



# Resource Management Agency COUNTY OF TULARE AGENDA ITEM

## BOARD OF SUPERVISORS

KUYLER CROCKER  
District One

PETE VANDER POEL  
District Two

AMY SHUKLIAN  
District Three

J. STEVEN WORTHLEY  
District Four

MIKE ENNIS  
District Five

**AGENDA DATE:** September 25, 2018 – **REVISED**

|   |     |                                     |     |                                     |
|---|-----|-------------------------------------|-----|-------------------------------------|
| Public Hearing Required   | Yes | <input type="checkbox"/>            | N/A | <input checked="" type="checkbox"/> |
| Scheduled Public Hearing w/Clerk  | Yes | <input type="checkbox"/>            | N/A | <input checked="" type="checkbox"/> |
| Published Notice Required   | Yes | <input type="checkbox"/>            | N/A | <input checked="" type="checkbox"/> |
| Advertised Published Notice   | Yes | <input type="checkbox"/>            | N/A | <input checked="" type="checkbox"/> |
| County Counsel Sign-Off   | Yes | <input checked="" type="checkbox"/> | N/A | <input type="checkbox"/>            |
| Meet & Confer Required  | Yes | <input type="checkbox"/>            | N/A | <input checked="" type="checkbox"/> |
| Electronic file(s) has been sent  | Yes | <input checked="" type="checkbox"/> | N/A | <input type="checkbox"/>            |
| Budget Transfer (Aud 308) attached  | Yes | <input type="checkbox"/>            | N/A | <input checked="" type="checkbox"/> |
| Personnel Resolution attached   | Yes | <input type="checkbox"/>            | N/A | <input checked="" type="checkbox"/> |
| Agreements are attached and signature line for Chairman is marked with tab(s)/flag(s) | Yes | <input checked="" type="checkbox"/> | N/A | <input type="checkbox"/>            |

CONTACT PERSON: Celeste Perez    PHONE: (559)624-7010

**SUBJECT:** Award Contract for Construction of Allensworth Elementary Sidewalk Improvements Project

**REQUEST(S):**

That the Board of Supervisors:

1. Waive the bid discrepancy that has been identified regarding the lowest responsive and responsible bidder; and
2. Approve and award the contract to the lowest responsive and responsible bidder, DOD Construction from Bakersfield, California, in the amount of \$517,768 for construction of Allensworth Elementary Sidewalk Improvements Project; and
3. Authorize the Chairman to sign the contract after review and approval as to form by County Counsel and upon receipt of certificates of insurance, bonds and evidence that the contractor possesses a valid State Contractors License; and
4. Allow funds for contingencies in the amount \$38,388 to cover unexpected construction conditions; and
5. Authorize the Director of the Resource Management Agency or his designee to approve contract change orders up to the amount of allowed funds for contingencies.

**SUMMARY:**

Tulare County is the lead agency on the Allensworth Elementary Sidewalk Improvements Project funded through the 2017 Active Transportation Program (ATP) Augmentation. Funds for this program were made available through Senate Bill 1 – the Road Repair and Accountability Act Account (SB1). SB1 provides \$100 million annually to the State ATP beginning in the Fiscal Year 2017-2018.

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The Allensworth Elementary Sidewalk Improvements Project (the Project) proposes to add new sidewalk sections, improve existing sidewalk sections, and add ADA ramps to provide a safer pedestrian facility on both sides of Young Road (Road 81) fronting the Allensworth Elementary School. Furthermore, this project also includes resurfacing the existing pavement and drainage improvements.

On June 26, 2018, the Board of Supervisors affirmed a Categorical Exemption filed on March 30, 2018 consistent with the California Environmental Quality Act (CEQA). As such, the project is consistent with State CEQA Guidelines (14 Cal. Code Regs.) Section 15300.4 Application by Public Agencies and Section 15301 Existing Facilities; respectively, and are applicable to the proposed action.

### **Community Conservation Corps**

As part of the ATP Cycle 3 guidelines, local agencies were required to contact local Community Conservation Corps (CCC) and provide them an opportunity to participate in ATP funded projects. The County reached out to the Community Services Employment Training (CSET), and CSET accepted the opportunity to participate in the Allensworth Elementary Sidewalk Improvements project. CSET is a non-profit organization that offers programs to under-privileged youth with an opportunity to receive real job training and experience. CSET entered into an agreement with the County and will be responsible for constructing approximately 1,600 square feet of sidewalk for this project.

