



## Legislation Text

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**File #:** 18-0807, **Version:** 1

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Community Development Services, Department of Transportation, recommending the Board take the following actions pertaining to the Cosumnes Mine Road & Bridge Storm Damage Repairs Project, Contract 2719, PW 18-31209, CIP 78700/78701/78712:

- 1) Award the Construction Contract to the lowest responsive, responsible bidder, said bidder to be determined after the bid opening on May 31, 2018;
- 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. (Est. Time: 15 Min.)

**FUNDING:** Local and State discretionary funding initially (100%), with Department of Transportation staff working with the Federal Emergency Management Agency and the California Office of Emergency Services to obtain reimbursement. (Local, State, and Federal)

### **DEPARTMENT RECOMMENDATION**

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

The Community Development Services (CDS), Department of Transportation (Transportation) received sealed bids for the Cosumnes Mine Road & Bridge Storm Damage Repairs (Project) on Thursday, May 31, 2018 at 2:00 p.m. Transportation opened and read all bids received at that time in conformance with contract bidding requirements.

Transportation provided the bid summary showing the preliminary bid results to the Board Clerk to attach to this item when the results become available.

Transportation will present to the Board at the June 12, 2018 Board meeting, their recommendation for award. If there is a substantive issue with the responsiveness of the apparent low bidder's bid, or if there is a bid protest, Transportation may ask that this item be continued to a subsequent Board meeting.

#### 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. 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. 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**

This Project is necessary to repair damage to Cosumnes Mine Road and the north bridge approach on Cosumnes Mine Road at the Cosumnes River caused by the storms of 2017. The Project includes slipout locations #1 and #2 for slope, culvert and road failures on Cosumnes Mine Road as well as the north bridge approach repair. The Project includes construction of a gabion/soil nail wall, roadside ditches, reconstruction of the north bridge approach fill, including constructing reinforced concrete retaining walls, modifications to the bridge abutment, and placement of rock slope protection. The roadway will remain closed for the duration of this Project.

Cosumnes Mine Road has been closed at the bridge since the January 2017 storm damage. Cosumnes Mine Road has also been closed informally since the January 2017 storm damage with barricades and "Road Closed" signs in place at the end of the residential segment of Cosumnes Mine Road (Post Mile 1.5). Cosumnes Mine Road will remain closed to traffic at the slipout locations for twenty (20) working days and then be subject to reversing controls with a minimum of one lane open at all times. Cosumnes Mine Road at the bridge repair location will remain fully closed to traffic for the entire sixty (60) working days of the Project. Access through the closed area from the east will be via a detour to Sciaroni Road. County Maintenance Division personnel will be improving a portion of Sciaroni Road prior to starting work on the Project.

The road closure notification process included coordination with local affected residents, emergency services, schools, and transit. Further notification will be given at least one week in advance of the closure once the construction schedule is known. Transportation will also notify the public of this road closure at least one week in advance via the County website, press release, and portable changeable message signs.

Due to the potential for federal funding, both California Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA) compliance are required. The CEQA Notice of Exemption was filed for location #1 on June 20, 2017; for location #2 on October 9, 2017; and, on March 5, 2018 for the bridge portion of the Project. Federal Emergency Management Agency (FEMA) has neither provided a Record of Environmental Consideration nor issued an email stating NEPA Categorical Exclusion is authorized; however, FEMA has advised that waiting for the written NEPA clearance is not required due to time constraints. FEMA has advised to make sure that permits and permit requirements are received and complied with as necessary.

The Army Corps of Engineers has confirmed this Project can be completed under a non-reporting Nationwide Permit 3 as part of Section 404 Clean Water Act compliance. As non-reporting, Section 106 consultation is not required; however, certification under Section 401 is required from the Water Board. Both permit applications are in progress. Requirements from past projects with similar permitting are included in the Contract Documents. Any additional or revised requirements resulting from the issuance of the 401 and 1600 permits will be added to the Contract either through addenda during advertisement or a contract change order.

Slipout locations #1 and #2 are located within Eldorado National Forest (ENF) property. After County Counsel Review and Director signature, a Road Permit application was submitted to ENF on March 15, 2018. ENF responded back that no Road Permit is necessary but had several requirements for noxious weed control, which were added to the Contract Specifications. The County is responsible for following up with ENF with additional information once the Project is awarded. No agreements, easements, or other acquisitions are necessary for construction at slipout locations #1 and #2.

The bridge site is located within Sierra Pacific Industries (SPI) property. County notified SPI of the upcoming Project on February 7, 2018 and referenced the Notice of Consent to Use of Land from 1999 that permits construction work of this nature to be completed at this location without any additional acquisition.

One direct buried AT&T communication line is located within the roadway through the slipout locations #1 and #2. The Project plans direct the contractor's attention to this facility and require protection in place. No utility agreements or relocations are necessary for this Project.

The Contract Documents include all required federal provisions and incorporate the current Caltrans DBE requirements. The DBE goal is 12%.

The Project was approved for advertisement on May 8, 2018 (Item 27).

## **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 not be reimbursed with FEMA funds for the Project work completed to date.

## **OTHER DEPARTMENT / AGENCY INVOLVEMENT**

County Counsel and Risk Management reviewed and approved the Contract Documents on April 23, 2018.

## **CAO RECOMMENDATION**

### **FINANCIAL IMPACT**

The Engineer's Estimate for the construction phase of the Project is \$2,239,651, which includes an estimated bid of \$1,722,809; construction management, survey, materials testing and design support during construction totaling \$258,421; supplemental items of work totaling \$86,140; and, contingency of \$172,281.

Total Funding for this Project in the amount of \$4,647,948 was approved by the Board on March 13, 2018 (Item 23) and includes the construction phase of the Project in the amount of \$4,004,910. These Project amounts are included in the 2018 CIP that is scheduled to go to the Board for adoption in June 2018.

This Project is eligible for 75% reimbursement by FEMA and 18.75% reimbursement by California Office of Emergency Services. The remaining 6.25% is local and state discretionary funding. Transportation will continue working with these agencies to obtain the maximum allowable reimbursement.

### **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  
Community Development Services, Department of Transportation