



## Legislation Text

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**File #:** 18-1079, **Version:** 1

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Community Development Services, Department of Transportation, recommending the Board consider the following pertaining to the 2018 Grizzly Flats Section 1 Pavement Rehabilitation Project, PW 18-31222, Project No 49324, and Contract 3183:

- 1) Award the Construction Contract to Martin Brothers Construction, who was the lowest responsive, responsible bidder after the bid opening on July 13, 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.

**FUNDING:** Senate Bill 1. (100% - State)

### **DEPARTMENT RECOMMENDATION**

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

On Friday, July 13, 2018, the Community Development Services, Department of Transportation (Transportation), opened bids for the 2018 Grizzly Flats Section 1 Pavement Rehabilitation Project (Project). Seven bids were received ranging from \$774,882.27 to \$793,353.50.

Transportation issued the All Bidders Letter on July 13, 2018, notifying the bidders of the recommendation to the Board for award and initiating the two-day bid protest period. The bid protest period ended at 5:30 p.m. on Tuesday, July 9, 2018 with no protests filed.

Martin Brothers Construction submitted the lowest responsive, responsible bid in the amount of \$774,882.27. Transportation recommends award of the Construction Contract to Martin Brothers Construction who submitted the lowest responsive, responsible bid.

Authorize the Director of Transportation (Director), or Successor, 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, or successor, 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 from the 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 \$77,488.23. 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 \$51,244.11 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**

The purpose of this Project is to provide roadway failure repair to designated pavement sections in Grizzly Flats Section 1 Subdivision for a surface treatment in the 2019 construction season.

The Project will be bid as a Base Bid. Base Bid work to be performed includes paving approximately 236,332 square feet of asphalt.

Contract working hours will be between the hours of 7:00 am and 7:00 pm on Mondays through Fridays, unless otherwise authorized. Reversing controls will be used during the Project.

There are no utility relocations associated with this Project. Due to no federal funding on this Project, CEQA Notice of Exemption was filed on May 31, 2018.

### **ALTERNATIVES**

- 1) The Board could choose to not award contract and direct Transportation to re-advertise for construction bids.
- 2) The Board could choose to cancel the Project.

### **OTHER DEPARTMENT / AGENCY INVOLVEMENT**

County Counsel and Risk Management

### **CAO RECOMMENDATION / COMMENTS**

It is recommended that the Board approve this item.

### **FINANCIAL IMPACT**

The Project was authorized by the Board on June 26, 2018 (Item 64) with an estimated total Project cost of \$1,000,000. Funding will be provided by Senate Bill (SB) 1.

The estimate for the construction phase of the Project is \$968,602.84, which includes a bid of \$774,882.27; construction management, survey, materials testing and design support during construction totaling \$116,232.34; and a contingency of \$77,488.23.

### **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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