File #: 21-0860, **Version:** 1

Department of Transportation recommending the Board takes the following actions pertaining to the 2021 West Slope Various Pavement Rehabilitation Projects, Contract 5513:
1) Award the Construction Contract to Doug Veerkamp General Engineering, Inc. who was the lowest responsive, responsible bidder, after the bid opening on May 27, 2021;
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 Repair and Accountability Act of 2017 (SB1-RMRA) (100%).

DISCUSSION / BACKGROUND

The purpose of the 2021 West Slope Various Pavement Rehabilitation Projects (Project) is to provide roadway failure repair to designated pavement sections on Sawmill Road, Carson Road, Greenstone Road, Greenstone Cutoff and Mosquito Road in preparation for surface treatments in the 2021 construction season. Work to be performed includes paving approximately 386,070 square feet of asphalt. The Project will also include bringing all existing non-standard curb ramps, within the Project area, up to current standards due to current Americans with Disabilities Act (ADA) requirements and regulations.

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

There are no utility relocations associated with this Project. All work will be performed within existing County right of way and no additional right of way is needed. A California Environmental Quality Act Notice of Exemption was filed on March 15, 2021.

Award and Sign Construction Contract with Lowest Responsive, Responsible Bidder:
The Department of Transportation (Transportation) received sealed bids for the Project on Thursday, May 27, 2021, at 2:00 p.m. Transportation opened and read all bids received at that time in conformance with contract bidding requirements. Two bids were received ranging from $1,169,682.72 to $1,279,958.94. Doug Veerkamp General Engineering, Inc. is the lowest, responsive, responsible bidder. The bid summary is attached to this item.

Authorize the Director of Transportation (Director) to Sign Escrow Agreement:
Pursuant to Article 7, "Measurement and Payment" of the Agreement, 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 $70,984.14. This authority is also for a cumulative total of contingency CCOs not to exceed 10% of the original Contract value.

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.

PRIOR BOARD ACTION
May 4, 2021, Legistar# 21-0550, Item 22

OTHER DEPARTMENT / AGENCY INVOLVEMENT
County Counsel and Risk Management

CAO RECOMMENDATION / COMMENTS
Approve as recommended.

FINANCIAL IMPACT
The total estimated cost for Project construction is $1,462,103.40, which includes construction items of work totaling $1,169,682.72, construction management, environmental monitoring, inspection, and materials testing totaling $175,452.41, and contingency totaling $116,968.27.

CLERK OF THE BOARD FOLLOW UP ACTIONS
1) Upon approval by County Counsel and Risk Management, Department of Transportation will forward two (2) originals of the Construction Contract #5513, 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 Department of Transportation, attention of Brian Franklin, Office Engineer, for further processing.

STRATEGIC PLAN COMPONENT
Infrastructure

CONTACT
Rafael Martinez, Director
Department of Transportation