



# County of Fresno

Hall of Records, Rm. 301  
2281 Tulare Street  
Fresno, California  
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## Legislation Text

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**File #:** 17-0234, **Version:** 1

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**DATE:** April 4, 2017

**TO:** Board of Supervisors

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

**SUBJECT:** Award Contract No. 16-17-C, Federal Asphalt Concrete Overlays, Various Locations in Fresno County, STPL-5942(277)

### RECOMMENDED ACTION(S):

- 1. Award Contract No. 16-17-C, Federal Asphalt Concrete Overlays, Various Locations in Fresno County, STPL-5942(277) to the bidder with the lowest bid, Don Berry Construction, Inc., P.O. Box 620, Selma, CA 93662, in the amount of \$3,718,806.06.**
- 2. Authorize the Director of Public Works and Planning or his designee to execute Contract Change Orders up to \$198,440, which is approximately 5.34% of the total contract construction cost, the limit allowable under Public Contract Code 20395(d) for Contract 16-17-C.**

The first recommended action will authorize the award of a Federally funded Regional Surface Transportation Program (RSTP) project. The second recommended action will allow the Director or his designee to execute change orders up to the statutory limit.

### ALTERNATIVE ACTION(S):

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 Federal Highway Administration from the Road Fund. If the second recommended action is not approved, the Director or his designee's authority to approve Contract Change Orders will be limited to \$59,688.

### FISCAL IMPACT:

There will be 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 contingences, is \$3,917,246. The project is funded through RSTP and toll credits will provide 100% of the funding for contract construction. Sufficient appropriations are included in the Public Works and Planning - Roads Org 4510 FY 2016-17 Adopted Budget.

### DISCUSSION:

The work to be done consists, in general, of placing an asphalt concrete overlay and traffic striping on existing roads in addition to constructing a safety edge and adding shoulder backing to areas not within Flood Zone A on:

- Shaw Avenue from McCall Avenue to just west of Academy Avenue;

- Manning Avenue (westbound lanes) from 0.243 miles east Mendocino Avenue to Kings River Road, excluding the segment between Newmark Avenue Zediker Avenue, which will be reconstructed by the City of Parlier as a separate Federal Project; and
- Manning Avenue (eastbound lanes) from Newmark Avenue to Kings River Road.

Additionally, pavement will be added to the outside shoulder on Manning Avenue increasing the shoulder to a width of up to approximately 8' to provide bicycle lanes where feasible within the project limits, and bicycle lane markings and striping will be installed. In July, 2016, the Fresno County Council of Governments completed a transportation needs assessment focused on disadvantaged communities. This study analyzed bicycle and trail facilities in the region, identified gaps between local jurisdictions, and recommended projects to remedy these gaps. This project provides bicycle lane connectivity between Parlier and Reedley, achieving one of the top priority improvements identified in the transportation needs assessment.

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. For this project, this amounts to \$25,000, plus 5% of \$3,468,806 for a total authorization of \$198,440. However, the Board's policy, last updated in 1991, limits the Director's authority to the amount of 10% of the first \$250,000, plus 1% of the contract amount in excess of \$250,000, up to a maximum authorization of \$100,000. For this project, this amounts to \$25,000, plus 1% of \$3,468,806 for a total authorization of \$59,688. The 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 the Board to approve change orders in excess of the 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 9 bids for this project on March 2, 2017. The lowest bid was \$3,718,806.06, which is \$341,367.94 or 8.41% lower than the engineer's estimate of \$4,060,174.

The bidders and their respective bid amounts and DBE Commitments are shown below:

<u>Bidder</u>		<u>Bid</u>	<u>DBE Goal 8%</u>
Don Berry Construction, Inc.	\$3,718,806.06	9.13%	
Agee Construction Corp.	\$3,879,369.00	8.38%	
Emmett's Excavation	\$4,088,149.80	8.9%	
Granite Construction Co.	\$4,176,696.00	none submitted	
CAL Valley Construction, Inc.	\$4,188,340.75	none submitted	
Avison Construction, Inc.	\$4,199,164.00	none submitted	
Lee's Paving, Inc.	\$4,231,779.94	none submitted	
Teichert Construction	\$4,462,139.67	none submitted	
Telfer	\$4,512,000.00	none submitted	

Specifications were prepared by the Department's Design Division. It is anticipated that construction will begin in April 2017 and will be completed in June 2017.

OTHER REVIEWING AGENCIES:

Caltrans provides oversight on projects where Federal funds are allocated.

REFERENCE MATERIAL:

BAI #46, December 13, 2016

BAI #49, November 15, 2016

ATTACHMENTS INCLUDED AND/OR ON FILE:

Location Map

CAO ANALYST:

John Hays