2017, Board of Supervisors 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 held 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 (35) days after the recordation of the Notice of Acceptance of the Contract at which time, upon written notification, 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 traffic control and water pollution control items totaling 5% of the original Contract value. Because this work is anticipated and budgeted for separately, supplemental CCOs are not included in the 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 County 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 consists of completing the Class I Bike Lane in Camino from Los Trampas Road to Halcon Road, including retaining walls and drainage improvements.

Due to federal funding, both California Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA) compliance are required. A CEQA Notice of Determination/Mitigated Negative Declaration was filed on September 23, 2002, and the Initial Study/Mitigated Negative Declaration was approved by the Board on September 17, 2002. A Caltrans NEPA Categorical Exemption/Categorical Exclusion Determination was issued on June 27, 2013.

All required environmental permits have been obtained for this Project.

One Temporary Construction Easement was required for the Project. All required right-of-way for this Project has been acquired and escrows have all been closed.

Transportation received federal funding authorization, an E-76, for construction phase activities on May 11, 2016.

The Contract Documents include all required federal provisions and incorporate the current Caltrans Disadvantaged Business Enterprise (DBE) requirements. The DBE goal is 11%.

### **ALTERNATIVES**

- 1) Do not award Contract and direct Transportation to readvertise for construction bids.
- 2) Cancel the Project. Note: The Board has approved the Project previously and the County would have to refund monies already spent.

### **OTHER DEPARTMENT / AGENCY INVOLVEMENT**

County Counsel and Risk Management have reviewed and approved the Contract Documents. The final Construction Contract is pending review and approval by County Counsel and Risk Management.

### **CAO RECOMMENDATION**

It is recommended that the Board approve the item.

### **FINANCIAL IMPACT**

The Engineer's Estimate for the construction phase of the Project is \$789,000 and includes an estimated bid of \$586,733; supplemental items of work totaling \$29,337; construction management, survey, materials testing, and design support during construction totaling \$114,257; and contingency of \$58,673.

Funding for this Project is included in Transportation's 2016 Capital Improvement Program, which was adopted by the Board on December 6, 2016 (Item 46).

**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**

Bard Lower, Transportation Division Director  
Community Development Agency