

**REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS
OF SAN BERNARDINO COUNTY
AND RECORD OF ACTION**

November 19, 2024

FROM

NOEL CASTILLO, Director, Department of Public Works – Special Districts

BEAHTA R. DAVIS, Director, Regional Parks Department

SUBJECT

Construction Contract and Related Actions for the Lake Gregory Regional Park Sitewide Sediment Management Project.

RECOMMENDATION(S)

1. Approve Addendum No. 1, issued on September 5, 2024, Addendum No. 2, issued on September 9, 2024, Addendum No. 3, issued on September 20, 2024, Addendum No. 4, issued on September 26, 2024, Addendum No. 5, issued on October 1, 2024, and approve Addendum No. 6, issued on October 8, 2024 to the bid documents for the Lake Gregory Regional Park Sitewide Sediment Management Project
2. Award construction **Contract No. 24-1130** to Empire Equipment Service, Inc., in the amount of \$2,705,497.89 for the Lake Gregory Regional Park Sitewide Sediment Management Project.
3. Authorize a contingency fund of \$270,549 for the Lake Gregory Regional Park Sitewide Sediment Management Project.
4. Authorize the Director of the Department of Public Works to approve the expenditures up to \$270,549 of the contingency fund for verified quantity overruns for this unit-priced construction contract.
5. Authorize the Director of the Department of Public Works to order any necessary changes or additions in the work being performed under the construction contract with Empire Equipment Service, Inc., for the total not-to-exceed amount of \$147,774 of the contingency fund of \$270,549, pursuant to Public Contract Code Section 20142.
6. Authorize the Director Department of Public Works to accept the work when 100% complete and execute and file the Notice of Completion.

(Presenter: Noel Castillo, Director, 387-7906)

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES

Ensure Development of a Well-Planned, Balanced, and Sustainable County.

Provide for the Safety, Health and Social Service Needs of County Residents.

FINANCIAL IMPACT

Approval of this item will not result in the use of additional Discretionary General Funding (Net County Cost). On October 25, 2022 (Item No. 82), the Board of Supervisors (Board) approved an allocation of \$1,765,000 from the County's American Rescue Plan Act (ARPA) Coronavirus Local Fiscal Recovery Fund (CLFRF) for eligible costs of the Lake Gregory Sitewide Sediment Management Project (Project).

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In addition to ARPA funding, on June 14, 2022 (Item No. 103), the Board approved an allocation of \$3,235,000 in one-time Discretionary General Funding for the Project. The total combined allocation for the Project is \$5,000,000. Sufficient appropriation and revenue are included in the Department of Public Works – Special Districts ARPA CIP and Countywide CIP 2024-25 budgets, respectively, and will be included in the future recommend budgets as needed.

BACKGROUND INFORMATION

The San Bernardino County Department of Public Works – Special Districts (Department) provides design, construction, operations and maintenance support services to the County's Regional Parks Department, which includes Lake Gregory. The Project consists of two phases. Phase I includes the removal of accumulated sediment at Lake Gregory. Additional sediment and debris were deposited in the lake during the 2020, 2021, and 2022 storm seasons. Removal of accumulated sediments will improve the health of the lake as well as the recreational use of this amenity. The Project is a priority to effectively manage lake sediments and long-term maintenance of Lake Gregory.

On August 20, 2024 (Item No. 65), the Board adopted the Initial Study and Mitigated Negative Declaration, Mitigation Monitoring and Reporting Plan. The Board also approved the plans and specifications of the Project and authorized the Director of the Department to advertise the Project for competitive bids. The Project specifications include an allowance in the amount of \$100,000 for unforeseen differing site conditions and unforeseen agency mitigation requirements. Following Board approval of this item, construction is anticipated to commence in Spring of 2025.

Phase II of the Project will occur after the Summer of 2025 and consists of improvements to the swim beach area, including re-grading the slopes, importing sand material, and the installation of concrete erosion gauges. The Department anticipates bringing the specifications for Phase II of the Project, as well as a recommendation to advertise Phase II of the Project for formal bids, to the Board for consideration in Spring 2025.

PROCUREMENT

On August 20, 2024 (Item No. 65), the Board approved the Project's plans and specifications and authorized the Department to advertise the project for competitive bids. On August 26, 2024, the Department advertised the Project for bids through the County Electronic Procurement Network (ePro) and in accordance with Public Contract Code Section 22037. On August 26, 2024, and September 2, 2024, the Department advertised for bids by publishing the Project in the San Bernardino County Sun and Inland Valley Daily Bulletin newspapers.

