



## Legislation Details (With Text)

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

**File created:** 3/11/2020      **In control:** Board of Supervisors

**On agenda:** 5/5/2020      **Final action:** 5/5/2020

**Title:** Department of Transportation recommending the Board take the following actions pertaining to the 2020 West Slope Various Pavement Rehabilitation Projects, Contract 4674, CIP 36302100:  
 1) Award the Construction Contract to Teichert 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: Road Repair and Accountability Act of 2017 (SB1-RMRA) (100%).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Executed Agreement 4674

Date	Ver.	Action By	Action	Result
5/5/2020	1	Board of Supervisors	Approved	Pass

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**DEPARTMENT RECOMMENDATION**

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

The Department of Transportation (Transportation) received sealed bids for the 2020 West Slope Various Pavement Rehabilitation Projects (Project) on Wednesday, April 22, 2020 at 2:00 p.m. Transportation opened and read all bids received at that time in conformance with contract bidding requirements. The bid summary can be found here:

<https://www.edcgov.us/government/dot/pages/BidsHome.aspx>.

Seven Bids were received ranging from \$ 1,673,793.32 to \$ 2,744,557.14. Transportation issued the All Bidders Letter on Thursday, April 23, 2020, notifying the bidders of the recommendation to the Board for award of the contract to Teichert Construction (Contractor) and initiating the bid protest

period. The bid protest period ended at 5:00 P.M. on Thursday, April 30, 2020, with no protests filed.

Authorize the Director of Transportation (Director) to Sign Escrow Agreement:

Pursuant to Article 7, "Measurement and Payment of the Agreement", 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.

*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 \$96,189.67. 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 2020 West Slope Various Pavement Rehabilitation Projects (Project) is to provide roadway failure repair to designated pavement sections in Cameron Park Subdivision, Diamond Springs Business Park, Roads of Placerville and Roads of Pollock Pines in preparation for surface treatments in the 2020 construction season. Work to be performed includes paving approximately 801,195.50 square feet of asphalt.

Contract working hours will be between the hours of 7:00 am and 7:00 pm on Mondays through Fridays, unless otherwise authorized. Reversing controls will be used during the Project.

There are no utility relocations associated with this Project. All work will be performed within existing County right of way and no additional right of way is needed. A CEQA Notice of Exemption was filed on January 27, 2020.

**ALTERNATIVES**

- 1) The Board could choose to not award the contract and direct Transportation to re-advertise for construction bids.
- 2) The Board could choose to cancel the Project.

**PRIOR BOARD ACTION**

#20-0209, 3/10/20 #15

**OTHER DEPARTMENT / AGENCY INVOLVEMENT**

County Counsel and Risk Management

**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 \$2,092,241.65, which includes a bid of \$1,673,793.32; construction management, survey, materials testing and design support during construction totaling \$251,069.00; contingency of \$167,379.33.

**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 Transportation, attention of Brian Franklin, Office Engineer, for further processing.

**STRATEGIC PLAN COMPONENT**

Infrastructure

**CONTACT**

Rafael Martinez, Director  
Department of Transportation