



**Resource Management  
Agency  
COUNTY OF TULARE  
AGENDA ITEM**

**BOARD OF SUPERVISORS**

KUYLER CROCKER  
District One  
PETE VANDER POEL  
District Two  
AMY SHUKLIAN  
District Three  
EDDIE VALERO  
District Four  
DENNIS TOWNSEND  
District Five

**AGENDA DATE:** February 11, 2020

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"/>
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 type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
CONTACT PERSON: Celeste Perez    PHONE: (559)624-7010				

**SUBJECT:** Notice of Completion for Construction of Avenue 152 Safety Improvements Project

**REQUEST(S):**  
That the Board of Supervisors:

1. Accept the work for the construction of the Avenue 152 Safety Improvements Project, west of the City of Porterville, as complete by MAC General Engineering, Inc. of Porterville, California; and
2. Authorize the Chairman to sign the Notice of Completion; and
3. Direct the Clerk of the Board to have the Notice of Completion recorded with the County Recorder.

**SUMMARY:**  
This Notice of Completion is for the construction of the Avenue 152 Safety Improvements Project. This project overran allowable working time; however, it was completed below the allowable budget. The work was performed by MAC General Engineering, Inc. under Tulare County Agreement No. 28785.

This project was approved by your Board on May 22, 2018 (Resolution No. 2018-0384). The lowest responsible bid was submitted by MAC General Engineering, Inc. On August 14, 2018, your Board awarded and approved a contract (Resolution No. 2018-0685) to MAC General Engineering, Inc. in the amount of \$1,575,558.78.

This project included the installation of rumble strips (center and edge line), guardrails, signs, pavement markings, flashing beacons and a traffic signal at Avenue 152 and Road 208. In addition to the improvements, left turn lanes were added along the Avenue 152 corridor at Road 120, Road 160, Road 168, Road 172, Road 200 and

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Road 208.

There were three Contract Change Orders (CCO) written for the project with a net total cost of \$430.37. The first CCO was written in the amount of zero dollars to revise the placement of the guardrail systems. The second CCO was written in the amount of \$5,569.63 to credit the County as set forth in the "Payment Adjustment for Price Index Fluctuations" clause and for over run and under run items. The final CCO was written in the amount of \$6,000 to compensate the Contractor for performing additional utility pothole verification work required for the installation of the guardrail systems.

Work on this contract was completed 21 working days beyond the calculated date of completion. Since the Contractor overran the number of working days authorized for the project, liquidated damages have been assessed. The total amount of liquidated damages was established at 21 working days with a penalty of \$3,000 per day. The total amount of liquidated damages withheld is \$63,000.

In addition, the Contractor will be assessed with a penalty in the amount of \$2,409.62 as provided in Public Contract Code Section 4110. This penalty came as a result of the Contractor making an unauthorized and unwarranted sub-contractor substitution without prior approval by the Engineer. The Contractor was notified of the violation and withholding at the time the substitution was made and has made no valid objection to the assessed penalty.

This project has been completed in accordance with the plans and specifications and is now ready for acceptance by the Board.

**FISCAL IMPACT/FINANCING:**

There is No Net County cost.

Contract Bid Amount:	\$ 1,575,558.78
5.79% of amount authorized for Contingencies	\$ 91,277.00
Authorized Contract Bid Amount + Contingencies	\$ 1,666,835.78
Project Cost:	\$ 1,567,764.62
Total of Contract Changer Orders:	\$ 430.37
10% Withholdings PCC 4110	\$ (2,409.62)
LD Withholdings 21 days @ \$3,000	\$ (63,000.00)
Final Project Cost:	\$ 1,502,785.37

An allowance of 5.79% of the contract bid amount, or \$91,277, was authorized for contingencies at the time of award setting the total approved contract amount at \$1,666,835.78.

The final cost to complete this project was \$1,502,785.37 which is 4.62% below the bid amount and is 9.84% below the authorized contract amount plus contingencies.

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This project was funded through the Federal Highway Safety Improvements Program (HSIP), Surface Transportation Block Grant Program (STBGP) and Road Funds.

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

**Safety and Security and Economic Well Being** – 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:**



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Reed Schenke, P.E.  
Director

cc: County Administrative Office

Attachment(s) Attachment A – Vicinity Map  
Attachment B – Notice of Completion

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

IN THE MATTER OF NOTICE OF )  
COMPLETION FOR CONSTRUCTION OF ) Resolution No. \_\_\_\_\_  
AVENUE 152 SAFETY IMPROVEMENTS )  
PROJECT )

UPON MOTION OF SUPERVISOR \_\_\_\_\_, SECONDED BY  
SUPERVISOR \_\_\_\_\_, THE FOLLOWING WAS ADOPTED BY THE  
BOARD OF SUPERVISORS, AT AN OFFICIAL MEETING HELD FEBRUARY 11, 2020,  
BY THE FOLLOWING VOTE:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

