

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

May 24, 2022

FROM

BRENDON BIGGS, Director, Department of Public Works – Transportation

SUBJECT

Reject all Bids and Re-Advertise for the Construction of the Needles Highway Segment 1B Project

RECOMMENDATION(S)

1. Reject all bids received on April 14, 2022 for the Needles Highway Segment 1B Project, finding that the rejection of the bids is in the best general interest of the County.
 2. Approve the revised plans and specifications for the Needles Highway Segment 1B Project, as signed and sealed by a registered civil engineer.
 3. Authorize the Director of the Department of Public Works to re-advertise the Needles Highway Segment 1B Project for formal bids.
- (Presenter: Brendon Biggs, Director, 387-7906)

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES

**Pursue County Goals and Objectives by Working with Other Agencies and Stakeholders.
Provide for the Safety, Health and Social Service Needs of County Residents.
Operate in a Fiscally-Responsible and Business-Like Manner.**

FINANCIAL IMPACT

Approval of this item will not result in the use of Discretionary General Funding (Net County Cost). There is minimal financial impact to the Department of Public Works (Department) for approval to re-advertise for the construction of the Needles Highway Segment 1B Project (Project). All costs associated with construction of the Project will be funded by Federal Public Lands Highways (PLH) funds. Sufficient appropriation is included in the Department's 2021-22 Road Operations budget (6650002000 14H14876).

BACKGROUND INFORMATION

The Project consists of road improvements on Needles Highway, from 500 feet south of Park Road to one mile north, in the Needles area. Improvements include asphalt reconstruction, shoulder backing and placing pavement striping and markings. All work for the Project will be done within the existing road right-of-way and no additional right-of-way will need to be acquired.

On April 14, 2022, the Department received four bids for the Project. The total bid for the apparent low bidder was substantially higher than the Engineer's Estimate and exceeded the funding available for the Project. The Department is recommending that the Board of Supervisors (Board) reject all bids for the Project, approve the revised plans and specifications for the Project, and authorize the Director of the Department to re-advertise the Project for formal bids.

**Reject all Bids and Re-Advertise for the Construction of the Needles
Highway Segment 1B Project
May 24, 2022**

California Public Contract Code (PCC) section 22038 allows the Board to reject any bids presented and re-advertise the Project for bids. Because the Project is federally-funded, it is also subject to California Department of Transportation (Caltrans) requirements. According to Chapter 15 of the Caltrans Local Assistance Procedures Manual, “[w]here the lowest bid exceeds the Engineer’s Estimate by an unreasonable amount as defined by the established agency procedures, or where competition is considered to be poor for the size, type, and location of project, bids may be rejected unless an award of contract is justified as being in the best interest of the public.”

Since the entire Project is located within the City of Needles and the Department is the lead agency for design and construction, the Department sought the City’s input and the City agrees with rejecting all bids. As a result, both the Department and City agree it is in the best general interest of both agencies to reject all bids due to the lowest responsive and responsible bid far exceeding the Engineer’s Estimate and funding available for the Project.

The Department provided notice, pursuant to PCC section 22038, to the apparent low bidder, of the County’s intent to reject all bids.

In order to attract more competitive bids, the Department has revised the plans and specifications so that bidding will be done on “schedules” in a way that will allow work to be accomplished with the available funding. Schedule “A” includes pavement reconstruction and pavement striping and markings; Schedule “B” includes construction of a cut-off wall; and Schedule “C” includes adding cement treated subgrade to the base. Bidding the Project based on schedules allows the award of a contract to the lowest responsive bidder for any number schedule(s) that will provide for the maximum amount of construction work with the available funding. PCC Section 20103.8 allows a local agency to require bid prices for items that may be added to, or deducted from, the contract for which the bid is being submitted. The amount of available funding will be disclosed to the bidders just before the opening of the first bid.

The Project aligns with the County and the Chief Executive Officer’s goals and objectives of providing for the safety, health and social service needs of County residents, and operating in a fiscally-responsible and business-like manner.

PROCUREMENT

The Project will be re-advertised for bids in accordance with PCC section 22037. In order to attract more competitive bids, the Department will continue to advertise the Project for bids to contractors within and outside of the State. The Department anticipates returning to the Board for an award of the construction contract in July 2022.

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Aaron Gest, Deputy County Counsel, 387-5455) on May 3, 2022; Purchasing (Jason Cloninger, Lead Buyer, 387-8258) on April 20, 2022; Finance (Carl Lofton, Administrative Analyst, 387-5404) on May 9, 2022; and County Finance and Administration (Paloma Hernandez-Barker, Deputy Executive Officer, 387-5423) on May 9, 2022.

**Reject all Bids and Re-Advertise for the Construction of the Needles
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Record of Action of the Board of Supervisors
San Bernardino County

APPROVED (CONSENT CALENDAR)

Moved: Curt Hagman Seconded: Janice Rutherford

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

Lynna Monell, CLERK OF THE BOARD

BY 
DATED: May 24, 2022



cc: File- Transportation w/CD w/map
LA 06/2/2022