



# County of El Dorado

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## Legislation Details (With Text)

**File #:** 08-1588      **Version:** 2

**Type:** Agenda Item      **Status:** Approved

**File created:** 10/10/2008      **In control:** Board Of Supervisors

**On agenda:** 11/18/2008      **Final action:** 11/18/2008

**Title:** General Services and Transportation Departments recommending the following pertaining to the El Dorado Trail Improvement Project - Forni Road to Missouri Flat Road:

1. Award of Construction Contract to the lowest responsive, responsible bidder; said bidder, PBM Construction, Inc., in the amount of \$1,348,348;
2. Authorize the Chairman to sign said contract with PBM Construction, Inc, 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 Director of Transportation to execute Contract Change Orders with an individual value up to \$100,000 provided the cumulative total of all change orders is within the contingency budget established for the project;
5. Approve changes to Parks ACO projects as reflected under recommended funding;
6. Approve Budget Transfer moving project funding from the General Services Department's budget to the Department of Transportation's budget. (4/5 vote required)

**FUNDING:** State Proposition 40 funds of \$315,996.00 (\$45,996.00 designated for the El Dorado Trail, \$160,000.00 from Pollock Pines Park, and \$110,000.00 from Bass Lake Park); a State and Federal Transportation Enhancement (TE) grant of \$1,099,000;\$18,500.00 from Grant match (from Walker Ball Field), approximately \$200,000.00 from Community Enhancement funds; \$50,000.00 from exchanged Transportation Enhancement Funds; and the remaining funding (\$219,086) from a State Bicycle Transportation Account grant of \$400,000.

### Sponsors:

### Indexes:

### Code sections:

**Attachments:** 1. Blue route 11-18-08.pdf, 2. PW 08-30395 Bonds.pdf, 3. PW 08-30395 PE Agreement.pdf

Date	Ver.	Action By	Action	Result
11/18/2008	2	Board Of Supervisors	Approved	Pass

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BUDGET SUMMARY:		
Total Estimated Cost		\$1,902,582.00
Funding		
Budgeted	\$1,364,082.00	
New Funding	\$	
Savings	\$	
Other	\$538,500.00	
Total Funding Available	\$1,902,582.00	
Change To Net County Cost		\$0.00

Fiscal Impact/Change to Net County Cost: The current anticipated estimate for the construction phase of this project is estimated at \$1,902,582.00, which includes an estimated bid of \$1,348,348.00, construction management and survey costs of \$395,000.00, supplemental items at \$24,400.00, and a contingency of \$134,834.00.

Background: On August 26, 2008 your Board adopted and approved the Plans and Specifications and authorized advertisement for construction bids for the Project with the bid opening scheduled for October 20, 2008. The bid opening was subsequently been extended until October 23, 2008. A requirement of the TE funding is that the Project construction contract be awarded by November 30, 2008.

Reason for Recommendation: This project is part of a larger project which envisions construction of a Class 1 bike trail running from the west end of the County near Latrobe to the east end in South Lake Tahoe. Construction of this particular piece establishes a critical link and will help to meet the needs of bicyclists, joggers, pedestrians and equestrians. It also serves to provide an alternative mode of transportation for commuters and will improve air quality.

The Department received eleven (11) bid proposals ranging from \$1,348,348.00 to \$2,143,813.25. PBM Construction, Inc. was the lowest, responsive, responsible bidder with a bid of \$1,348,348.00.

#### Authorize Director to sign Escrow Agreement

Pursuant to the State of California Standard Specifications Section 9-1.057, "Progress Withholds for

Federal-aid Contracts," the County shall retain ten percent (10%) of the value of work done from each Contractor payment as security for the fulfillment of the contract. Alternatively, pursuant to the State of California Standard Specifications Section 9-1.065, "Release of Retained Funds," and pursuant to Public Contract Code Section 22300, the Contractor may request that payment of retentions earned be made directly to an Escrow Agent. The Contractor shall 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, the Department requests that the Board authorize the Director of Transportation to execute the Escrow Agreement. Upon satisfactory completion of the Contract and upon written notification from the Director of Transportation, the Contractor shall receive from the Escrow Agent all retention paid into the account and any interest earned thereon.

#### Request for Additional Contract Change Order Authority

Public Contract Code Section 20142 allows a Board of Supervisors to authorize the County Engineer or other county officer to order changes in the work of a public contract. This ability to delegate is capped at \$150,000. The Board of Supervisors, by Resolution 106-93 has utilized this provision and delegated to the Directors of Transportation, Environmental Management and General Services, and the Chief Administrative Officer, change order authority not to exceed \$50,000.

Given the magnitude of the subject Contract and the exposure to the County should work be delayed due to a needed change, it is requested the change order limit for this Contract be increased to \$100,000, which is consistent with the limits set in the Public Contract Code. This authority is requested provided the cumulative cost of all change orders is maintained within the contingency budget established for the project.

Action to be taken following Board approval:

1. The Budget Transfer will be forwarded to the Auditor-Controller's office.
2. The Transportation Department will forward the approved Construction Contract to PBM Construction, Inc. for its signature.
3. Upon receipt of the Construction Contract from PBM Construction, Inc., the Transportation Department will submit the final contract documents, including the required bonds and insurance, to County Counsel and Risk Management for review and approval.
4. Upon approval by County Counsel and Risk Management, the Transportation Department will forward the Construction Contract, together with the required bonds and insurance, and the approved Contract Routing Sheet to the Board Clerk for the Board Chairman's signature on the Construction Contract.
5. Upon receipt of fully executed Construction Contract, the Transportation Department will forward the approved Contract to PBM Construction, Inc. and will issue a Notice to Proceed.
6. Upon approval of the recommendation, the Director of Transportation will sign the Escrow Agreement, if requested by the Contractor and in accordance with Public Contract Code Section 22300. The Department will make retention payments to the Escrow Agent and, after satisfactory completion of the Contract, the Director of Transportation will make written notification to the Escrow Agent.
7. The Director of Transportation will execute change orders as approved and/or delegated by

the Board.

Contact: Thomas Heck/Richard Collier

Concurrences: Richard Shepard