



Legislation Text

File #: 18-0598, **Version:** 1

Community Development Services, Department of Transportation, recommending the Board consider the following pertaining to the Elks Club Drive Capital Overlay and Rehabilitation Project, Contract PW 18-31210, CIP 72192, Contract 2531:

- 1) Award the Construction Contract to West Coast Paving, Inc., who submitted the lowest responsive, responsible bid of \$632,359;
- 2) Approve and authorize the Chair to sign the Construction Contract, subject to review and approval of the final Contract Documents 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.

FUNDING: Local Discretionary Road Funds. (100% - Local)

DEPARTMENT RECOMMENDATION

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

On April 27, 2018, the Community Development Services, Department of Transportation (Transportation) opened bids for the Elks Club Drive Capital Overlay and Rehabilitation Project (Project). Four bids were received ranging from \$632,359 to \$863,423. West Coast Paving, Inc. was determined to be the lowest responsive, responsible bidder, with a bid of \$632,359.00.

There was a minor irregularity with the bid submitted by West Coast Paving, Inc. (West Coast) where West Coast acknowledged Addendum No. 2, but did not line out and update the quantity for Bid Item No. 5. The Item Total for Bid Item No. 5, however, was reflective of the updated quantity in Addendum No. 2. Transportation is recommending the Board waive this minor irregularity and consider West Coast's bid to be the lowest, responsive, and responsible bid. Transportation recommends awarding the Contract to the lowest, responsive, responsible bidder, West Coast Paving, Inc.

Transportation issued the All Bidders Letter on Friday, April 27, 2018, notifying bidders of the recommendation to the Board for award and initiating the five-day bid protest period. The bid protest period ended at 5:00 p.m. on Friday, May 4, 2018, with no protests filed.

Authorize the Director of Transportation (Director), or Successor, to Sign Escrow Agreement:

Pursuant to Special Provisions Section 9-1.16F, "Retentions," Transportation will retain 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, or successor, 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 Escrow Account and any interest earned thereon. A portion of the retention and interest will be retained in the Escrow Account until 35 days after the recordation of the Notice of Acceptance of the Contract at which time, upon written notification from the 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 the 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 dig out and crack seal/repair items totaling 6% 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 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 Work to be performed includes construction of approximately 0.7 miles of two (2) inches of compacted AC Overlay with a geosynthetic pavement interlayer placed on Elks Club Drive, three (3) inch deep full width grinds along the above streets with two (2) inch grinds at all marked intersections, constructing concrete rolled curb and gutter, traffic control, installation of temporary and permanent pavement markers and construction area signing, and the installation and removal of temporary erosion control measures. Other items or details not mentioned above, that are required by the Plans, Standard Plans, Standard Specifications, or these Special Provisions must be performed, constructed, or installed.

In order to perform road section construction activities, Contractor will be allowed full closure of Waverly Drive, from Elks Club Drive to 425 feet west, for construction staging, and be able to institute a directional lane closure of Elks Club Drive from Pioneer Trail to Boca Raton Drive. The exact dates of the closures will be determined once weather conditions permit the start of construction activities.

Access to Waverly Drive for local residents and visitors, as well as emergency personnel and law enforcement, will be from Tam O Shanter Drive. Transportation will notify the public of this road closure and the Elks Club Drive directional lane closure via the County website, a press release, and changeable message signs at the site. A copy of the Project Traffic Control Plan is included for your reference (Attachment D).

Transportation has coordinated with local emergency agencies regarding the closures and will notify these agencies once the dates of the closure are set. A County Special Event Permit for the full road closure of Waverly has been fully executed by the Director.

ALTERNATIVES

- 1) Do not award contract and direct Transportation to re-advertise for construction bids.
- 2) Cancel the Project.

OTHER DEPARTMENT / AGENCY INVOLVEMENT

County Counsel and Risk Management

CAO RECOMMENDATION / COMMENTS

It is recommended that the Board approve this item.

FINANCIAL IMPACT

The Project was authorized by the Board on April 3, 2018 (Item 25) with an estimated construction Project cost of \$922,000.

The estimate for the construction phase of the Project is \$830,648, which includes an estimated bid of \$632,359; supplement costs of \$40,200; construction management, survey, materials testing and design support during construction totaling \$94,854; and a contingency of \$63,235.

The estimated construction cost is included in the Project budget, which is funded by local discretionary Road Funds.

CLERK OF THE BOARD FOLLOW UP ACTIONS

- 1) Upon approval by County Counsel and Risk Management, Transportation will forward two (2) originals of the Construction Contract, together with the required bonds and insurance, and the approved Contract Routing Sheet, to the Clerk of the Board for securing the Chair's signature.
- 2) The Clerk of the Board will forward one (1) fully executed Construction Contract to CDS Transportation, attention of Brian Franklin, Office Engineer, for further processing.

STRATEGIC PLAN COMPONENT

Infrastructure

CONTACT

Rafael Martinez, Director
Community Development Services, Department of Transportation