



## Legislation Details (With Text)

**File #:** 21-0788 **Version:** 1

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

**File created:** 5/3/2021 **In control:** Board of Supervisors

**On agenda:** 6/8/2021 **Final action:** 6/8/2021

**Title:** Department of Transportation recommending the Board consider the following pertaining to the US 50/Bass Lake Road East Bound Off-Ramp Signalization Project Capital Improvement Program project number 73367/36104030, Contract 4471, with a construction phase total cost of \$765,450:  
1) Award the Construction Contract to St. Francis Electric, LLC 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 50 TIM Fees (100%).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. A - Bid Summary, 2. Executed Agreement 4471

Date	Ver.	Action By	Action	Result
6/8/2021	1	Board of Supervisors	Approved	Pass

Department of Transportation recommending the Board consider the following pertaining to the US 50/Bass Lake Road East Bound Off-Ramp Signalization Project Capital Improvement Program project number 73367/36104030, Contract 4471, with a construction phase total cost of \$765,450:  
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**FUNDING:** Highway 50 TIM Fees (100%).

**DEPARTMENT RECOMMENDATION**

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

On Friday, May 7, 2021 at 2:00 p.m., the Department of Transportation (Transportation), opened bids for the US 50/ Bass Lake Rd East Bound Off-Ramp Project (Project). Two Bids were received ranging from \$567,000 to \$613,992

Transportation issued an All Bidders Letter on Monday, May 10, 2021, notifying the bidders of the recommendation to the Board for award of the contract to St. Francis Electric, LLC (St. Francis) and initiating the bid protest period. No bid protests were received.

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. \$56,700.00 has been set aside as supplemental funds for this Project. Supplemental item in this contract is Flagging, totaling 10% of the original Contract value. This work is anticipated and budgeted for separately and therefore 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 \$56,700.00, 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 purpose of the Project is to provide a new signal on the east bound off ramp of US Highway 50 and Bass Lake road. The Project includes removal of existing street lights, trenching and conduit installation, pavement restoration, installation of new traffic signal poles, mast arms and luminaires, installation of new service pedestal and department-furnished controller cabinet, striping removal and installation, installation of new roadside signs, and electrical service connection

Due to local funding, only California Environmental Quality Act (CEQA) compliance is required. A CEQA Categorical Exemption was filed on September 18, 2018.

A Caltrans Encroachment permit and Maintenance Agreement were required for this project. The Maintenance agreement was approved by the Board on March 9, 2021 (Legistar 21-0016, Item 17). Transportation received an encroachment permit from Caltrans on December 16, 2020. A Right of Way Certification is not needed for this project since it is funded with all local funds

Due to no federal funding, no Disadvantaged Business Enterprise (DBE) goal is specified for this Project. Transportation encourages contractors to utilize DBE subcontractors whenever opportunities exist.

The Project was approved for advertisement on April 13, 2021 (Legistar 21-0440, Item 16).

### **ALTERNATIVES**

- 1) Do not award the contract and direct Transportation to re-advertise for construction bids.
- 2) Cancel the Project.

### **PRIOR BOARD ACTION**

See Discussion/Background section above.

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

County Counsel and Risk Management reviewed and approved the Contract Documents for advertisement on May 27, 2020.

### **CAO RECOMMENDATION**

Approve as recommended.

### **FINANCIAL IMPACT**

The Engineer's Estimate for the construction phase of the Project is \$765,450, which includes an estimated bid of \$567,000; construction management, survey, materials testing and design support during construction totaling \$85,050; contingency of \$56,700; and supplemental of \$56,700.

### **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  
Department of Transportation