



Board Agenda Item 12

DATE: July 12, 2022

TO: Board of Supervisors

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

SUBJECT: Award Contract 22-02-C American Avenue Shoulder Improvements Placer Avenue to Madera Avenue

RECOMMENDED ACTION(S):

1. **Adopt plans and specifications for Contract No. 22-02-C American Avenue Shoulder Improvements Placer Avenue to Madera Avenue, Federal Project No. CML-5942(284); and**
2. **Hear and consider bid protest from apparent second low bidder, Cal Valley Construction, Inc. 5125 N Gates Avenue #102, Fresno, CA 93722, regarding the proposed award of Contract No. 22-02-C to the apparent low bidder, Yarbs Grading & Paving, Inc., 11339 S. Peach Avenue, Fresno, CA 93725; and**
3. **Award Contract No. 22-02-C to the bidder with the lowest responsible bid as determined by the Board after consideration of the bid protest.**

Approval of the recommended actions will authorize the award of a Federally funded Congestion Mitigation and Air Quality Improvement Program (CMAQ) project. This item pertains to a location in District 1.

ALTERNATIVE ACTION(S):

If the recommended actions are not approved, the project will be delayed. Your Board may instead choose to reject all bids and re-bid the project, which would result in the project's construction being delayed by several months.

FISCAL IMPACT:

There is no Net County Cost associated with the recommended actions. The anticipated construction cost for the project, based on the low bid and Director's allowance for change orders is estimated to be \$2.8 million. This project is 88.53% Federally funded through the CMAQ. The local match of 11.47% 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 2022-23 Proposed Budget.

DISCUSSION:

American Avenue from Placer Avenue to Madera Avenue (SR145) is a two-lane rural road with 12-foot paved travel lanes, one to two feet of additional pavement on the north side of the road, and a varying width shoulder of six to eight feet on either side. The purpose of the project is to improve air quality and increase safety. This is the second of two road improvements to this area, the first of which was the American

Avenue Disposal Site entrance improvements, awarded on May 25, 2021 and constructed in the summer of 2021.

The work to be done consists, in general, of adding approximately four feet of new paved shoulder over an aggregate base to each side of American Avenue from Placer Avenue to Madera Avenue (SR145), a distance of approximately 5.9 miles. This will widen the existing 24-foot roadway to consist of two 12-foot travel lanes with four-foot paved shoulders on each side of the roadway.

The project was advertised on May 19, 2022.

On June 16, 2022, the Department received 11 bids for this project (Attachment A). The lowest bid of \$2,664,020.00 was \$146,330.50 or 5.21% lower than the engineer's estimate of \$2,810,350.50

<u>Bidder</u>	<u>Amount of Bid</u>	<u>DBE Commitment (Goal: 25%)</u>
Yarbs Grading and Paving, Inc.	\$2,664,020.00	28.6%
Cal Valley Construction, Inc.	\$2,678,496.00	28.6%
RE Mason Engineering	\$2,894,250.00	None submitted
Emmett Valley Construction	\$3,059,495.00	None submitted
Emmett's Excavation, Inc.	\$3,140,019.00	None submitted
Teichert Construction	\$3,150,835.00	26.2%
Granite Construction Company	\$3,236,281.50	None submitted
Papich Construction	\$3,306,102.79	None submitted
Avison Construction, Inc.	\$3,458,537.00	None submitted
Dawson-Mauldin, LLC	\$3,526,561.10	11.0%
American Paving Co.	\$3,792,497.50	None submitted

A Bid Protest (Attachment B) for this project from the second low bidder, Cal Valley Construction, Inc. (Cal Valley), was received by the Department on June 23, 2022. Cal Valley alleged that Yarbs Grading and Paving, Inc. (Yarbs) did not calculate their DBE Commitment (Attachment C) correctly. Cal Valley contends that the participation amount attributed to Yarbs' DBE subcontractor (Tanney Transport) was overcalculated, based on an allegation that Yarbs' subcontractor is acting as a "broker" of Hot Mix Asphalt, rather than as a "buyer and hauler".

The response from Yarbs (Attachment D) was not received in time for the Department to analyze or make a recommendation for award in this agenda item. Therefore, the Department will present staff's analysis of the protest, and recommendation for award, if any, to the Board at the Bid Protest hearing.

Specifications were prepared by Department staff and are on file with the Department.

OTHER REVIEWING AGENCIES:

Caltrans provides oversight on Federally funded items.

REFERENCE MATERIAL:

BAI #51, May 25, 2021

ATTACHMENTS INCLUDED AND/OR ON FILE:

Location Map
 Attachment A - Bid Summary
 Attachment B - Bid Protest
 Attachment C - DBE Forms received from Yarbs
 Attachment D - Bid Protest Response

CAO ANALYST:

Salvador Espino