



**RESOURCE MANAGEMENT
AGENCY
COUNTY OF TULARE
AGENDA ITEM**

BOARD OF SUPERVISORS

ALLEN ISHIDA
District One

PETE VANDER POEL
District Two

PHILLIP A. COX
District Three

J. STEVEN WORTHLEY
District Four

MIKE ENNIS
District Five

AGENDA DATE: January 25, 2011

Public Hearing Required	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
Scheduled Public Hearing w/Clerk	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
Published Notice Required	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
Advertised Published Notice	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
Meet & Confer Required	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
Electronic file(s) has been sent	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input type="checkbox"/>
Budget Transfer (Aud 308) attached	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Personnel Resolution attached	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Resolution, Ordinance or Agreements are attached and signature line for Chairman is marked with tab(s)/flag(s)						
	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input type="checkbox"/>
CONTACT PERSON: Celeste Perez PHONE: (559) 624-7010						

SUBJECT: Escrow Agreement for Security Deposits for Road 80 Phase 1A

REQUEST(S):

That the Board of Supervisors:

1. Approve an Escrow Agreement for Security Deposits in Lieu of Retention for the Road 80 Phase 1A project; and
2. Authorize the Chairman of the Board to sign the agreement.

SUMMARY:

On August 10, 2010 Teichert Construction was awarded a contract for the construction of the Road 80 widening project Phase 1A from Avenue 328 to the St. Johns River plus widening six other bridges and box culverts in the Road 80 project area (Tulare County Agreement #24648) in the amount of \$7,317,768. The Standard Specifications allow the contractor to request an option to deposit securities with an escrow agent as a substitute for retention earnings. Teichert Construction is requesting these payments be made to an escrow account.

Pursuant to Section 22300 of the Public Contract Code of the state of California, the contractor has the option to deposit securities with the escrow agent as a substitute for retention earnings required to be withheld by the owner pursuant to the construction contract entered into between the owner and the contractor. Alternatively, on written request of the contractor, the owner shall make these payments of the retention earnings directly to the escrow agent. When the contractor deposits the securities as a substitute for the contract earnings, the

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escrow agent shall notify the owner within ten days of the deposit. The market value of the securities at the time of the substitution shall be at least equal to the cash amount then required to be withheld as retention under the terms of the contract between the owner and contractor. The securities shall be held in the name of the county of Tulare and shall designate the contractor as the beneficial owner.

FISCAL IMPACT/FINANCING:

Funding for this expenditure is included in the 2010/2011 Roads Budget Account No. 014-225-2300-2150. There is no net County cost to the General Fund.

LINKAGE TO THE COUNTY OF TULARE STRATEGIC BUSINESS PLAN:

This project will increase Safety and Security by improving and maintaining adequate transportation infrastructure.

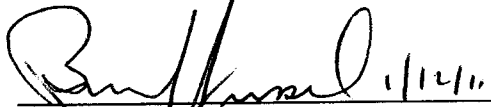
ALTERNATIVES:

Do not approve the Escrow Agreement for Security Deposits in Lieu of Retention. Staff does not recommend this because the Standard Specifications allow for it. If the County prefers to not execute these agreements on future projects, it could be handled through revisions in the Special Provisions.

INVOLVEMENT OF OTHER DEPARTMENTS OR AGENCIES:

County Counsel has reviewed and approved the Escrow Agreement.

ADMINISTRATIVE SIGN-OFF:



Britt L. Fussel, P.E.
Assistant Director—Public Works
County Surveyor

BF:sw

cc: Auditor/Controller
County Counsel
County Administrative Office (2)

Attachment(s) Escrow Agreement for Security Deposits in Lieu of Retention

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

IN THE MATTER OF ESCROW AGREEMENT)
FOR SECURITY DEPOSITS FOR ROAD 80) RESOLUTION NO. _____
PHASE 1A) AGREEMENT NO. _____

UPON MOTION OF SUPERVISOR _____, SECONDED BY
SUPERVISOR _____, THE FOLLOWING WAS ADOPTED BY THE
BOARD OF SUPERVISORS, AT AN OFFICIAL MEETING HELD JANUARY 25, 2011,
BY THE FOLLOWING VOTE:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST: JEAN M. ROUSSEAU
COUNTY ADMINISTRATIVE OFFICER/
CLERK, BOARD OF SUPERVISORS

BY: _____
Deputy Clerk

* * * * *

1. Approved an Escrow Agreement for Security Deposits in Lieu of Retention for the Road 80 Phase 1A project; and
2. Authorized the Chairman of the Board to sign the agreement.