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County of El Dorado

Legislation Details (With Text)

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File created:	3/20/2019	**In control:**	Board of Supervisors
On agenda:	5/14/2019	**Final action:**	5/14/2019
Title:	Department of Transportation recommending the Board take the following actions pertaining to the Greenstone Road at Slate Creek Bridge Replacement Project, Contract 3605, CIP 77137/36105019: 1) Award the Construction Contract to Robert A Bothman Construction., who was the lowest responsive, responsible bidder; 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: Highway Bridge Program (99%), RSTP Exchange Funds (<1%), Road Fund (<1%). (Federal Funds)		
Sponsors:			
Indexes:			
Code sections:			
Attachments:	1. A - Detour Plan, 2. B - Bid Summary, 3. Executed Agreement 3605/77137		

Date	Ver.	Action By	Action	Result
5/14/2019	1	Board of Supervisors	Approved	Pass

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DEPARTMENT RECOMMENDATION

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

On Thursday, April 11, 2019 at 2:00 p.m. Department of Transportation (Transportation) opened bids for Greenstone Road at Slate Creek Bridge Replacement Project (Project). Three Bids were received ranging from $2,125,000.00 to $2,450,737.00

Transportation issued the All Bidders Letter on Thursday April 25, 2019, notifying the bidders of the recommendation to the Board for award of the contract to Robert A. Bothman Construction (Bothman) and initiating the bid protest period. The bid protest period ended at 5:00 P.M. on

Thursday, May 2, 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 reimbursement to the Contractor for participating in a Federal Trainee Program which has been established to promote training of apprentices to develop full journeymen in the types of trades or classifications involved. The County is required to credit the Contractor for employing apprentices/trainees and for becoming enrolled in a federally-recognized training program totaling $1,600.00. 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 $118,750.00. This authority is also for a cumulative total of contingency CCOs not to exceed 10% of the original Contract value.

DISCUSSION / BACKGROUND
The purpose of the Greenstone Road at Slate Creek Bridge Replacement Project (Project) is to

replace the existing bridge built in 1925 that is functionally obsolete by today's standards. Based on the California Department of Transportation (Caltrans) inspection reports, the bridge has a sufficiency rating of 46 out of 100 and is eligible for replacement pursuant to the Highway Bridge Program.

The Project consists of construction of relocation and abandonment of an existing EID waterline, construction of a new cast-in-place concrete slab bridge over Slate Creek, removal of the existing structure and obliteration of the existing roadway alignment, grading and paving for the new bridge approaches and re-aligned roadway, guardrail and fence installation, roadway and ditch excavation, rock slope protection installation, signing and striping, and permanent erosion control installation.

Pursuant to the Contract Documents, the Project will be suspended after the EID waterline relocation work is complete. The Project will resume in the 2020 construction season to complete the roadway and bridge work. The purpose of the suspension is to guarantee that the roadway and bridge work will be completed in the same construction season. Greenstone Road will be fully closed for the roadway and bridge work completion, with a detour in place.

Greenstone Road will be fully closed to traffic as shown on the detour plan (Attachment C) for one hundred eighty-six (186) calendar days. Access for local residents and visitors, as well as emergency personnel and law enforcement will be via the Ponderosa Road Exit (Exit 37) off of Highway 50 and Mother Lode Drive from the west, and the El Dorado Road exit (Exit 43) off of Highway 50 and Mother Lode Drive from the east. Staff will notify the public of this road closure via the County website, a press release, and portable changeable message sign boards at least one week in advance of the road closure going into effect. The Road Closure Authorization was signed by the Director on February 8, 2019.

Due to federal funding, both California Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA) compliance are required. A CEQA Notice of Determination/Mitigated Negative Declaration was filed on July 20, 2016 and the Initial Study/Mitigated Negative Declaration (IS/MND) was approved by the Board on July 19, 2016 (Item 29). A Caltrans NEPA Categorical Exclusion Determination was issued on September 8, 2016.

The Project contains a jurisdictional waterway within the construction limits and requires coverage of the United States Army Corps of Engineers, California Department of Fish and Wildlife, and Regional Water Quality Control Board permits. All required environmental permits have been acquired for the Project

Two temporary Construction Easements were required for the Project. All required right of way for this Project has been acquired and escrow is closed. This Project was certified with a Right of Way Certification #1.

One utility agreement with El Dorado Irrigation District (EID) was needed for this project. The Board approved the Master Agreement with EID on August 11, 2015 (Item 19).

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%.

The Project funding for the construction phase (E76) was approved by Caltrans on March 7, 2019.

The Project was approved for advertisement on March 19, 2019 (Item 8).

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 all federal funding received to date.

OTHER DEPARTMENT / AGENCY INVOLVEMENT
County Counsel and Risk Management reviewed and approved the Contract Documents on February 15, 2019.

CAO RECOMMENDATION
It is recommended that the Board approve this item.

FINANCIAL IMPACT
The Engineer's Estimate for the construction phase of the Project is $2,687,850, which includes the bid of $2,125,000; construction management, survey, materials testing and design support during construction totaling $318,750; supplemental items of work totaling $1,600; contingency of $212,500; and, $30,000 of environmental monitoring.

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 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