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Title: Community Development Agency, Transportation Division, recommending the Board take the following actions pertaining to the U.S Highway 50/Missouri Flat Road Interchange Phase 1B.2 - Bike Path Project (REBID), Contract PW 16-31149, CIP 71359, P&C 034-C1799:
 1) Award the Construction Contract to the lowest responsive, responsible bidder; said bidder to be determined after the bid opening scheduled for February 1, 2017 (an updated Director's Award Letter has been included - attachment 4C);
 2) Approve and authorize the Chair to sign the Construction Contract, subject to final review and approval by County Counsel and Risk Management; and
 3) Authorize the Community Development Agency Director 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. (Refer: 2/28/17, Item 21)

FUNDING: Congestion Mitigation and Air Quality (49% - Federal) and Master Circulation & Funding Plan Financing (51% - Local).

Sponsors:

Indexes:

Code sections:

Attachments: 1. Executed Contract 16-31149 3-7-17, 2. 4A - REBID Addendum 1 02-28-17, 3. 4B - REBID Bid Summary 02-28-17, 4. 4C - REBID Director's Award Letter 2-28-17, 5. 3A - Approved CRS 1-3-17, 6. 3B - Contract Documents 1-3-17, 7. 3C - Plan Set 1-3-17, 8. 3D - Vicinity Map 1-3-17, 9. Executed Plans 1-3-17, 10. 2A - Addendum 1 8-2-16, 11. 2B - Bid Summary 8-2-16, 12. 2C - Bid Rejection Letter 8-2-16, 13. A - Approved CRS 6-7-16, 14. B - Contract Documents 6-7-16, 15. C - Plan Set 6-7-16, 16. D - Vicinity Map 6-7-16, 17. Executed Plans 6-7-16

Date	Ver.	Action By	Action	Result
3/7/2017	5	Board of Supervisors	Approved	Pass
2/28/2017	4	Board of Supervisors	Continued	Pass
1/3/2017	3	Board of Supervisors	Approved	Pass
8/2/2016	2	Board of Supervisors	Approved	Pass
8/2/2016	2	Board of Supervisors	Approved	Pass
6/7/2016	1	Board of Supervisors	Approved	Pass

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DEPARTMENT RECOMMENDATION

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

In order to move forward in an expeditious manner, this item has been prepared prior to receipt of bids. Community Development Agency (CDA), Transportation Division (Transportation), is scheduled to receive sealed bids for the U.S. Highway 50 (US 50)/Missouri Flat Road Interchange Phase 1B.2 - Bike Path Project (Project) (REBID), on Wednesday, February 1, 2017, at 2:00 p.m. Transportation will open and read all bids received at that time in conformance with contract bidding requirements.

Transportation will provide the bid summary showing the preliminary bid results to the Board Clerk to attach to this item when the results become available. After Transportation reviews the bids and after the five-day bid protest period, Transportation will prepare a recommendation to the Board regarding the award of the Construction Contract to the lowest responsive, responsible bidder. The Transportation Division has added a recommendation letter on the bid, which is attachment 4C.

Authorize the Community Development Agency Director to Sign Escrow Agreement:

Pursuant to Special Provisions Section 9-1.16F, "Retentions," 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 earned 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 CDA Director to execute the Escrow Agreement. Upon satisfactory completion of portions of the Contract and upon written notification from the CDA 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 days after the recordation of the Notice of Acceptance of the Contract at which time, upon written notification from the CDA 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 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 Dust Control, Water Pollution Control Program Best Management Practices Implementation, Flagging, and Payment Adjustment for Price Index totaling 3% 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 CDA 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 proposed Project consists of completing the Class I Bike Lane along US 50, including retaining walls and drainage improvements.

This Project was previously advertised on June 15, 2016, under Contract PW 15-31087. All previous bids were rejected by the Board on August 2, 2016 (Item 20) because the two bids received were significantly over the Engineer's Estimate. In accordance with PCC 22038, Transportation compared the Project's unit prices to other recently bid County projects and updated the unit prices as appropriate. No change in scope was made for the rebid of this Project.

An Environmental Impact Report (EIR) and Supplemental EIR, prepared in accordance with the California Environmental Quality Act and the National Environmental Policy Act, and the Missouri Flat Area Master Circulation and Funding Plan for the Project were adopted by the Board on August 31, 2004. A Final Supplement to the EIR for the US 50/Missouri Flat Road Interchange Project to include the US 50/Weber Creek Bridge Bicycle/Pedestrian Facility Project was adopted by the Board on August 25, 2009 (Item 16).

No right-of-way or environmental permits were required for the Project.

Transportation received federal funding authorization, an E-76, for construction phase activities on June 10, 2016.

As this Project is partially federally funded, the Contract Documents include all required federal provisions and incorporate the current Caltrans Disadvantaged Business Enterprise (DBE) requirements. The DBE goal is 11%.

On January 3, 2017 (Item 20), the Board adopted and approved the Contract Documents and authorized advertisement for construction bids for the Project.

ALTERNATIVES

- 1) Do not award the Project to any bidder. Transportation will make changes directed by the Board and re-advertise the Project.
- 2) Cancel the Project. The Board has previously approved the Project and canceling the Project may

include the consequence of reimbursing all grant funding received to date.

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

There is no change to Net County Cost associated with this item. The Engineer's Estimate for the construction phase of the Project is \$1,839,000 which includes an estimated bid of \$1,436,719; supplemental items of work totaling \$43,101; construction management, survey, materials testing, and design support during construction totaling \$215,508; and contingency of \$143,672.

Funding for this Project is budgeted in the adopted 2016 Capital Improvement Program with a construction phase budget of \$1,839,000.

CLERK OF THE BOARD FOLLOW UP ACTIONS

- 1) Upon approval by County Counsel and Risk Management, Transportation will forward 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 the fully executed Construction Contract to the Community Development Agency, Contracts and Procurement Unit, for further processing.

STRATEGIC PLAN COMPONENT

Infrastructure

CONTACT

Bard Lower, Transportation Division Director
Community Development Agency