



Legislation Text

File #: 23-1331, **Version:** 1

Department of Transportation recommending the Board takes the following actions pertaining to the Guardrail Upgrades Multiple Locations - West Slope Project, Capital Improvement Program Number 36105075:

- 1) Award the Construction Contract to Dirt and Aggregate Interchange, Inc., 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 Safety Improvement Program - HSIP (100% - State).

DISCUSSION / BACKGROUND

The Guardrail Upgrades Multiple Locations - West Slope Project (Project) is being implemented to upgrade existing metal beam guardrail systems in El Dorado County (County) in multiple areas. The County has close to 4,400 linear feet of existing metal beam guardrail installed at more than nine locations on the west slope of El Dorado County. The locations Transportation identified that warrant upgrade of guardrail in order to meet current codes and standards include Sly Park Road (north and south of Park Creek Rd., at Mormon Emigrant Trail, and 800 feet west of Mormon Emigrant Trail), Mormon Emigrant Trail (across the first and second dam), Newtown Road (at Snows Road and due south of Fort Jim Road) and Pleasant Valley Road (west of Church Street). This Project will improve the safety of the travelling public.

Due to the absence of Federal funding, only California Environmental Quality Act (CEQA) compliance is required. A CEQA Notice of Categorical Exemption was filed on March 9, 2022.

All necessary environmental permits have been obtained for this Project.

All needed right of way has been secured for the project.

The Contract Documents include all required provisions

Authorization for construction funding (E-76) has been received for this Project.

The Project was approved for advertisement by the Board on June 20, 2023 (Item 23, Legistar 23-0986).

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

On Thursday, July 13, 2023 at 2:00 p.m., Department of Transportation (Transportation) opened bids for the Project. Two (2) bids were received ranging from \$476,476.00 to \$561,579.40.

Transportation issued the All-Bidders Letter on Thursday, July 13, 2023, notifying the bidders of the recommendation to the Board for award of the Contract to Dirt and Aggregate Interchange, Inc. (Contractor) and initiating the bid protest period. The bid protest period ended on Thursday, July 20, with no protests filed.

Authorize the Director of Transportation (Director) to Sign Escrow Agreement:

Pursuant to Section 9-1.16F(1), "Retentions" of the Contract Documents, 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 \$36,323.80, 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 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

June 8, 2021 - Legistar 21-0624, Item 54

June 20, 2023 (Legistar 23-0986, Item 23) the Board approved advertisement for the Project.

OTHER DEPARTMENT / AGENCY INVOLVEMENT

County Counsel and Risk Management

CAO RECOMMENDATION / COMMENTS

Approve staff recommendation.

FINANCIAL IMPACT

The total estimated combined cost for Project construction is \$680,000 which includes construction items of work, supplemental items of work, construction management, environmental monitoring, inspection, materials testing, and contingencies.

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 #7590, 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