



## Legislation Text

**File #:** 18-0571, **Version:** 1

Community Development Services, Department of Transportation, recommending the Board take the following actions pertaining to the Sly Park Road at Clear Creek Crossing - Bridge Replacement Project, PW 11-30579, CIP 77115, Contract 2775:

- 1) Approve an increase to the 2017 CIP for the Sly Park Road at Clear Creek Crossing - Bridge Replacement Project, with the increase coming from Federal and State funding;
- 2) Award the Construction Contract to Granite Construction Company who submitted the lowest responsive, responsible bid of \$3,629,725.00, pending no bid protests are received prior to the Board meeting;
- 3) Approve and authorize the Chair to sign the Construction Contract, subject to review and approval by County Counsel and Risk Management; and
- 4) 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 Bridge Program (HBP) (86%), Regional Surface Transportation Program (RSTP) Funds - Exchange and Match (1%), Traffic Impact Mitigation Fees - Zones 1-7 and West Slope (12%), and Road Fund (<1%). (Federal, State, and Local Funds)

### **DEPARTMENT RECOMMENDATION**

#### Approve an Increase to the 2017 CIP:

Four bids were received for the Sly Park Road at Clear Creek Crossing - Bridge Replacement Project (Project), ranging from \$3,629,725.00 to \$4,134,555.50. Granite Construction Company submitted the lowest, responsive, responsible bid of \$3,629,725.00. It is necessary to increase the budget by \$526,584, which is divided between federal and local funding (state pass through funding) sources as follows:

- Federal HBP Funds: \$466,184
- Local RSTP Funds: \$60,400

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

The Community Development Services (CDS), Department of Transportation (Transportation) received sealed bids for the Project on Friday, April 20, 2018 at 2:00 p.m. Four bids were received and were evaluated. Granite Construction Company submitted the lowest, responsive, responsible bid of \$3,629,725.00. Transportation recommends award of the construction Contract to Granite Construction Company, pending no bid protests are received. Transportation issued the all bidders letter on Monday, April 30, 2018 with the bid protest period scheduled to end Monday, May, 7 at 12:00 p.m. At the time of the agenda being published, no bid protests have been received. If a bid protest is received during the bid protest period, Transportation will ask for this item to be pulled.

#### 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, Storm Water, and costs for using Trainees totaling \$183,886.25 for this Contract. 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 of \$362,972.50 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. This authority is also for a cumulative total of Contingency CCOs not to exceed 10% of the original Contract value.

### **DISCUSSION / BACKGROUND**

The Project consists of construction of a cast-in-place pre-stressed concrete slab bridge over Clear Creek; removal of the existing structure; grading and paving for the new bridge approaches and re-aligned roadway; roadway and ditch excavation; signing and striping; and, drainage system improvements.

The Project was initially programmed in the Capital Improvement Program (CIP) and Highway Bridge Program (HBP) in 2007. The existing bridge is ranked as one of El Dorado County's top ten priority bridge sites for recommended improvements due to its deficiencies and average daily traffic of 3,000 vehicles. The bridge was built in 1936 and is functionally obsolete by today's standards due to its

narrow 19 foot width, substandard geometric alignment and barriers. Based on Caltrans inspection reports, the bridge has a sufficiency rating of 50 out of 100 and is eligible for replacement per the HBP.

In accordance with the California Environmental Quality Act, a Mitigated Negative Declaration for the Project was adopted by the Board on September 14, 2010 (Item 18). A Caltrans National Environmental Policy Act (NEPA) Categorical Exemption/Categorical Exclusion Determination was issued on July 12, 2011 and NEPA Re-Validation was issued on November 14, 2016.

As a federally funded Project, the Contract Documents have been federalized and incorporate the current Caltrans Disadvantaged Business Enterprise (DBE) requirements. The DBE goal is 13%.

## **ALTERNATIVES**

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

## **OTHER DEPARTMENT / AGENCY INVOLVEMENT**

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

## **CAO RECOMMENDATION**

It is recommended that the Board approve this item.

## **FINANCIAL IMPACT**

The Estimate for the construction phase of the Project is \$4,919,983.75, which includes a bid of \$3,629,725; construction management, survey, materials testing and design support during construction totaling \$743,400; and contingency and supplemental items of work of \$546,858.75.

Total Funding for this Project in the amount of \$6,082,000 was approved by the Board on March 13, 2018 (Item 23), which includes the construction phase of the Project in the amount of \$4,197,500. If approved, the budgeted increased amount will be included in the 2018 CIP that is scheduled to go to the Board for adoption in June 2018.

## **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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