



## Legislation Details (With Text)

**File #:** 21-0881 **Version:** 1

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

**File created:** 5/17/2021 **In control:** Board of Supervisors

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

**Title:** Department of Transportation recommending the Board take the following actions pertaining to the Merrychase and Country Club - Sidewalks, Class II/III Bikepath and Silva Valley Parkway/Harvard Way Improvements Projects, Capital Improvement Program project numbers 72312/36105025 and 72378/36105036, Contract 4546:

- 1) Award the Construction Contract including Base Bid (Schedule A) and Additive Alternative (Schedule B) to Martin General Engineering, Inc., 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:** Congestion Mitigation and Air Quality (43%) and Urban Surface Transportation Block Grant Program (57%) (Federal Funds).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. A - Addendum No. 1, 2. B - Bid Summary, 3. Executed Contract 4546

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

Department of Transportation recommending the Board take the following actions pertaining to the Merrychase and Country Club - Sidewalks, Class II/III Bikepath and Silva Valley Parkway/Harvard Way Improvements Projects, Capital Improvement Program project numbers 72312/36105025 and 72378/36105036, Contract 4546:

- 1) Award the Construction Contract including Base Bid (Schedule A) and Additive Alternative (Schedule B) to Martin General Engineering, Inc., 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:** Congestion Mitigation and Air Quality (43%) and Urban Surface Transportation Block Grant Program (57%) (Federal Funds).

### DEPARTMENT RECOMMENDATION

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

On Friday, May 14, 2021 at 2:00 p.m., Department of Transportation (Transportation) opened bids for

Merrychase and Country Club - Sidewalks, Class II/III Bikepath and Silva Valley Parkway/Harvard Way Improvements Projects (Project). Four (4) bids were received ranging from \$1,161,225 to \$1,767,854.

Transportation issued the All Bidders Letter on Tuesday, May 18, 2021, notifying the bidders of the recommendation to the Board for award of the Contract including Base Bid (Schedule A) and Additive Alternative (Schedule B) to Martin General Engineering, Inc. (Contractor) and initiating the bid protest period. The bid protest period ended on Tuesday, May 25, 2021, 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.

*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 \$116,123. 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 \$70,561 for this Project. This authority is also for a cumulative total of contingency CCOs not to exceed 10% of the original Contract value.

**DISCUSSION / BACKGROUND**

The Base Bid (Schedule A) for the Project will provide Americans with Disabilities Act (ADA) improvements at both Project sites to address locations identified in the County ADA Transition Plan that need updating to current ADA standards. The Merrychase and Country Club Drive site will also construct improvements to sidewalks, cross walks, and add Class II/III bike lanes at various locations. Specific measures include addition of approximately 2,100 linear feet of new sidewalk, installation of 2.1 miles of Class II/III bike lanes, a new crosswalk, and new solar powered flashing beacons, as well as the ADA curb ramp improvements. The Silva Valley Parkway/Harvard Way Intersection site will construct intersection improvements to enhance public safety, traffic flows, reduce congestion, and improve air quality. Specific measures include increasing the length of the northbound turn pocket, adding a southbound through and bike lane, optimizing signal timing, and

installing new pedestrian and bicycle detection systems, as well as the ADA curb ramp improvements.

Prior to advertise, an Additive Alternative (Schedule B) was added for the Merrychase and Country Club Drive portion of the Project to include removal and replacement of an additional 1,030 square feet of sidewalk, protection of utilities in place, relocation of four (4) roadside signs, and 150 lineal feet of 2 coat paint curb. The addition of Schedule B makes use of the full amount of Federal Funds. The Project duration is 80 working days and is anticipated to be completed within the 2021 construction season while the nearby schools are out of session.

Due to federal funding, both California Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA) compliance are required. CEQA Notice of Exemptions were filed for Merrychase on April 9, 2018, and filed on February 11, 2019 for Silva Valley. Caltrans NEPAs for Categorical Exemption/Categorical Exclusion Determination were issued on May 31, 2018 and February 13, 2020, respectively. No environmental permits were required for either Project location.

All required right of way has been acquired for the Project.

There are no utility conflicts or agreements for the Project.

Transportation has received federal funding authorization (E-76) for the construction phase activities for both locations.

The Contract Documents include all required federal provisions and incorporate the current Caltrans Disadvantaged Business Enterprise (DBE) requirements. The DBE goal is 15%.

The Project was approved for advertisement on April 20, 2021, Item 19, Legistar 21-0495.

## **ALTERNATIVES**

- 1) Award only the Base Bid (Schedule A).
- 2) Do not award the contract and direct Transportation to re-advertise for construction bids.
- 3) Cancel the Project. Canceling the Project may include the consequence of reimbursing all federal funding received 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 on March 29, 2021.

## **CAO RECOMMENDATION / COMMENTS**

Approve as recommended.

## **FINANCIAL IMPACT**

The estimated cost for the construction phase of the Project is \$1,451,532, which includes the bid amounts of \$1,134,655 for Base Bid (Schedule A) and \$26,570 for Additive Alternative (Schedule B); construction management, survey, materials testing and design support during construction totaling \$174,184; and contingency of \$116,123.

### **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