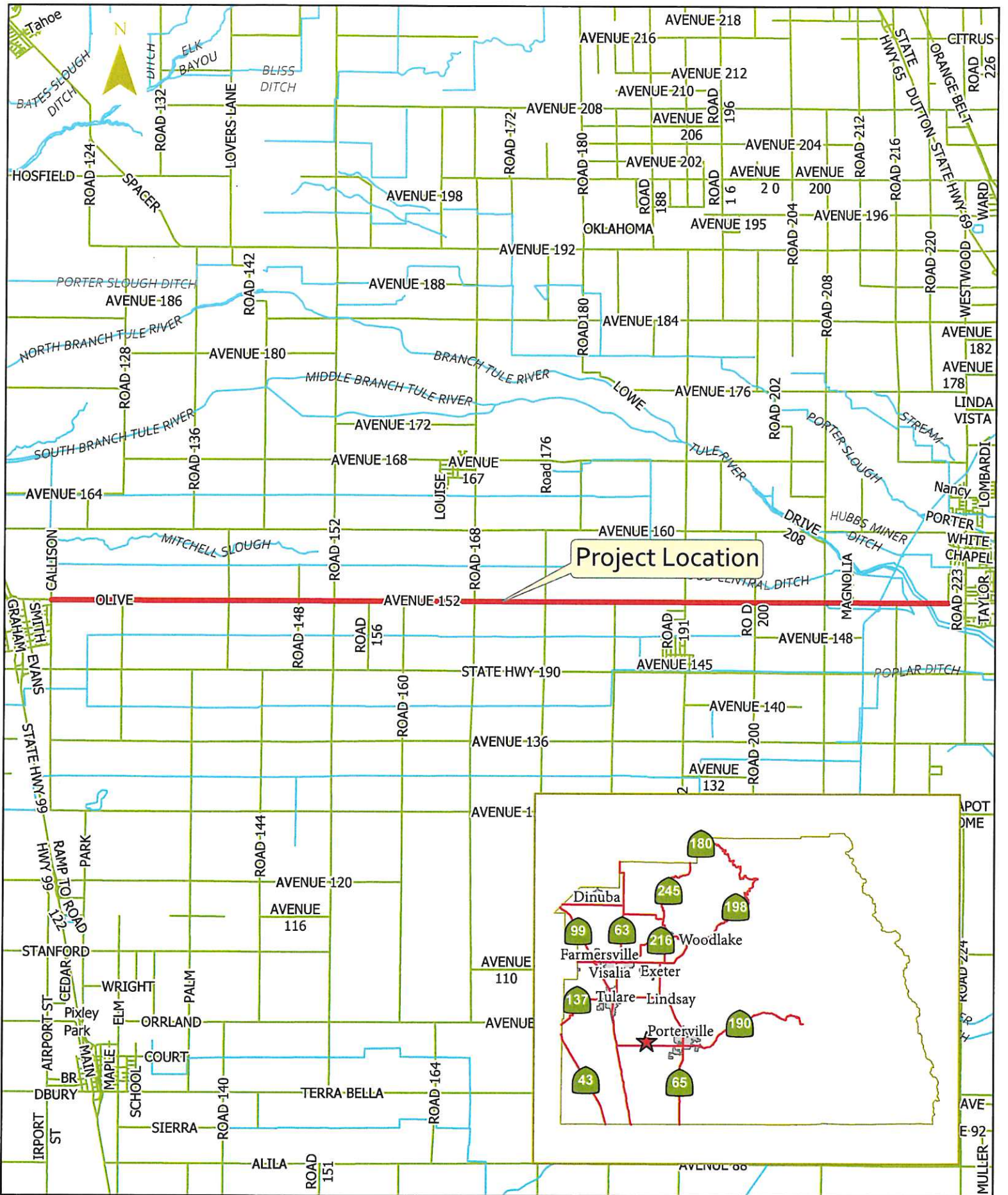
ATTEST: JASON T. BRITT  
COUNTY ADMINISTRATIVE OFFICER/  
CLERK, BOARD OF SUPERVISORS

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

\* \* \* \* \*

1. Accepted the work for the construction of the Avenue 152 Safety Improvements Project, west of the City of Porterville, as complete by MAC General Engineering, Inc. of Porterville, California; and
2. Authorized the Chairman to sign the Notice of Completion; and
3. Directed the Clerk of the Board to have the Notice of Completion recorded with the County Recorder

**ATTACHMENT A –  
VICINITY MAP**



Project Location



**ATTACHMENT B –  
NOTICE OF COMPLETION**

When recorded return to:  
Clerk of the Board  
County of Tulare  
2800 West Burrel  
Visalia, CA 93291

### NOTICE OF COMPLETION

**NOTICE IS HEREBY GIVEN THAT:**

1. The County of Tulare, a political subdivision of the State of California, is the owner of the work of improvement stated below.
2. The full address of the owner is: County of Tulare, 2800 W. Burrel Avenue, Visalia, California, 93291
3. The County of Tulare, a public agency, owns the hereinafter described work of improvement.
4. No other person(s) or corporation(s) owns any interest therein.
5. The name of the project is Avenue 152 Safety Improvements Project.
6. On the 11th day of February, 2020 the Board of Supervisors of Tulare County in Resolution Number \_\_\_\_\_ accepted as complete the work of improvement in Tulare County Agreement Number 28785 for the project identified above.
7. The name of the Contractor for the work of improvement described in Tulare County Agreement Number 28785 is MAC General Engineering, Inc. The Contractor's address is MAC General Engineering, Inc. P.O. Box 1748, Porterville California, 93258.
8. The project was located west of the City of Porterville along Avenue 152 between State Route 99 and Road 222, County of Tulare, State of California.

The undersigned affirms that he is authorized to execute this Notice of Completion for the County of Tulare, that he has read the foregoing Notice, knows the contents hereof and that the facts stated herein are true; that he executes this Notice on behalf of and pursuant to the authorization of the Board of Supervisors of the County of Tulare.

COUNTY OF TULARE  
BOARD OF SUPERVISORS

\_\_\_\_\_  
Chairman of the Board

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California    )  
County of Tulare     )

Subscribed and sworn to (or affirmed) before me on this \_\_\_\_\_ day of \_\_\_\_\_, 2020, by \_\_\_\_\_, proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

Date: \_\_\_\_\_

\_\_\_\_\_  
Notary Signature