



## Legislation Text

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**File #:** 24-0793, **Version:** 1

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Department of Transportation recommending the Board take the following actions pertaining to the Clear Creek Road Scour Mitigation Project, Capital Improvement Program project number 36106002, Contract 7444:

- 1) Award the Construction Contract to Globe Engineering Development who was the lowest responsive, responsible bidder;
- 2) Approve and authorize the Chair to sign the Construction Contract in the amount of \$334,750 effective upon execution and shall expire 25 working days from the issuance of the Notice to Proceed, subject to review and approval by County Counsel and Risk Management; and
- 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. (District 3)

**FUNDING:** Coronavirus Response and Relief - CRRSA (65%), RSTP Advance - Exchange (35%).  
(No Federal Funds)

### **DISCUSSION / BACKGROUND**

The Clear Creek Road Scour Mitigation Project (Project) includes repairs to Clear Creek Road caused by scour damage. The Project is located on Clear Creek Road between County Route E-16 and Sierra Springs Road. The Project proposes to move the road away from Clear Creek, which will allow for repair of the scour and will allow for the installation of measures that will prevent future scour.

California Environmental Quality Act (CEQA) compliance is required for this Project. A CEQA Notice of Exemption was recorded on May 27, 2022. No environmental permits are needed for this Project.

This Project required minor right of way acquisition and all right of way needed has been acquired.

The Project was approved for advertisement by the Board on April 9, 2024 (Legistar 24-0373, Item 22).

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

On Tuesday, May 7, 2024 at 2:00 p.m., Department of Transportation (Transportation) opened bids for the Project. Four (4) bids were received ranging from \$334,750.00 to \$633,440.00.

Transportation issued the All-Bidders Letter on Thursday, May 9, 2024, notifying the bidders of the recommendation to the Board for award of the Contract to Globe Engineering Development (Contractor) and initiating the bid protest period. The bid protest period ended with no protests filed.

### Authorize the Director of Transportation (Director) to Sign Escrow Agreement:

Pursuant to Section 9-1.16F(1), "Retentions" of the Contract Documents, 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 Director to execute the Escrow Agreement. Upon satisfactory completion of portions of the Contract and upon written notification from the 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, 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.

*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 Director to execute individual CCOs, the maximum value of which is based on the original contract amount. This authority is also for a cumulative total of contingency CCOs not to exceed 10% of the original Contract value.

**ALTERNATIVES**

- 1) The Board could choose not to award the Contract and direct Transportation to re-advertise for construction bids.
- 2) The Board could choose to cancel the Project.

**PRIOR BOARD ACTION**

On January 24, 2023 (Legistar 23-0006, Item 26), the Board approved ROW negotiations for the project.

On April 09, 2024 (Legistar 24-0373, Item 22), the Board approved advertisement for the Project.

**OTHER DEPARTMENT / AGENCY INVOLVEMENT**

County Counsel and Risk Management

**CAO RECOMMENDATION / COMMENTS**

Approve as recommended.

**FINANCIAL IMPACT**

The total estimated cost for Project construction is \$491,000, which includes construction items of work, supplemental items of work, construction management, environmental monitoring, inspection, materials testing, and contingencies.

**CLERK OF THE BOARD FOLLOW UP ACTIONS**

- 1) Upon approval by County Counsel and Risk Management, Department of Transportation will

forward two (2) originals of the Construction Contract #7444, 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 one (1) fully executed Construction Contract to Department of Transportation, attention of Jen Rimoldi, Office Engineer Group, for further processing.

**STRATEGIC PLAN COMPONENT**

N/A

**CONTACT**

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Department of Transportation