



## Legislation Text

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**File #:** 18-0747, **Version:** 1

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Community Development Services, Department of Transportation, recommending the Board take the following actions pertaining to the re-bid of Silva Valley Parkway Class 1 and 2 Bike Lanes (Harvard to Green Valley), CIP 72310, Contract 2749, PW 17-31203:

- 1) Award Schedule A of the Construction Contract to the only and lowest responsive, responsible bidder, Trinity River Construction, Inc.;
- 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 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:** Congestion Mitigation and Air Quality Program (95%), RSTP Federal Funds - Urban STBGP (URSTP) (4%), Road Fund/Discretionary and Utility Agency - EID (1%). (Local and Federal Funds)

### **DEPARTMENT RECOMMENDATION**

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

On May 24, 2018, Community Development Services, Department of Transportation (Transportation) opened bids for the Silva Valley Parkway Class 1 and 2 Bike Lanes (Harvard to Green Valley) (Project), Capital Improvement Program (CIP) 72310. One bid was received from Trinity River Construction, Inc. (Trinity) for \$1,987,352.60 for Schedule A+B and \$1,811,411.00 for Schedule A work only. Transportation recommends awarding Schedule A of the Contract to Trinity River Construction, Inc., who submitted the lowest responsive, responsible bid.

The Disadvantaged Business Enterprise (DBE) goal for the Project is 13%. Trinity provided DBE commitment and documentation with their Proposal with a 13.2% DBE commitment. After discussion and review of the CIP budget to determine that Schedule A could be awarded, Transportation requested additional information for the DBE subcontractor quotes on June 5, 2018 and received the information that day. Transportation reviewed Trinity's DBE commitment form submittal and finds that the firms listed are certified DBEs under the California Unified Certification Program and meet the criteria for a DBE; that Trinity provided sufficient written confirmation from each DBE firm that each is participating in the Contract; and that Trinity has committed to exceeding the DBE goal.

Transportation issued the All Bidders Letter on Tuesday June 5, 2018, notifying the bidder of the recommendation to the Board for award of the Contract to Trinity and initiating the five-day bid protest period. The bid protest period ends at 5:00 p.m. on June 11, 2018. As there is only one bidder, Transportation does not expect a protest. Transportation recommends awarding Schedule A of the Construction Contract to Trinity who submitted the lowest responsive, responsible bid of \$1,811,411.00.

#### Authorize the Director of Transportation (Director) 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 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, 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*

Due to CIP budget limitations, Supplemental CCOs for this Project are reduced to 0%.

#### *Contingency CCOs*

With construction contracts, there is an expectation that unanticipated changes will be encountered once construction begins. To prepare for this and due to budget constraints, a 5% contingency budget is set aside. The budget for contingencies on this Contract is \$90,557.05. If change orders are required in excess of this amount, Transportation will go to the Board to request additional funding.

### **DISCUSSION / BACKGROUND**

This is a re-bid of the Project previously bid in June 2017. The purpose of the Project is to improve the safety of pedestrians, bicyclists, and equestrians by constructing a new Class 1 path and Class 2 lanes adjacent to and on Silva Valley Parkway between Harvard Way and Green Valley Road. This Project is an extension of Class 2 lane from its current terminus at Harvard Way and is consistent with the County's Bicycle Transportation Plan.

The Project was bid as a Base Bid (Schedule A) and Additive Bid (Schedule B) in accordance with the Proposal and Special Provisions. Base Bid (Schedule A) work includes paving approximately 5,800 linear feet of concrete and asphalt paved Class 1 bike path east of Silva Valley Parkway, from Harvard Way to Appian Way. The construction of the class 1 bike path includes construction of a retaining wall, drainage facilities, rock slope protection, erosion control, signing and striping. Base Bid (Schedule A) also includes minor roadway widening, slurry seal and restriping to provide a Class 2 bike lane along southbound and northbound Silva Valley Parkway from Green Valley Road to Appian Way (approximately 5,000 linear feet). Additive Bid (Schedule B) work includes slurry seal, signing and restriping to provide a Class 2 bike lane along southbound Silva Valley Parkway from Appian Way to Harvard Way (approximately 5,800 linear feet).

