



# County of El Dorado

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## Legislation Details (With Text)

**File #:** 19-0323 **Version:** 1

**Type:** Agenda Item **Status:** Approved

**File created:** 2/21/2019 **In control:** Board of Supervisors

**On agenda:** 4/2/2019 **Final action:** 4/2/2019

**Title:** Department of Transportation recommending the Board take the following actions pertaining to the Safety Countermeasures at Various Locations Project, CIP 49320/36201034, Contract 3630:  
1) Award the Construction Contract to Truesdell Corporation of California, Inc. who was determined to be the lowest, responsive, responsible bidder;  
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:** Highway Safety Improvement Program Funds (100%). (Federal Funds)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. A - Addendum No.1, 2. B - Addendum No.2, 3. C - Bid Summary, 4. Executed Contract 3630

Date	Ver.	Action By	Action	Result
4/2/2019	1	Board of Supervisors	Approved	Pass

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### DEPARTMENT RECOMMENDATION

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

On Wednesday, March 6, 2019 at 2:00 p.m. Department of Transportation (Transportation) opened bids for Safety Countermeasures at Various Locations (Project). Two Bids were received ranging from \$1,118,118.00 to \$1,511,217.80

The Disadvantaged Business Enterprise (DBE) goal for this project is 12%. Per the Contract documents, the Contractor had until 5:00pm on the fifth business day after the bid opening to submit their DBE commitment and documentation. Truesdell Corporation of California, Inc. (Truesdell) submitted their DBE commitment and documentation on Monday, March 11, 2019 with a 12% DBE commitment. Transportation reviewed Truesdell'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 Truesdell provided sufficient written confirmation from each DBE firm that each is participating in the Contract; and, that Truesdell has committed to meeting the Contract DBE goal.

Transportation issued the All Bidders Letter on Tuesday March 12, 2019, notifying the bidders of the recommendation to the Board for award of the contract to Truesdell and initiating the bid protest period. The bid protest period ended at 4:00 P.M. on Tuesday, March 19, 2019, with no protests filed.

Authorize the Director of Transportation (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 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 account and any interest earned thereon. A portion of the retention and interest will be retained in the escrow account until thirty-five (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*

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 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 Flagging, Water Pollution Control, Dust Control, and Additional Excavation and Backfill items totaling 5% 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 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 \$68,405.90. This authority is also for a cumulative total of contingency CCOs not to exceed 10% of the original Contract value.

## **DISCUSSION / BACKGROUND**

The Safety Countermeasures at Various Locations Project (Project) will provide safety countermeasures by installation of high friction surface treatment, new thermoplastic striping, raised pavement markers, and advanced warning signs at various locations throughout the County. The goal of the project is to prevent accidents caused by roadway departure through the installation of advanced warning signs and a high-friction surface treatment applied to the asphalt pavement.

There is a road closure planned at one of the fifteen locations. The closure will happen on a Sunday on the east bound lane of Serrano Parkway from El Dorado Hills Blvd to a point approximately 500 ft. east of El Dorado Hills Blvd. The actual dates will be confirmed once the Contract is awarded, weather conditions suitable for the Project are verified, and the work dates are known.

Due to federal funding, both California Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA) compliance are required. A CEQA Notice of Exemption was filed on July 10, 2017. A California Department of Transportation (Caltrans) NEPA Categorical Exclusion Determination was issued on July 28, 2017. No environmental permits were required for the Project.

The Project does not contain a jurisdictional waterway within the construction limits and does not require coverage of the United States Army Corps of Engineers or Regional Water Quality Control Board permits. A California Department of Fish and Wildlife Notice of Exemption has been filed on September 10, 2017

No right of way or utility agreements are necessary for this Project.

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

The Project was approved for advertisement on February 6, 2019 (Item 12).

## **ALTERNATIVES**

- 1) Do not award the contract and direct Transportation to re-advertise for construction bids.
- 2) Cancel the Project. Note: The Board has previously approved the Project and the County would not be reimbursed for the Project work completed 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.

## **CAO RECOMMENDATION**

It is recommended that the Board approve this item.

## **FINANCIAL IMPACT**

The total estimated cost for Project construction is \$1,453,553.40, which includes an estimated bid of \$1,118,118.00; supplemental items of work totaling \$55,905.90; construction management, survey, materials testing and design support during construction totaling \$167,717.70; and contingency of \$111,811.80.

### **CLERK OF THE BOARD FOLLOW UP ACTIONS**

- 1) Upon final 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 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