### **Construction Bids**

The Project was authorized to bid by the Board of Supervisors (Resolution No. 2018-0548) on June 26, 2018. Bids were opened on August 22, 2018 and only one (1) bid was received, summarized as follows:

| <b>Contractor</b>   | <b>Total Bid</b> |
|---------------------|------------------|
| DOD Construction    | \$517,768        |
|                     |                  |
| Engineer's Estimate | \$420,000        |

Due to the remote location of the Project and limited scope of work, majority of the contractors were not interested in bidding on this project. Bid opening for this project was held on Wednesday, August 22, 2018, and only one bid was received.

The bid received by DOD Construction was 19% higher than the Engineer's Estimate. After conducting a bid analysis, large variances were noted in the unit price for a few of the bid items. Even though the bid received by DOD Construction is 19% higher than the Engineer's Estimate, Resource Management Agency (RMA) staff believes it would be in the County's best interest to proceed with the award of the contract. These variances in the estimates can be contributed to the aforementioned remote location and limited scope of work. Rebidding the project will incur additional cost for staff time

**SUBJECT:** Award Contract for Construction of Allensworth Elementary Sidewalk Improvements Project  
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and advertisement reducing the cost effectiveness of the Project. Furthermore, rebidding the project does not guarantee that additional bids will be received nor does it guarantee that the County will receive more favorable bids.

### **Bid Discrepancy**

After thorough review of DOD Construction's bid documents, RMA staff noticed an irregularity on the "List of Subcontractors" form. DOD Construction listed Perez Asphalt for Bid Item No. 13 "Hot Mix Asphalt" and Bid Item No. 14 "Cold Plane Asphalt Concrete". DOD Construction made a clerical error by typing number 13 for "Hot Mix Asphalt" in the Bid Item No. column of the Subcontractor List rather than typing the number 12. This clerical error was confirmed with the contractor.

Per Contract Specification Section 3-1.01, the following are considered "not waiveable" failures that will cause a bid to be rejected as non-responsive:

1. Failure to sign the bid
2. Failure to furnish the required bid bond or equivalent
3. Failure to include a total amount of the bid
4. Failure to submit a completed addenda certification statement
5. Failure to be listed on the planholders list

Section 3-1.01 states that the "Tulare County Board of Supervisors reserves the right to waive other types of discrepancies or failures." That being the case, the Board retains the discretion to waive DOD Construction's clerical error. It is RMA staff's determination that waiving DOD Construction's bid discrepancy on the Subcontractor List form will not result in an unfair advantage to any specific bidder.

Based on the information mentioned above, it is RMA staff's recommendation that the Board waive the bid discrepancy and award the contract to DOD Construction, the lowest responsive and responsible bidder. DOD Construction has satisfactorily performed similar projects, where they demonstrated that they (1) have adequate financial resources to perform the contract, (2) are able to comply with the associated legal or regulatory requirements, (3) have or can obtain necessary data, equipment, and facilities, and (4) is otherwise eligible and qualified to receive award.

If awarded, construction is anticipated to begin in October 2018.

### **FISCAL IMPACT/FINANCING:**

There will be No Net County Cost to the General Fund.

A summary of the total project cost and funding sources for the Allensworth Elementary Sidewalk Improvements Project is as follows:

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|                           |                  |
|---------------------------|------------------|
| Engineering Design:       | \$40,000         |
| Construction CSET:        | \$13,450         |
| Construction:             | \$517,768        |
| Contingencies:            | \$38,388         |
| Construction Engineering: | \$50,000         |
| <b>Total:</b>             | <b>\$659,606</b> |

Funding sources for the Allensworth Elementary Sidewalk Improvements Project include the 2017 ATP Augmentation funds and Road Funds programmed through the 2017 County Transportation Improvement Program (CTIP); the CTIP is an annually approved program for Transportation (roads) Projects which includes new projects to begin design and projects that would be constructed during the program. The Road Funds were programmed for this project for costs associated with ineligible ATP project elements (e.g. road resurfacing).

