



Legislation Text

File #: 19-0994, **Version:** 1

Department of Transportation recommending the Board take the following actions pertaining to the El Dorado Hills Boulevard Class 1 Bike Path: Governor Drive to Brittany Place Project, CIP 72311/36105012, Contract 3825:

- 1) Award the Construction Contract to Western Engineering Contractors, Inc., 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: Congestion Mitigation and Air Quality Program (CMAQ) (100%), RSTP Exchange Funds (<1%) (Federal Funds).

DEPARTMENT RECOMMENDATION

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

On Wednesday, July 3, 2019 at 2:00 p.m. Department of Transportation (Transportation) opened bids for El Dorado Hills Boulevard Class I Bike Path : Governor Drive to Brittany Place (Project). Six Bids were received ranging from \$732,566.00 to \$983,482.98.

Transportation issued the All Bidders Letter on Thursday July 11, 2019, notifying the bidders of the recommendation to the Board for award of the contract to Western Engineering Contractors, Inc. (Western) and initiating the bid protest period. The bid protest period ended at 4:00 P.M. on Thursday, July 18, 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 (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.

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 \$49,128.30. This authority is also for a cumulative total of contingency CCOs not to exceed 10% of the original Contract value.

DISCUSSION / BACKGROUND

Transportation proposes to upgrade an existing multi-use path to a Class I bike path and construct a new Class I bike and pedestrian path to provide connectivity between Francisco Drive and Governor Drive along the El Dorado Hills Boulevard corridor. There is an existing multi-use path just south of the proposed project and a Class I path immediately to the north. This Project will effectively connect the two existing trails.

The work consists of construction of an 8-ft wide Class I bike path, curb and gutter, curb ramp, minor drainage modifications, modifications to the existing traffic detection loop pull boxes, installation of a new pedestrian push button, raising utility boxes to finished grade, thermoplastic striping and pavement markings, and sign installation.

Due to federal funding, both California Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA) compliance are required. A CEQA Notice of Categorical Exemption was filed on October 26, 2016. A Caltrans NEPA Categorical Exclusion Determination was issued on December 28, 2016.

There are no required environmental permits or right of way required for this Project. Utility involvement is limited to adjusting utility covers to grade and said work is compliant with all terms and conditions under MAP-21 including Buy America requirements.

Transportation received federal funding authorization (E-76) for this Project on May 30, 2019.

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%.

The Project was approved for advertisement on June 11, 2019 (Item 12).

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 for the Project work completed to date.

PRIOR BOARD ACTION

See Discussion/Background section above.

OTHER DEPARTMENT / AGENCY INVOLVEMENT

County Counsel and Risk Management reviewed and approved the Contract Documents on May 30, 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 \$915,707.50, which includes an estimated bid of \$732,566; construction management, survey, materials testing and administrative support during construction totaling \$109,885; and contingency of \$73,257. These costs do not include ongoing costs for trail maintenance. Staff will continue to work with the El Dorado Hills Community Service District to address maintenance needs for the trail, however, additional funding may be needed in the future for maintenance costs incurred by the County.

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 Transportation, attention of Brian Franklin, Office Engineer, for further processing.

STRATEGIC PLAN COMPONENT

Infrastructure

CONTACT

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