



## Legislation Text

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**File #:** 18-1967, **Version:** 1

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Department of Transportation recommending the Board consider the following pertaining to the Green Valley Road Slipout Repair Project, CIP 78707 / 36102008, Contract 2776:

- 1) Reject the bid submitted by Trinity River Construction, Inc. for failing to submit a sufficient bidder's security;
- 2) Award the Construction Contract to Drill Tech Drilling & Shoring, Inc. who was determined to be the lowest responsive, responsible bidder;
- 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:** Federal Highway Administration anticipated reimbursement (88.64%), California Disaster Assistance Act anticipated reimbursement (8.52%), Road Fund (2.84%). (Local, State, and Federal Funds)

### **DISCUSSION / BACKGROUND**

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

The Department of Transportation (Transportation) received sealed bids for the Green Valley Road Slipout Repair Project (Project) on Thursday, December 20, 2018 at 2:00 p.m. Transportation opened and read all bids received in conformance with contract bidding requirements.

Five bids were received ranging from \$894,632.00 to \$1,382,732.00. Trinity River Construction, Inc. (Trinity) submitted the lowest, bid but failed to provide a sufficient bidder's security. The Contract Documents for this Project required a 10% bid security be provided with a bidders bid. Trinity chose to provide a bidders bond as their bidder's security. Trinity's bid amount was \$894,632.00, requiring them to provide a bid security of at least \$89,463.20. Trinity provided a bidders bond in the amount of \$88,000.00.

Drill Tech Drilling & Shoring, Inc. (Drill Tech) provided the lowest, responsive, responsible bid of \$947,677.00, meeting all bidding requirements and providing a sufficient bidder's security. Transportation issued the all bidders letter on Friday, January 11, 2019 with the bid protest period ending Friday, January 18, 2019, with no protests received. Transportation recommends award of the Construction Contract to Drill Tech.

#### 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 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.

#### *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 \$94,767.70 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 of \$59,883.85. This authority is also for a cumulative total of contingency CCOs not to exceed 10% of the original Contract value.

The Project is necessary for Transportation to repair damage to Green Valley Road caused by the storms of 2017. The Project will repair a failed slope and section of the roadway that includes a tensioned slope stabilization system, including soil nails, anchored wire mesh, concrete edge beam, rock slope protection, culvert replacement, temporary signal system, and hot mix asphalt paving.

This Project is a sixty (60) working day Project and road work notifications will be posted one week in advance of the start of construction. Construction work will require the closure of the westbound lane for approximately three (3) months. Transportation will notify the public of this road construction and lane closures at least one week in advance via the County website, press release, and portable changeable message signs.

Due to federal funding, both California Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA) compliance are required. A CEQA Notice of Exemption was filed on April 7, 2017. A California Department of Transportation (Caltrans) NEPA Categorical Exclusion Determination was issued on June 26, 2017. No environmental permits were required for the Project.

The Board approved this Project for advertisement on August 28, 2018, Item 27, Legistar 18-1250.

#### **ALTERNATIVES**

- 1) The Board could choose to not award the contract and direct Transportation to re-advertise for construction bids.
- 2) The Board could choose to cancel the Project. Note: The Board has approved the Project previously and the County may not be reimbursed for funds expended to date.

#### **PRIOR BOARD ACTION**

See Discussion / Background section.

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

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

#### **CAO RECOMMENDATION / COMMENTS**

It is recommended that the Board approve this item.

#### **FINANCIAL IMPACT**

The Estimate for the construction phase of the Project is \$1,213,444.70 and includes an estimated bid of \$947,677.00; construction management, survey, materials testing and design support during construction totaling \$171,000; and, contingency of \$94,767.70.

#### **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, with the required bonds 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 Transportation, attention of Brian Franklin, Office Engineer, for further processing.

#### **STRATEGIC PLAN COMPONENT**

Infrastructure, Public Safety

#### **CONTACT**

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Department of Transportation