



## Legislation Text

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**File #:** 20-0950, **Version:** 1

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Department of Transportation recommending the Board consider the following pertaining to the Silver Springs Parkway Offsite (South Segment), CIP 76108/36105039, Contract 4076:

- 1) Award the Construction Contract to Granite Construction Company, 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:** Road Fund/Discretionary (0.3%), TIM Zone 1-7 (11.7%), Developer Advance TIM Zone 1-7 (33.1%), Developer Funded (54.9%).

### **DEPARTMENT RECOMMENDATION**

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

On Monday, July 20, 2020 at 2:00 p.m., the Department of Transportation (Transportation), opened bids for the Silver Springs Parkway Offsite (South Segment) Project (Project). Four bids were received ranging from \$3,846,753.65 to \$5,222,222.50.

Transportation issued the All Bidders Letter on Tuesday, July 21, 2020, notifying the bidders of the recommendation to the Board for award of the contract to Granite Construction Company (Granite) and initiating the bid protest period. No bid protests were received.

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. \$250,000 has been set aside as supplemental funds for this Project. Supplemental items in this contract include traffic control, water pollution control items, removal of unsuitable material, and maintenance work on the existing portion of Silver Springs to maintain access for residents. 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 \$204,837.68, 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**

The purpose of the Project is to provide a new connector road between Silver Springs Parkway and Bass Lake Road. The Project includes construction of a new intersection, roadway, concrete medians, concrete sidewalks, concrete curb and gutters, storm drain systems, rock-lined ditches, retaining wall, asphalt paving, signage and striping, fencing, temporary and permanent erosion control measures, adjusting utility covers to grade, clearing and grubbing, and tree removals.

Due to no federal funding, only California Environmental Quality Act (CEQA) compliance is required. A CEQA Notice of Determination / Subsequent Environmental Impact Report was certified by the Board on August 2, 2016, (Item 28) and filed on August 4, 2016. All environmental permits have been approved for this Project.

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

Due to no federal funding, no Disadvantaged Business Enterprise (DBE) goal is specified for this Project. Transportation encourages contractors to utilize DBE subcontractors whenever opportunities exist.

Bass Lake Road will be fully closed to traffic between Silver Springs Parkway and Magnolia Hills Drive as shown on the attached detour plan for 60 calendar days. The new Silver Springs Parkway will be open to traffic during this closure and utilized for the detour route. Staff will notify the public of this road closure via the County website, a press release, and portable changeable message sign boards at least one week in advance of the road closure going into effect. The dates of the closure will be approximately from March 2021 through April 2021. The actual dates will be confirmed with

the above referenced notifications once the Contract is awarded, weather conditions suitable for the Project are verified, and the work dates are known.

The Project was approved for advertisement on June 23, 2020 (Item 35).

### **ALTERNATIVES**

- 1) Do not award the contract and direct Transportation to re-advertise for construction bids.
- 2) Cancel the Project. This project is funded by an agreement with a developer and if the project is cancelled, the developer would likely sue the County to recuperate monies expended.

### **PRIOR BOARD ACTION**

See Discussion/Background section above.

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

County Counsel and Risk Management reviewed and approved the Contract Documents for advertisement on May 27, 2020.

### **CAO RECOMMENDATION**

Approve as recommended.

### **FINANCIAL IMPACT**

The Engineer's Estimate for the construction phase of the Project is \$5,181,429.02, which includes an estimated bid of \$3,846,753.65; construction management, survey, materials testing and design support during construction totaling \$700,000; supplemental items of work totaling \$250,000.00; and contingency of \$384,675.37.

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