In order to construct the improvements, Transportation anticipates the need to close Silva Valley

Parkway between Harvard Way and Appian Way for a maximum period of 36 consecutive hours over one weekend (Saturday and Sunday). This road closure will be for the purpose of placing slurry seal on Silva Valley Parkway. The option to fully close Silva Valley Parkway will be at the option of the Contractor. The Contractor will not be allowed to fully close Silva Valley Parkway between Appian Way and Green Valley Road due to the lack of a reasonable detour.

Detour notifications will be posted a minimum of one week in advance of the closure. Access for local residents and visitors, as well as emergency personnel and law enforcement will be through a detour utilizing Harvard Way, El Dorado Hills Boulevard, and Green Valley Road. Transportation will notify the public of this road closure via the County website, a press release and changeable message signs at the site. A Special Event Permit for the road closure authorization was signed by the Director of Transportation on February 15, 2018 under Ordinance 5048, which was passed and adopted by the Board on February 28, 2017.

On June 6, 2017 (Item 29), the Board adopted and approved the Contract Documents and authorized advertisement for construction bids for the previous bid of the Project.

On June 28, 2017 Transportation opened bids for the previous bid Project. Two bids were received in the amounts of \$1,630,571.80 and \$2,923,750.00, which both exceeded the Engineer's Estimate of \$1,167,400.00. On July 18, 2017 (Item 24), Transportation recommended that the Board reject the bids received for the previous bid because the Capital Improvement Program (CIP) amount budgeted was exceeded. This was approved by the Board.

Transportation has since re-evaluated the Project scope and estimate. Some Project scope was modified in an effort to reduce cost, as well as adjusting the Engineer's Estimate to match current bidding trends. Transportation also received an additional \$636,000 in Congestion Mitigation and Air Quality Program (CMAQ) funds from the El Dorado County Transportation Commission, which was approved by their Board on September 7, 2017. Revised grant funding finance letters will be updated when the construction award package is submitted to the Caltrans District Local Assistance Engineer.

Due to federal funding, both California Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA) compliance are required. An Initial Study/Mitigated Negative Declaration for the Project, in accordance with the California Environmental Quality Act, was adopted by the Board on September 15, 2015 (Item 21). A California Department of Transportation (Caltrans) National Environmental Protection Act Categorical Exemption/Categorical Exclusion Determination was issued on September 30, 2015.

All required environmental permits have been obtained for the Project, and no right-of-way is required for the Project.

Transportation has received federal funding authorization for this Project.

As a federally funded project, the Contract Documents have been federalized and incorporate the current Caltrans Disadvantaged Business Enterprise (DBE) requirements. The DBE goal is 13%.

## **ALTERNATIVES**

1) Do not award Schedule A of the Contract and direct Transportation to re-advertise for construction

bids.

2) Cancel the Project. Note: The Board has approved the Project previously and the County would have to refund the funding already spent.

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

County Counsel and Risk Management have reviewed and approved the Contract Documents.

### **CAO RECOMMENDATION**

It is recommended that the Board approve this item.

### **FINANCIAL IMPACT**

Total Funding for this Project in the amount of \$2,582,756 was approved by the Board on March 13, 2018 (Item 23), which includes the construction phase of the Project in the amount of \$2,114,284. These Project amounts are included in the 2018 CIP that is scheduled to go to the Board for adoption in June 2018.

Due to the amount bid for Schedule A+B being \$1,987,352.60, once the standard markups for contingency, supplemental, and construction management are added, the CIP budget is exceeded. To bring the Project back within CIP budget, Transportation recommends awarding Schedule A only with 5% contingency and 11.6% construction management allowances.

The current estimate for the construction phase of the Project is \$2,111,698.05 and includes Schedule A Contract items bid of \$1,811,141.00; construction management, survey, materials testing and design support during construction totaling \$210,000; and, contingency of \$90,557.05.

The difference in cost between the Engineer's Estimate and the amount bid may be attributed to:

- 1) Feedback from many of our regular contractors is that they are booked for the season and don't intend to bid any more work.
- 2) Only 1 contractor bid the Project.
- 3) Industry feedback is that unit prices on other local agency and Caltrans work have been on the rise.

### **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, with the required bonds and the approved Contract Routing Sheet, to the Clerk for securing the Chair's signature.
- 2) Clerk will forward one (1) fully executed Construction Contract to Transportation, attention of Brian Franklin, Office Engineer, for further processing.

### **STRATEGIC PLAN COMPONENT**

Infrastructure

### **CONTACT**

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