



## Legislation Details (With Text)

**File #:** 18-0232

**On agenda:** 4/3/2018 **Final action:** 4/3/2018

**Enactment date:** **Enactment #:**

**Title:** Award Contract No. 17-09-C, Fowler Avenue Shoulder Improvements, to the low bidder, AJ Excavation, Inc., 9662 W Kearney Boulevard, Fresno, CA 93706, in the amount of \$4,542,752; and, authorize the Director of Public Works and Planning, or his designee, to execute Contract Change Orders up to \$210,000, which is approximately 4.62% of the total contract construction cost, the limit allowable under California Public Contract Code, section 20395(d) for Contract 17-09-C

**Attachments:** 1. Agenda Item, 2. Location Map, 3. Contract No. 17-09-C, Fowler Avenue Shoulder Improvements(executed contract).pdf

| Date     | Ver. | Action By            | Action                    | Result |
|----------|------|----------------------|---------------------------|--------|
| 4/3/2018 | 1    | Board of Supervisors | Approved (Consent Agenda) | Pass   |

**DATE:** April 3, 2018

**TO:** Board of Supervisors

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

**SUBJECT:** Contract No. 17-09-C, Fowler Avenue Shoulder Improvements, Federal Project No. CML-5942(211)

### RECOMMENDED ACTIONS:

- Award Contract No. 17-09-C, Fowler Avenue Shoulder Improvements, to the low bidder, AJ Excavation, Inc., 9662 W Kearney Boulevard, Fresno, CA 93706, in the amount of \$4,542,752.**
- Authorize the Director of Public Works and Planning, or his designee, to execute Contract Change Orders up to \$210,000, which is approximately 4.62% of the total contract construction cost, the limit allowable under California Public Contract Code, section 20395(d) for Contract 17-09-C.**

Approval of the first recommended action will authorize the award of a Federal and State funded project. Approval of the second recommended action will allow the Director, or his designee, to execute change orders up to the statutory limit. This item pertains to District 4.

### ALTERNATIVE ACTION:

If the first recommended action is not approved, it will result in cancellation of the project and de-obligation of the allocated Federal funding. Any funds received by the County for this project to date would require reimbursement to the California Department of Transportation (Caltrans) from the Road Fund. If the second recommended action is not approved, the Director's, or his designee's, authority to approve Contract Change Orders will be limited to \$67,927.

### FISCAL IMPACT:

There is no Net County Cost associated with the recommended actions. The anticipated construction cost of the project, based on the low bid and including an allowance for contingencies, is \$4,752,572 (contract plus change orders). The project is divided into two parts for funding purposes. The shoulder improvements are 100% Federally funded through the Congestion Mitigation and Air Quality (CMAQ) Program and the asphalt concrete overlay is 100% State funded through the Road Maintenance and Rehabilitation Account (RMRA). Sufficient appropriations to fund the project are included in the Public Works and Planning - Roads Org 4510 FY 2017-18 Adopted Budget.

DISCUSSION:

The purpose of the CMAQ Program is to fund transportation projects or programs that will contribute to attainment or maintenance of the National Ambient Air Quality Standards (NAAQS) for ozone, carbon monoxide, and particulate matter. The purpose of the RMRA, created by Senate Bill (SB) 1 (Chapter 5, Statutes of 2017) is to perform maintenance, rehabilitation, and safety improvements on state highways, local streets, roads, and bridges.

The work to be done, consists, in general, of adding eight feet of new paved shoulder to each side of the road and placing a hot mix asphalt overlay and centerline striping on the existing 24 foot wide travel way on Fowler Avenue from Elkhorn Avenue to South Avenue, a distance of approximately nine miles.

For road projects, Public Contract Code (PCC), section 20395(d) limits the extent to which the Director may be authorized to execute Contract Change Orders to 10% of the first \$250,000, plus 5% of the contract amount in excess of \$250,000, up to a maximum authorization of \$210,000. However, the Board's policy, last updated in 1991, limits the Director's authority to the amount of 10% of the first \$25,000, plus 1% of the contract amount in excess of \$25,000, up to a maximum authorization of \$100,000. For this project, this amounts to \$25,000, plus 1% of \$4,292,752 for a total authorization of \$67,927. Your Board's authorization for the Director to approve Contract Change Orders up to the PCC limit would prevent the need for the Department to return to your Board to approve change orders in excess of your Board's policy limit. This will reduce the time required to process changes, reduce paperwork, help keep cost down, and reduce potential claims for additional cost and time due to administrative delays. This Change Order authorization would not apply to, nor allow changes to the scope of the work.

The Department received seven bids for this project on February 23, 2018. The lowest bid was \$4,542,572, which is \$594,734 or 11.58% lower than the engineer's estimate of \$5,137,486 due to lower than anticipated costs for Hot Mix Asphalt and Thermoplastic Traffic Stripe. The bidders, their respective bid amounts, and Disadvantaged Business Enterprise (DBE) Commitments are shown below:

| <u>Bidder</u>                  | <u>Bid</u>     | <u>DBE Commitment</u><br><u>(Goal 7%)</u> |
|--------------------------------|----------------|---|
| AJ Excavation, Inc.            | \$4,542,752.00 | 8.21%                                     |
| Teichert Construction          | \$4,989,100.00 | 7.72%                                     |
| Cal Valley Construction        | \$5,241,749.50 | 83.5%                                     |
| Emmett's Excavation, Inc.      | \$5,289,546.00 | None submitted                            |
| Avison Construction, Inc.      | \$5,388,752.00 | None submitted                            |
| Yarbs Grading and Paving, Inc. | \$5,487,948.75 | None submitted                            |
| Dawson-Mauldin Construction    | \$5,495,327.50 | None submitted                            |

Project Specifications were prepared by the Department's Design Division. It is anticipated that construction will begin in April 2018 and will be completed in July 2018. Upon completion of the project, the Director will issue the Notice of Completion and accept the project on behalf of the County.

OTHER REVIEWING AGENCIES:

Caltrans provides oversight on projects where Federal funds are allocated.

REFERENCE MATERIAL:

BAI #60, September 12, 2017

BAI #66, May 22, 2012

ATTACHMENTS INCLUDED AND/OR ON FILE:

Location Map

CAO ANALYST:

Sonia M. De La Rosa