



## Legislation Details (With Text)

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**File created:** 12/12/2017      **In control:** Board of Supervisors

**On agenda:** 1/23/2018      **Final action:** 1/23/2018

**Title:** Community Development Services, Department of Transportation, recommending the Board consider the following pertaining to the Starkes Grade Road Slipout Project, Contract PW 17-31204, CIP 78715:

- 1) Award the Construction Contract to Trinity River Construction, Inc., who submitted the lowest responsive, responsible bid of \$901,584.45;
- 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 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 and State discretionary funding initially (100%), with Transportation staff working with the Federal Emergency Management Agency and California Office of Emergency Services to obtain reimbursement. (Local/State/Federal)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. A - Project Detour Plan 1-23-18, 2. B - CRS, 3. C - Starkes Grade Road Slipout Contract Documents, 4. D - Starkes Addendum No. 1 FE, 5. E - Bid Summary, 6. Executed Agreement 17-31204

Date	Ver.	Action By	Action	Result
1/23/2018	1	Board of Supervisors	Approved	Pass

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**DEPARTMENT RECOMMENDATION**

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

On January 4, 2018, the Community Development Services, Department of Transportation (Transportation) opened bids for the Project. Five bids were received ranging from \$901,584.45 to

\$1,278,272.00.

Transportation issued the All Bidders Letter on January 11, 2018, notifying bidders of the recommendation to the Board for award and initiating the two-day bid protest period. The bid protest period ended at 4:00 p.m. on Tuesday, January 16, 2018 with no protests filed.

Trinity River Construction, Inc. (Trinity) submitted the lowest responsive, responsible bid in the amount of \$901,584.45. Transportation recommends award of the Construction Contract to Trinity who submitted the lowest responsive, responsible bid.

Authorize the Director of Transportation (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.

*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 \$790,158.45. 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 of \$57,579.22 for this Contract. This authority is also for a cumulative total of Contingency CCOs not to exceed 10% of the original Contract value.

**DISCUSSION / BACKGROUND**

The Project consists of tree removal; slide debris removal including fallen trees; culvert excavation; removal of an existing 12" corrugated metal pipe under Starkes Grade Road; installation of a new 18" reinforced concrete pipe and new Circular Concrete Pipe Inlets and 4" subdrains; installation of rock slope protection; roadway excavation; structure excavation; installation of gabion type MSE retaining wall; structure backfill; placement of Midwest Guardrail System and alternate terminal system; placement of a new structural section; asphalt dike; asphalt paving; and striping work. 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 construct the improvements, Transportation anticipates the need to close Starkes Grade Road between Campini Road and 5 Spot Road for a maximum of 70 consecutive days. It is intended to close the road for the entire working days of the Project, initially from late January through early April. The exact dates of the closure will be determined once weather conditions permit the start of construction activities. Transportation will deduct damages of \$4,000 per day from the contractor for failure to open Starkes Grade Road to public through-traffic by the specified end of the closure period.

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 Pleasant Valley Road and Sly Park 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 copy of the Project Detour Plan is included for your reference (Attachment A).

Transportation has coordinated with local emergency agencies regarding the detour and will notify these agencies once the dates of the closure are set.

As a federally funded Project, the Contract Documents incorporate the current federal Disadvantaged Business Enterprise (DBE) requirements. The DBE goal is 8%.

### **ALTERNATIVES**

- 1) Do not award the contract and direct Transportation to re-advertise for construction bids.
- 2) Cancel the Project. Note: The Chief Administrative Officer (CAO) and the Transportation Director have previously approved the Project and the County would not be reimbursed for the Project work completed to date.

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

County Counsel and Risk Management have reviewed and approved the Contract Documents. The CAO and Transportation Director approved the Project for advertisement, pursuant to delegated authority approved by the Board on September 12, 2017 (Item 13). Upon discussion with County Counsel prior to advertisement, there was concern regarding the further use of reduced contract processing due to the length of time since the emergency damage occurred. Per County Counsel direction, this Contract was advertised via formal bidding requirements and is brought to the Board for award, approval and final execution of the Contract.

### **CAO RECOMMENDATION**

It is recommended that the Board approve this item.

### **FINANCIAL IMPACT**

The Estimate for the construction phase of the Project is \$1,126,980.57, and includes an estimated bid of \$901,584.45; construction management, survey, materials testing, and design support during construction totaling \$135,237.67; and contingency of \$90,158.45.

This Project is eligible for 75% reimbursement by the Federal Emergency Management Agency and 18.75% reimbursement by the California Office of Emergency Services. The remaining 6.25% is local and State discretionary funding. Transportation will continue working with these agencies to obtain the maximum allowable reimbursement.

### **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 securing the Chair's signature.

2) Clerk will forward the fully executed Construction Contract to CDS Transportation, attention of Brian Franklin, Office Engineer, for further processing.

**STRATEGIC PLAN COMPONENT**

Infrastructure

**CONTACT**

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Community Development Services, Department of Transportation