



Legislation Text

File #: 19-0351, **Version:** 1

Department of Transportation is recommending the Board consider the following pertaining to the Hazel Valley Road EID Canal Bridge Replacement Project, CIP 77125 /36105021, Contract 2720:

- 1) Award the Construction Contract to Q&D Construction, who was 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; 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: Highway Bridge Program (100%). (Federal Funds)

DISCUSSION / BACKGROUND

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

On Thursday, March 21, 2019 at 2:00 p.m. Department of Transportation (Transportation) opened bids for Hazel Valley Road EID Canal Bridge Replacement Project (Project). Seven bids were received ranging from \$1,842,500.00 to \$2,447,354.30.

The Disadvantaged Business Enterprise (DBE) goal for this project is 18%. Per the Contract documents, the Contractor had until 4:00pm on the fifth business day after the bid opening to submit their DBE commitment and documentation. Q&D Construction (Q&D) submitted their DBE commitment and documentation on Tuesday, March 26, 2019 with a 21% DBE commitment. Transportation reviewed Q&D'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 Q&D provided sufficient written confirmation from each DBE firm that each is participating in the Contract; and, that Q&D has committed to exceeding the Contract DBE goal.

Transportation issued the All Bidders Letter on Tuesday March 26, 2019, notifying the bidders of the recommendation to the Board for award of the Contract to Q&D and initiating the bid protest period. The bid protest period ended at 5:00 P.M. on Tuesday, April 2, 2019, with no protests filed.

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.

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. Supplemental funds are typically not used on HBP projects. However, in accordance with Federal Regulations and Chapter 12 of the Local Agency Procedures Manual, projects over 100 working days must provide supplemental funds for reimbursement to the Contractor for participating in a Federal Trainee Program, which has been established to promote training of apprentices to develop full journeymen in the types of trades or classifications involved. Based on the applicable work categories in the bid, the supplemental funds for training on this Project is \$800. HBP has a cap of 10% of the original contract amount for supplemental and contingency funds. For this Project, the supplemental CCO is 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 of \$104,625.00 for this Contract. This authority is also for a cumulative total of contingency CCOs not to exceed 10% of the original Contract value.

Project Information:

The purpose of the Hazel Valley Road at EID Canal Bridge Replacement Project (Project) is to replace the existing bridge built in 1940 that is functionally obsolete by today's standards due to its narrow 10 foot width, substandard geometric alignment and barriers, accelerated rot issues, seismic analysis, and service life. Based on the California Department of Transportation (Caltrans) inspection reports, the bridge has a sufficiency rating of 67 out of 100 and is eligible for replacement per the Highway Bridge Program.

The Project consists of construction of a new, simple-span, precast, pre-stressed deck slab bridge over the EID canal; construction of concrete bridge abutments on Cast-In-Drilled Hole piles, concrete wing walls, Midwest guardrail system, concrete retaining walls, drainage systems, grading and paving for new bridge approaches and re-aligned roadway and removing existing bridge.

Due to federal funding, both California Environmental Quality Act (CEQA) and National

Environmental Policy Act (NEPA) compliance are required. A CEQA Mitigated Negative Declaration was approved by the Board on June 2, 2015 (Item 23). A Caltrans NEPA Categorical Exclusion Determination was issued on August 4, 2015 and NEPA Re-Validation was issued on March 19, 2018.

No environmental permits are required for this project.

All required right of way for this Project has been acquired.

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 18%

The Board approved this Project for advertisement on February 26, 2019 (Item 19).

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.

PRIOR BOARD ACTION

See Discussion/Background section above.

OTHER DEPARTMENT / AGENCY INVOLVEMENT

County Counsel and Risk Management reviewed and approved the Contract Documents on January 28, 2019.

CAO RECOMMENDATION

It is recommended that the Board approve this item.

FINANCIAL IMPACT

The Engineer's Estimate for the construction phase of the Project is \$2,303,125, which includes a bid of \$1,842,500; construction management, survey, materials testing and design support during construction totaling \$276,375; supplemental item of work totaling \$800; and, contingency of \$183,450.

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

CONTACT

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Department of Transportation