



Legislation Text

File #: 22-0957, **Version:** 1

Department of Transportation recommending the Board take the following actions pertaining to the Missouri Flat Road Phase 1 - Class I Trail Connection Project, Capital Improvement Program project number 36109012, Contract 6094, with a construction phase cost of \$333,913.75:

- 1) Award the Construction Contract to AM Development Inc. the lowest responsive, responsible bidder; and
- 2) Approve and authorize the Chair to sign the Construction Contract, subject to review and approval by County Counsel and Risk Management.

FUNDING: Transportation Development Act Funds (9%) and Urban Surface Transportation Block Grant Program Funds (91%). (Federal and Local Funds)

DISCUSSION / BACKGROUND

The Project will construct 188 linear feet of Class I bike path, including grading and paving, concrete retaining wall, curb, gutter, sidewalk, striping, and rock ditch improvements, which will create a permanent trail access to the El Dorado Trail at Missouri Flat Road to the Town of El Dorado trail section. This trail access was originally designed to be constructed with the El Dorado Trail - Missouri Flat Road Bike/Pedestrian Overcrossing Project, Capital Improvement Program number 36109002. The utility companies have relocated their facilities that were in conflict with this access creating the opportunity to construct this Project prior to the overcrossing. The Project duration is 20 working days and is anticipated to be complete within the 2022 construction season.

Due to federal funding, California Environmental Quality Act (CEQA) compliance and National Environmental Policy Act (NEPA) are required. A CEQA Categorical Exemption was filed on December 20, 2017. A NEPA categorical Exemption/ Categorical Exclusion Determination was issued on December 17, 2018. No additional Environmental Permits are needed for this Project.

This Project is entirely within the Sacramento-Placerville Transportation Corridor Joint Powers Authority (SPTC JPA). Since El Dorado County is a member agency of the SPTC JPA, no acquisitions or easements are necessary.

There are no utility conflicts or agreements for the Project.

Transportation has received federal funding authorization (E-76) for the construction phase of the Project.

The Contract Documents include all required federal provisions and incorporate the current Caltrans DBE requirements. The DBE goal is 12%.

The Project was approved for advertisement by the Board on April 12, 2022, Item 12, Legistar 22-0501.

DEPARTMENT RECOMMENDATION

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

On Friday, May 13, 2022 at 2:00 p.m., the Department of Transportation (Transportation), opened bids for the Missouri Flat Road Phase 1 - Class I Trail Connection Project (Project). Four Bids were received ranging from \$266,077.00 to \$372,174.58.

Joe Vicini Inc. (Vicini) submitted the lowest bid at \$266,077.00; however, the contract documents required the bidder to make an adequate good faith effort to meet the Disadvantaged Business Enterprise (DBE) goal of 12%. Transportation performed a Good Faith Effort (GFE) evaluation of Vicini's bid, and found that Vicini did not make an adequate good faith effort. Vicini was notified on Tuesday, May 24, 2022 of Transportation's decision and was provided two (2) working days to request a reconsideration meeting. Transportation did not receive a request for a reconsideration meeting. The second low bidder, AM Development Inc. (AM Development), exceeded the DBE goal. Transportation issued an All Bidders Letter on Friday, May 27, 2022, notifying the bidders of the recommendation to the Board for award of the contract to AM Development and initiating the bid protest period. No bid protests were received. AM Development's total bid for the project is \$267,131.00.

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. The budget for contingencies on this Contract is \$26,713.10. PCC Section 20142 and Resolution 102-2012 authorize the Director to execute individual CCOs, the maximum value of \$25,856.55, 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.

ALTERNATIVES

- 1) Do not award the contract and direct Transportation to re-advertise for construction bids.
- 2) Cancel the Project. Canceling the Project may include the consequence of reimbursing federal funding received to date.

PRIOR BOARD ACTION

See Discussion/Background section above.

OTHER DEPARTMENT / AGENCY INVOLVEMENT

County Counsel and Risk Management reviewed and approved the Contract Documents on March 2, 2022.

CAO RECOMMENDATION / COMMENTS

Approve as recommended.

FINANCIAL IMPACT

The Engineer's Estimate for the construction phase of the Project is \$333,913.75, which includes an estimated bid of \$267,131.00; construction management, survey, materials testing and design support during construction totaling \$40,069.65; contingency of \$26,713.10.

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 for the Chair's signature.
- 2) The Clerk will forward one (1) fully executed Construction Contract to Transportation, attention of David Markowski, Associate Civil Engineer, for further processing.

STRATEGIC PLAN COMPONENT

Infrastructure

CONTACT

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Department of Transportation