



# Board Agenda Item 82

DATE: December 14, 2021

TO: Board of Supervisors

SUBMITTED BY: Steve E. White, Director  
Department of Public Works and Planning

SUBJECT: Award Contract 21-08-C Peterson Guardrail Installation

RECOMMENDED ACTION(S):

- 1. Make a finding that it is in the best interest of the County to waive the competitive bidding process consistent with Administrative Policy No. 34 for unusual or extraordinary circumstances that allow sole source procurement of guardrail components, based on the Board's express findings that specification by brand or trade name of these components is consistent with the provisions of with the provisions of Public Contract Code Section 3400(b)(2); and authorize Department of Public Works and Planning staff to incorporate these sole-sourced components in the project design for Contract 21-08-C Peterson Guardrail Installation.**
- 2. Adopt specifications for Contract 21-08-C Peterson Guardrail Installation, and award to the lowest bidder, Midstate Barrier, Inc., PO Box 30550, Stockton, CA 95213, in the total amount of \$54,406.**

Approval of the recommended actions will approve the incorporation of sole sourced materials into the Peterson Road Guardrail Installation Project (Project), adopt the Project plans and specifications and award a project to install guardrail on Peterson Road. This item pertains to a location in District 5.

ALTERNATIVE ACTION(S):

If the recommended actions are not approved, the project will be delayed or will not be constructed.

SUSPENSION OF COMPETITION/SOLE SOURCE CONTRACT:

Although public agencies are not typically allowed to name specific products in plans and specifications for public works projects, without including the words, "or equal," an exception exists under Public Contract Code Section 3400(b)(2), which states that products can be specified "in order to match other products in use on a particular public improvement either completed or in the course of completion."

Products with brand-names specified in this project are the in-line End Terminal Type MSKT terminal and SRT Type SRT350 terminal, which are specified because the County has numerous roads which are already equipped with this type of guardrail. These are highway safety devices that prevent a direct impact to a vehicle if a crash occurs. In the event of damage to a guardrail, it is important that the damaged components be replaced as soon as possible, and it is impractical for the Department's Maintenance and Operations Division to keep replacement parts on hand for all of the different systems which are available. Consequently, the specifications for the Project require the use of MSKT terminal and the SRT Type SRT350 terminal and do not allow the contractor to substitute alternative products. It should be noted, the

Board has approved similar sole source procurements of these components in the past, some past examples of which occurred on June 9, 2009, July 9, 2013, October 22, 2019 and January 26, 2021.

One Flared End Terminal Type SRT 350 is needed for the Project and will cost \$4,300 including purchasing and installation. One In-line End Terminal Type MSKT is needed for the Project and will cost \$6,000 including purchasing and installation.

Administrative Policy No. 34 provides for a suspension of competition when there are unusual or extraordinary circumstances where the Board of Supervisors determines that the best interests of the County would not be served by securing competitive solicitations. The Internal Services Department - Purchasing Division concurs with the Department's request to suspend the competitive bidding process. Specific model information is included on the Sole Source Acquisition Request forms, attached to this agenda item.

FISCAL IMPACT:

There is no Net County Cost associated with the recommended actions. The maximum anticipated construction cost for the project, based on the low bid and Director's allowance of \$5,440 for change orders is \$59,846. Project costs will be paid out of the Road Fund. Sufficient appropriations and estimated revenues are included in the Department of Public Works and Planning - Roads Org 4510 FY 2021-22 Adopted Budget.

DISCUSSION:

In the aftermath of the Creek Fire, during damage assessment, the Department identified an approximately 1000 foot long segment of Peterson Road which had become critically undermined by fire-suppression activities and post-fire rains, and had suffered several down-slope collapses which were encroaching into and narrowing the roadway.

The Department identified GeoStabilization International LLC (GSI), as a firm with specialized experience in emergency slope repairs, and the Purchasing Manager (acting under the authorizations granted by the Board on October 20, 2020, under Resolution 20-323) executed Contract No. P-20-523 with them on December 29, 2020 to design and construct walls to stabilize roadway slope failures and repair partial collapses on Peterson Road. While that work was underway, the Department asked on-call engineering consultant, Blair, Church and Flynn, to work with GSI and design a roadway reconstruction to repair the road and tie-in to the new slope conditions. Those plans included guardrail along the curve in the roadway to improve safety and prevent catastrophic driver errors. However, B&B Construction Services Inc., the contractor selected for the emergency reconstruction repair work under Contract No. P-21-208 (executed September 8, 2021), lacked the specialty to include that in their scope.

The work to be done under this contract consists of installation of 360-feet of guardrail, including two end terminals.

The project was advertised on November 2, 2021 and a bid opening was held on December 2, 2021. Three bids were received. The low bid of \$54,406.00 from Midstate Barrier, Inc., was \$19,839 or 26.7% lower than the engineer's estimate of \$74,245. The difference can primarily be accounted for in the cost of Traffic Control and Mobilization. A list of bidders and their respective bid amounts is shown below:

<u>Bidder</u>	<u>Bid Amount</u>
Midstate Barrier, Inc.	\$54,406
Kroeker, Inc,	\$78,936
Caliber Contracting Services, Inc.	\$150,595

Specifications for the guardrail installation were prepared by Department staff based on plans prepared for

the Peterson Road Project by the Department's engineering consultant firm, Blair, Church and Flynn, and are on file with the Department.

Installation of the guardrail is anticipated to be completed in January 2022.

REFERENCE MATERIAL:

BAI#30, January 26, 2021

BAI #28, October 20, 2020

BAI #46, October 22, 2019

BAI #32, July 9, 2013

BAI #56, June 9, 2009

ATTACHMENTS INCLUDED AND/OR ON FILE:

Location Map

On file with Clerk - Sole Source Acquisition Request - Universal Industrial Sales, Inc.

On file with Clerk - Sole Source Acquisition Request - Traffic Management Inc.

CAO ANALYST:

Ron Alexander