Funding Sources are as follows:

|               |                  |
|---------------|------------------|
| ATP Funds:    | \$260,000        |
| Road Funds:   | \$399,606        |
| <b>Total:</b> | <b>\$659,606</b> |

**LINKAGE TO THE COUNTY OF TULARE STRATEGIC BUSINESS PLAN:**

**Safety and Security** – This project will enhance the safety and security of the public by improving the transportation infrastructure for both the general population in the region and the motorists using this facility.

**ADMINISTRATIVE SIGN-OFF:**



Reed Schenke, P.E.  
Director

cc: County Administrative Office

Attachment(s) Attachment A – Vicinity Map

# BEFORE THE BOARD OF SUPERVISORS COUNTY OF TULARE, STATE OF CALIFORNIA

IN THE MATTER OF AWARD CONTRACT     )  
FOR CONSTRUCTION OF                     ) Resolution No. \_\_\_\_\_  
ALLENSWORTH ELEMENTARY                ) Agreement No. \_\_\_\_\_  
SIDEWALK IMPROVEMENTS PROJECT        )

UPON MOTION OF SUPERVISOR \_\_\_\_\_,        SECONDED        BY  
SUPERVISOR \_\_\_\_\_, THE FOLLOWING WAS ADOPTED BY THE  
BOARD OF SUPERVISORS, AT AN OFFICIAL MEETING HELD SEPTEMBER 25, 2018,  
BY THE FOLLOWING VOTE:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

ATTEST:   MICHAEL C. SPATA  
            COUNTY ADMINISTRATIVE OFFICER/  
            CLERK, BOARD OF SUPERVISORS

BY: \_\_\_\_\_  
                                Deputy Clerk

\* \* \* \* \*

1. Waived the bid discrepancy that has been identified regarding the lowest responsive and responsible bidder; and
2. Approved and awarded the contract to the lowest responsive and responsible bidder, DOD Construction from Bakersfield, California, in the amount of \$517,768 for construction of Allensworth Elementary Sidewalk Improvements Project; and
3. Authorized the Chairman to sign the contract after review and approval as to form by County Counsel and upon receipt of certificates of insurance, bonds and evidence that the contractor possesses a valid State Contractors License; and
4. Allowed funds for contingencies in the amount \$38,388 to cover unexpected construction conditions; and
5. Authorized the Director of the Resource Management Agency or his designee to approve contract change orders up to the amount of allowed funds for contingencies.

## **Attachment A**

### **Vicinity Map**



**Allensworth  
Elementary** 

Young Rd

Avenue 39

Avenue 36

Road 84




43

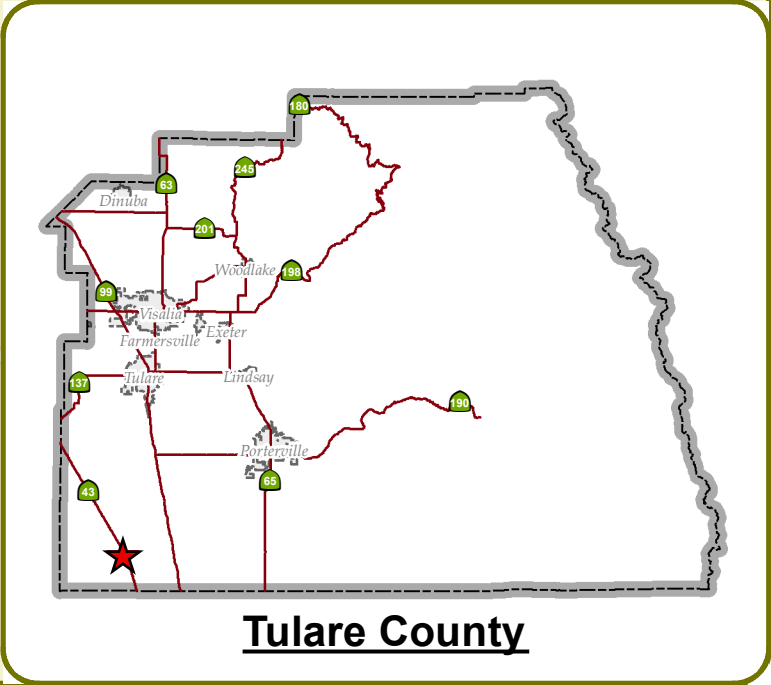
Burlington Rd

Road 84

Avenue 32

**Legend**

-  Project Site
-  Project Location
-  Tulare County Boundary



**Tulare County**

0 0.25 Miles