



Legislation Text

File #: 18-0560, **Version:** 1

Community Development Services, Department of Transportation, recommending the Board take the following actions pertaining to the re-bid of El Dorado Trail - Los Trampas to Halcon Project, Contract 2612, PW 17-31207, CIP 97012:

- 1) Award the Construction Contract to Granite Construction Company for being 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;
- 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; and
- 4) Approve and ratify the Director of Transportation's signature on the State of California Department of Parks and Recreation's Grant Contract from the Recreational Trails Program for acceptance of the additional \$300,000 in grant funding.

FUNDING: Accumulative Capital Outlay-Parks (16%), Congestion Mitigation and Air Quality Program (33%), Pollock Pines/Camino Park Zone of Benefit (3%), Regional Surface Transportation Program Exchange Funds-Rural-EDCTC (6%), State Parks Recreational Trails Program (37%), and Transportation Development Act (5%). (Local, State, and Federal Funds).

DEPARTMENT RECOMMENDATION

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

On Thursday April 5, 2018, Community Development Services, Department of Transportation (Transportation) opened bids for the re-bid of El Dorado Trail - Los Trampas to Halcon (Project), Capital Improvement Program (CIP) 97012. One bid was received from Granite Construction Company for \$995,104.75.

The Disadvantaged Business Enterprise (DBE) goal for the Project is 11%. Per the Contract Documents, the Contractor had until 4:00 P.M. on the fifth business day after the bid opening to submit their DBE commitment and documentation. Granite submitted their DBE commitment and documentation on Wednesday April 11, 2018 with a 12.2% DBE commitment. Transportation reviewed Granite's DBE Commitment form submittal and finds that the firms listed are certified DBEs under the California Unified Certification Program and meet the criteria for a DBE; that Granite provided sufficient written confirmation from each DBE firm that each is participating in the Contract; and, that Granite has committed to exceeding the Contract DBE goal.

Transportation issued the All Bidders Letter on Wednesday April 11, 2018, notifying the bidder of the recommendation to the Board for award of the contract to Granite and initiating the five-day bid protest period. The bid protest period ended at 4:00 P.M. on Wednesday April 18, 2018, with no protests filed. Transportation recommends award of the Construction Contract to Granite who submitted the lowest responsive, responsible bid of \$995,104.75.

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

Pursuant to Special Provisions Section 9-1.16F, "Retentions," Transportation will retain 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 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, 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 to be needed 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 Traffic Control and Water Pollution Control items totaling 5% of the original Contract value. 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. The budget for contingencies on this Contract is \$99,510.48. 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 \$62,255.23 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

This is a re-bid of the Project previously bid in April 2017. The purpose of the Project is to improve an existing dirt path on an old railroad alignment that is used by pedestrians, bicyclists, and equestrians. This Project is an extension of the El Dorado Trail from its current terminus at Los Trampas Drive and is consistent with the County's Bicycle Transportation Plan. The Project consists of completing the Class I Bike Lane, including drainage improvements, in Camino from Los Trampas Road to Halcon Road.

On March 21, 2017 (Item 22), the Board adopted and approved the Contract Documents and authorized advertisement for construction bids for the previously bid Project.

On April 27, 2017 Transportation opened bids for the previous bid Project. One bid was received in the amount of \$854,750.59 and the apparent low bid exceeded the Engineer's Estimate. On May 16, 2017 (Item 24), Transportation recommended that the Board reject the bid received for the previous bid because the Capital Improvement Program (CIP) amount budgeted was exceeded. This was approved by the Board.

Transportation has since re-evaluated the Project scope and estimate. Some Project scope was modified in an effort to reduce cost, as well as adjusting the Engineer's Estimate to match current bidding trends. Transportation also received an additional \$300,000 in Congestion Mitigation and Air Quality Program (CMAQ) funds from the El Dorado County Transportation Commission, which was approved by their Board on September 7, 2017. An additional \$300,000 in Recreational Trails Program (RTP) funds was approved by the State of California Department of Parks and Recreation in a letter dated November 7, 2017. On March 13, 2018 (Item 16), the Board was notified of this additional grant funds when authorizing the advertisement of this Project. The Director signed the revised Grant Contract acknowledging the additional funds. The total amount of RTP funds received for this Project is \$643,490.00. Revised grant funding finance letters will be updated when the construction award package is submitted to the Caltrans District Local Assistance Engineer.

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 September 23, 2002, and the Initial Study Mitigated Negative Declaration was approved by the Board on September 17, 2002. A Caltrans NEPA Categorical Exemption/Categorical Exclusion Determination was issued on June 27, 2013.

All required environmental permits have been obtained for the Project.

One Temporary Construction Easement was 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.

Transportation received federal funding authorization, an E-76, for construction phase activities on May 11, 2016.

Federal CMAQ funds are approved for the construction phase of this Project. The Contract Documents include all required federal provisions and incorporate the current Caltrans Disadvantaged Business Enterprise (DBE) requirements. The DBE goal is 11%.

ALTERNATIVES

- 1) Do not award contract and direct Transportation to re-advertise for construction bids.
- 2) Cancel the Project. Note: The Board has approved the Project previously and the County would have to refund monies already spent.

OTHER DEPARTMENT / AGENCY INVOLVEMENT

County Counsel and Risk Management have reviewed and approved the Contract Documents.

CAO RECOMMENDATION

It is recommended that the Board approve this item.

FINANCIAL IMPACT

Total Funding for this Project in the amount of \$1,750,000 was approved by the Board on March 13, 2018 (Item 23), which includes the construction phase of the Project in the amount of \$1,312,398. These Project amounts are included in the 2018 CIP that is scheduled to go to the Board for adoption in June 2018.

The current estimate for the construction phase of the Project is \$1,293,636 and includes Contract items bid of \$995,104; supplemental items of work totaling \$49,755; construction management, survey, materials testing and design support during construction totaling \$149,266; and, contingency of \$99,511.

The difference in cost between the Engineer's Estimate and the amount bid may be attributed to:

- 1) Feedback from many of our regular contractors is that they are booked for the season and don't intend to bid any more work.
- 2) Only 4 planholders for this Project with only two contractors showing up for the pre-bid meeting.
- 3) One of the two contractors at the pre-bid meeting, Granite Construction Company, previously bid the Project last year (and was the only bidder last year as well).
- 4) Industry feedback is that unit prices on other local agency and Caltrans work have been on the rise.
- 5) Feedback from contractors is that bids from trucking companies, subcontractors, and suppliers have been on the rise.

Staff will continue to make adjustments as needed to Engineer's Estimates for Projects going forward.

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 securing the Chair's signature.
- 2) 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

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