



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

SUBJECT: Award Contract for Construction of Earlimart Sidewalk Improvements Project

REQUEST(S):

That the Board of Supervisors:

1. Approve and award the contract to the lowest responsive and responsible bidder, Witbro, Incorporated Doing Business As Seal Rite Paving & Grading of Fresno, California, in the amount of \$931,749 for construction of Earlimart Sidewalk Improvements Project effective upon approval by the Board of Supervisors; and
2. Authorize the Chair of the Board of Supervisors 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
3. Allow funds for contingencies in the amount \$59,087 to cover unexpected construction conditions; and
4. Authorize the Director of the Resource Management Agency or designee to approve contract change orders up to the amount of allowed funds for contingencies.

SUMMARY:

On December 6, 2017, Tulare County was awarded funding through the highly competitive Active Transportation Program (ATP) for the design and construction phases of the Earlimart Sidewalk Improvements Project (the Project) in the amount of

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\$1,868,000. The ATP was created to encourage increased use of active modes of transportation, such as biking and walking. Funds for this project were made available through Senate Bill 1 (SB1) under the 2017 SB1 ATP Augmentation Component. SB1 provided an additional \$100 million annually to the State ATP beginning in Fiscal Year 2017/2018.

The Project proposes to improve sidewalk facilities within the community of Earlimart along State Street between Sutter Avenue and Sierra Avenue, Washington Avenue between State Street and Church Street (south side of Washington Avenue only), and Church Street between Washington Avenue and Clay Avenue (west side of Church Street only). The proposed improvements include the installation of curbs, gutters, sidewalks, drive approaches, asphalt paveouts, ADA ramps, signs, pavement markings, and drainage improvements. To improve safety for pedestrians crossing Sierra Avenue, this project includes the installation of a pedestrian crossing with flashing beacons (i.e. rectangular rapid flashing beacons) at the intersection of Sierra Avenue and State Street.

Community Conservation Corps

As part of the ATP Cycle 3 guidelines, local agencies were required to contact local Community Conservation Corps 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 Earlimart Sidewalk Improvements Project. CSET is a non-profit organization that offers under-privileged youth with an opportunity to receive real job training and experience. CSET has entered into an agreement with the County and will be responsible for constructing approximately 2,100 square feet of sidewalk for this project.

Division of the State Architect (DSA) Review

As part of the guidelines set forth by the Local Assistance Procedures Manual (LAPM) and California Government Code Section 4454, Local agency plans and specifications of pedestrian facilities to be constructed with State funds must be reviewed and approved by the DSA. The Project's construction documents were reviewed and approved by DSA and approved on June 22, 2020.

Construction Bids

The Project was authorized to bid by the Board of Supervisors (Resolution No. 2020-0196) on April 21, 2020. Bids were opened on July 16, 2020 and six (6) bids were received, summarized as follows:

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Contractor	Total Bid
Witbro Incorporated Doing Business As Seal Rite Paving & Grading	\$931,749.00
JT2 Incorporated Doing Business As Todd Companies	\$1,007,500.00
Avison Construction Incorporated	\$1,022,015.00
American Paving Company	\$1,124,371.00
DOD Construction	\$1,139,592.50
Bush Engineering Incorporated	\$1,379,063.00
<i>Engineer's Estimate</i>	<i>\$1,541,210.00</i>

The lowest bid, in the amount of \$931,749, was submitted by Witbro, Incorporated (Inc.) Doing Business As (DBA) Seal Rite Paving & Grading of Fresno, CA. This bid is approximately 40 percent lower than the Engineer's Estimate. The highly competitive bids came in lower than the Engineer's Estimate due to the current competitive bidding environment being experienced. Based on staff's analysis of the bids, the reduced project costs came mainly as a result of lower than estimated costs for Hot Mix Asphalt (Type A) and Minor Concrete (all concrete items of work) compared to the Engineer's Estimate.

Upon careful examination of all bid proposals (standard protocol after a bid opening), Resource Management Agency (RMA) staff discovered that the lowest bidder, Witbro, Inc. DBA Seal Rite Paving & Grading, made a multiplication error on Bid Item No. 20 (Drainage Inlet), multiplying its unit price of \$5,248.85 by an incorrect quantity. According to the language in the bid documents, unit price prevails over the total amount; however, re-calculating Witbro, Inc. DBA Seal Rite Paving & Grading's bid based on its \$5,248.85 per each figure resulted in no net change to Witbro, Inc. DBA Seal Rite Paving & Grading's original bid amount of \$931,749.

Additionally, RMA staff discovered that one of Witbro, Inc. DBA Seal Rite Paving & Grading's listed subcontractors, Alan Mok Engineering, was not registered with the Department of Industrial Relations (DIR) at the time of bid opening, as required by California Labor Code Section 1725.5. However, this section of the Labor Code provides that contractors/subcontractors may retroactively fulfill said requirement within 90 days if the failure to pay the registration renewal fee was inadvertent (accidental). It also requires the contractor/subcontractor to pay an extra penalty renewal fee. Alan Mok Engineering have since paid its renewal fee in addition to paying the nonrefundable penalty renewal fee, thereby retroactively renewing their effective registration with DIR to July 1, 2020—before the bid opening date.

It is RMA staff's recommendation that the Board award the contract to Witbro, Inc. DBA Seal Rite Paving & Grading, the lowest responsive and responsible bidder. Witbro, Inc. DBA Seal Rite Paving & Grading has satisfactorily performed similar projects, where they demonstrated that they (1) have adequate financial resources to

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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 September 2020.

FISCAL IMPACT/FINANCING:

No net County cost to the General Fund.

Funding for the Earlimart Sidewalk Improvements Project include ATP and Road Funds budgeted for this project. A summary of the total project cost and funding sources for the Earlimart Sidewalk Improvements Project is as follows:

Engineering Design and Right-of-Way:	\$300,000
Construction CSET:	\$16,000
Construction:	\$931,749
Contingencies:	\$59,087
Construction Engineering:	\$120,000
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Total:	\$1,426,836

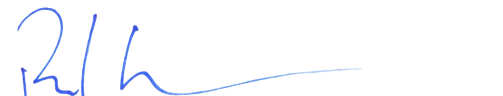
Funding Sources are as follows:

ATP Funds:	\$1,306,836
Road Funds:	\$120,000
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Total:	\$1,426,836

LINKAGE TO THE COUNTY OF TULARE STRATEGIC BUSINESS PLAN:

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 users of this facility.

ADMINISTRATIVE SIGN-OFF:



Reed Schenke, P.E.
Director

cc: County Administrative Office

Attachment(s) Attachment A – Vicinity Map

Attachment A

Vicinity Map