During the bidding process, the following addendums were issued:

- Addendum No. 1: Provided all interested parties with a second mandatory pre-bid meeting to allow more potential bidders to participate in the project.
- Addendum No. 2: Provided all interested parties with a link for the second mandatory pre-bid meeting to be virtual.
- Addendum No. 3: Provided all interested parties with a link for the bid opening meeting, questions and responses gathered through the bid process. Updated Section A – Bidder Information Form, Section 3 – Special Conditions and Section G – Drawings.

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- Addendum No. 4: Provided all interested parties with questions and responses gathered through the bid process. Updated Section A – Bidding Requirements and Bid Proposal for revising project construction duration. Updated Section E – Special Conditions to update the construction phasing schedule.
- Addendum No. 5: Revised the bid opening date.
- Addendum No. 6: Updated Section A – Bid Proposal to reflect the updated scope of work, updated Section E – Special Conditions to update the project scope of work, clarify surveying and exporting soil requirements. Updated Section G – Drawings to update the project scope work.

On September 4 and 10, 2024, a total of nine contractors attended the mandatory pre-bid meetings, indicating initial interest in the Project. However, by the bid submission deadline of October 15, 2024, no bids were received. Public Contract Code Section 22038(c) provides that, “[i]f no bids are received through the formal or informal procedure, the project may be performed by the employees of the public agency by force account or negotiated contract without further complying with this article.” Accordingly, on October 17, 2024, the Department sent out a separate solicitation, via email, to three potential bidders who had attended the pre-job walk, requesting bids to complete the Project by October 21, 2024. The following two bids were received.

Contractor Name	Proposal Amount
Empire Equipment Service, Inc.	\$2,705,497.89
Mladen Buntich Construction Company Inc.	\$12,873,225.00

The Department reviewed the bids received for the Project and determined that the low bid was responsive and recommends award of the contract to Empire Equipment Services, Inc., as the lowest responsive bidder. Pursuant to Public Contract Code Section 22038(c), the County may move forward with a negotiated contract. Additionally, given the upcoming ARPA funding deadline, it is essential to promptly obligate these funds to ensure timely compliance with ARPA rules and regulations, thus making the timing to formally re-advertise and bid the project again impractical.

The lowest bidder was determined, pursuant to Public Contract Code section 20103.8(b), as the lowest total of the total base bid plus Additive Bid No. 1, Additive Bid No. 2, and Additive Bid No. 3. The Department has elected to move forward with awarding the Base Bid (\$1,309,637.99) plus Additive Bid No. 1 (\$253,986.15), Additive Bid No. 2 (\$1,090,303.75), and Additive Bid No. 3 (\$51,570.00) for a total contract amount of \$2,705,497.89.

The Project will have a contingency fund of \$270,549 to compensate the contractor for verified quantity overruns, as well as changes in the contract under certain circumstances. Under an established formula and based on the contract amount, Public Contract Code Section 20142 allows the Board to authorize the Director of Public Works to order changes in the contract, including for unforeseen conditions or design shortfalls, should they become necessary in the future, for a total amount not-to-exceed \$147,774 of the \$270,549 contingency fund.

Upon Board approval, construction is anticipated to commence in Spring 2025.

REVIEW BY OTHERS

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This item has been reviewed by County Counsel (Aaron Gest and Suzanne Bryant, Deputies County Counsel, 387-5455) on October 24, 2024; Finance (Jessica Trillo and Elias Duenas, Administrative Analysts, 387-4222, and Guy Martinez, ARPA Compliance Officer, 387-5428) on October 28, 2024; and County Finance and Administration (Paloma Hernandez-Barker, Deputy Executive Officer, 387-5423) on November 1, 2024.

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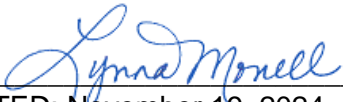
Record of Action of the Board of Supervisors
San Bernardino County

APPROVED (CONSENT CALENDAR)

Moved: Curt Hagman Seconded: Joe Baca, Jr.

Ayes: Col. Paul Cook (Ret.), Jesse Armendarez, Dawn Rowe, Curt Hagman, Joe Baca, Jr.

Lynna Monell, CLERK OF THE BOARD

BY 
DATED: November 19, 2024



cc: PW/SD - Aldana w/agree
Contractor - PW/SD w/agree
File - w/agree
MBA 11/26/2024