



## Legislation Text

---

**File #:** 23-0686, **Version:** 1

---

Department of Transportation recommending the Board take the following actions pertaining to the 2023 DOT Road Maintenance Pavement Rehabilitation Projects, Contract 7495:

- 1) Discuss and approve staff's recommendation for funding the Pioneer Trail Rehabilitation Project;
- 2) Award the Construction Contract to Granite Construction Company, 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:** Road Repair and Rehabilitation Act 2017 (SB1-RMRA) (32%), General Fund Local Discretionary Funds (50%), Measure S Transient Occupancy Tax Funds (18%). (No Federal Funds)

### **DISCUSSION / BACKGROUND**

The purpose of the 2023 DOT Maintenance Pavement Rehabilitation Projects (Project) is to repair various roadway sections on Green Valley Road, Pleasant Valley Road, Meder Road, Wild Chaparral Drive, Lindberg Road, Rhodes Avenue, East Road, Long Avenue, Alice Court, Bucks Bar Road, South Upper Truckee Road, Pioneer Trail, Calgary Court, Pendleton Drive, Willowdale Drive, Riviera Circle, Elmwood Court, Tam O Shanter Drive and Brittany Place in the respective communities of South Lake Tahoe, Placerville, Shingle Springs, Cameron Park, and El Dorado Hills areas of El Dorado County by removing the failing asphalt section and replacing with hot mix asphalt. Due to current Americans with Disability Act (ADA) requirements and regulations, three (3) existing non-standard curb ramps within the Project area are required to be brought up to current standards as part of the Project.

Many of the limits of the road projects have been extended to utilize the General Fund contribution allocated to the Department of Transportation (Transportation) from the Board in Fiscal Year (FY) 2022/23. All of the roads listed above were identified on the FY 2022/23 SB1 Resolution, with the exception of Pioneer Trail. On March 21, 2023 (Legistar 23-0449, Item 19), Transportation introduced Pioneer Trail to the list of projects due to the impacts of this year's winter snow. Transportation strongly believes if structural improvements are not completed this construction season, the condition of the road will be severely affected. At the March 21, 2023, meeting, the Board also discussed with staff the availability of funds to complete the repairs. Funding options are extremely limited as projects are planned out and appropriated a year in advance. Options included postponing current year SB1 projects, requesting additional Transit Occupancy Tax (TOT), deferring the purchase of currently budgeted snow removal equipment, or using recently approved Measure S funds. Measure S Transient Occupancy Tax was approved "for the sole purpose of removing snow and maintaining El Dorado County's existing roads in the unincorporated portion of the Tahoe area." The road repair work for Pioneer Trail is in compliance with the ballot measure and fully-executed Resolution 024-2023, which states in Section 1. Roles and Responsibilities, C. "...with the understanding that the Committee is advisory only and shall not have authority to approve

expenditure of Tax funds.” Transportation was hoping to have a discussion of the various funding options with the Citizens Oversight Committee at its first meeting in June 2023. However, due to the timing of this season’s construction schedule, an emergency meeting was held with the committee on April 10, 2023 in South Lake Tahoe. Staff presented the recommendation to utilize Measure S TOT Fiscal Year 2023/24 funding to complete Pioneer Trail rehabilitation and the committee agreed.

Therefore, it is staff’s recommendation, with the concurrence of the Citizens' Oversight Committee, that Measure S Transient Occupancy Tax Funds be utilized in the FY 2023/24 budget to fund Pioneer Trail repairs which will begin after July 1, 2023. In addition, Transportation has requested an additional \$1.3M in TOT funds to complete a surface treatment of Pioneer Trail after the grind and pave process, which would be the most cost-effective final process to cap the structural repairs underneath, prolonging the life of the road for an additional ten (10) years.

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.

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 February 27, 2023.

The Project was approved for advertisement by the Board on March 21, 2023 (Item 19, Legistar 23-0449).

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

On Thursday, April 13, 2023 at 2:00 p.m., the Department of Transportation (Transportation), opened bids for the 2023 DOT Road Maintenance Pavement Rehabilitation Projects (Project). Five Bids were received ranging from \$5,575,910.79 to \$9,496,952.80.

Granite Construction Company (Granite) submitted the lowest bid at \$5,575,910.79. Transportation issued an All Bidders Letter after the bid opening on April 13, 2023 notifying the bidders of the recommendation to the Board for award of the contract to Granite Construction Company and initiating the bid protest period. No bid protests were received. Granite’s total bid for the project is \$5,575,910.79.

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. The budget for contingencies on this Contract is \$557,591.08. PCC Section 20142 and Resolution 102-2012 authorize the Director to execute individual CCOs, the maximum value of \$210,000.00 which is based on the original contract amount. 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 not to award the Contract and direct Transportation to re-advertise for construction bids.
- 2) The Board could choose to cancel the entire Project.
- 3) The Board could allocate Transportation alternate funding sources for Pioneer Trail.

**PRIOR BOARD ACTION**

March 21, 2023, Legistar# 23-0449, Item 19

**OTHER DEPARTMENT / AGENCY INVOLVEMENT**

County Counsel and Risk Management

**CAO RECOMMENDATION / COMMENTS**

Approve staff recommendation.

**FINANCIAL IMPACT**

The Engineer's Estimate for the construction phase of the Project is \$6,969,888.49, which includes an estimated bid of \$5,575,910.79; construction management, survey, materials testing and design support during construction totaling \$836,386.62; and contingency of \$557,591.08.

**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 #7495, 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 Jen Rimoldi, Office Engineer Group, for further processing.

**STRATEGIC PLAN COMPONENT**

Infrastructure

**CONTACT**

Rafael Martinez, Director

Department of Transportation

