



Legislation Text

File #: 18-0304, **Version:** 1

Community Development Services, Department of Transportation, recommending the Board consider the following pertaining to the Tree Mortality Project Phase III, Contract 2423, PW 17-31208:

- 1) Award the Contract to Joe Benigno Tree Service who submitted the lowest responsive, responsible bid of \$244,593.00 ~~the lowest responsive, responsible bidder; said bidder to be determined after the bid opening scheduled for March 7, 2018;~~
- 2) Approve and authorize the Chair to sign the Contract; and
- 3) Authorize the Department of Transportation Director 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: California Disaster Assistance Act Funds (75% - State) and General Fund (25% - Local).

DEPARTMENT RECOMMENDATION

Award and Sign Contract with Lowest Responsive, Responsible Bidder:

On March 7, 2018, the Community Development Services, Department of Transportation (Transportation) opened bids for the Tree Mortality Project Phase III Project (Project). Four bids were received ranging from \$244,593.00 to \$469,989.00.

Transportation issued the All Bidders Letter on March 8, 2018, notifying bidders of the recommendation to the Board for award and initiating the five-day bid protest period. The bid protest period ended at 4:00 p.m. on Thursday, March 15, 2018 with no protests filed.

Joe Benigno Tree Service (JBTS) submitted the lowest responsive, responsible bid in the amount of \$244,593.00. Transportation recommends award of the Construction Contract to JBTS who submitted the lowest responsive, responsible bid.

Authorize the Transportation Director to Sign Escrow Agreement:

Pursuant to Article 6, "Payment," Transportation will retain five percent 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 Section 22300 provides that the Contractor may request that payment of retentions earned 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 Transportation Director to execute the Escrow Agreement. Upon satisfactory completion of portions of the Contract and upon written notification from the Transportation Director, the Contractor will receive incremental releases from the Escrow Agent paid into the Escrow Account and any interest earned thereon. A portion of the retention and interest will be retained in the Escrow Account until 35 days after the recordation of the Notice of Acceptance of

the Contract at which time, upon written notification from the Transportation Director, 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 \$24,459.30. PCC Section 20142 and County 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 \$24,459.30 for this Contract. This authority is also for a cumulative total of Contingency CCOs not to exceed 10% of the original Contract value.

DISCUSSION / BACKGROUND

Data collected by state and federal agencies demonstrates that drought conditions and bark beetle infestation have killed over 102 million trees in the State of California (State), and that tens of millions more are likely to die over the next five to six years. On October 30, 2015, Governor Brown proclaimed a State of Emergency due to unprecedented tree mortality caused by conditions of extreme drought and drought-related bark beetle infestations. The Governor's Emergency Proclamation contains 18 distinct actions that direct State agencies, utilities, and local governments to remove dead or dying trees in high hazard areas across the entire State.

Surveys conducted by the U.S. Forest Service estimated that new tree mortality, between October 2015 and May 2016, would affect an estimated 177,000 conifer trees in El Dorado County. Many of these trees are located in the Eldorado National Forest or on private land; however, some of these trees endanger County infrastructure, e.g., County roads and buildings. The County determined it had approximately 3,100 trees to remove that threaten County infrastructure. These numbers are just estimates.

On March 28, 2016 (Item 1), the Board adopted Resolution 053-2016 declaring a State of Emergency in El Dorado County due to pervasive tree mortality, and on May 17, 2016 (Item 46), the Board approved the County's Tree Mortality Hazard Tree Removal Plan. On August 2, 2016 (Item 33), the Board authorized the Chair to sign the California Disaster Assistance Act (CDAA) application and authorized the submittal of the application for funding related to the State's declared Tree Mortality Emergency. The El Dorado County Sheriff's Department received confirmation on September 2, 2016, that the County had been approved for CDAA funding.

Trees marked for removal under CDAA funding must be verified by Registered Professional Foresters (RPFs) or Certified Arborists (CA). On November 15, 2016 (Item 39), the Board approved an Agreement for Services with Black Fox Timber Management Group, Inc. (Black Fox) to meet the RPF/CA requirement and to provide project coordination services.

The Tree Mortality Project Phase I - Grizzly Flats and Camino, which removed 408 trees, was accepted as complete by the Transportation Director on August 18, 2017. Phase II - Camino and Grizzly Flats, which will remove 146 trees, was accepted as complete by the Transportation Director

on February 16, 2018. Phase III will remove an additional 39 trees in Camino. The Project will require full daytime road closures of Pony Express Trail for the duration of much of the work. Project construction will require approximately 3 weeks (15 working days).

On February 13, 2018 (Item 19), the Board approved advertisement for bids for this third phase of the Tree Mortality Project.

ALTERNATIVES

- 1) Do not award the Contract and direct Transportation to re-advertise for bids.
- 2) Cancel the Project. Note: The Board has previously approved the Project and canceling the Project may include the consequence of reimbursing all grant funding received to date.

OTHER DEPARTMENT / AGENCY INVOLVEMENT

County Counsel and Risk Management

CAO RECOMMENDATION

It is recommended that the Board approve this item.

FINANCIAL IMPACT

The Estimate for the construction phase of the Project is \$293,511.60, and includes an estimated bid of \$244,593.00; construction management and design support during construction totaling \$24,459.30; and contingency of \$24,459.30.

CLERK OF THE BOARD FOLLOW UP ACTIONS

- 1) Upon approval by County Counsel and Risk Management, Transportation will forward the Contract, together with the required bonds and insurance, and the approved Contract Routing Sheet, to the Clerk of the Board for obtaining the Chair's signature.
- 2) The Clerk of the Board will forward the fully executed 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