

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

August 22, 2023

FROM

BRENDON BIGGS, Director, Department of Public Works – Transportation

SUBJECT

Contract with Hardy & Harper, Inc. for the Mission Boulevard Project in the Montclair Area

RECOMMENDATION(S)

1. Approve Addendum No. 1, issued on June 12, 2023, to the bid documents for the Mission Boulevard Project in the Montclair area.
2. Award construction **Contract No. 23-868** to Hardy & Harper, Inc. (Lake Forest, CA), in the amount of \$2,625,000, for the Mission Boulevard Project in the Montclair area.
3. Authorize a contingency fund of \$262,500 for the Mission Boulevard Project in the Montclair area.
4. Authorize the Director of the Department of Public Works to approve the expenditure of the contingency fund of \$262,500 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 contract for a total amount not-to-exceed \$143,750 of the \$262,500 contingency fund, pursuant to Public Contract Code section 20142.
6. Authorize the Director of the Department of Public Works to accept the work when 100% complete and execute and file the Notice of Completion.

(Presenter: Brendon Biggs, 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). The Mission Boulevard Project in the Montclair Area (Project) will be funded with Discretionary General Funding allocated for the Department of Public Works (Department) annual Maintenance of Effort (MOE) requirement in the amount of \$2,021,250 (77%), with the remaining amount of \$603,750 (23%) funded by the City of Montclair (City). Sufficient appropriation and revenue are included in the Department's 2023-24 Road Operations budget (6650002000 34H15034).

BACKGROUND INFORMATION

The Project consists of pavement rehabilitation, signing and striping improvements, and reconstructing existing curb ramps (in accordance with current design standards and pursuant to the Americans with Disabilities Act (ADA) guidelines), on Mission Boulevard from East End

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Avenue to Silicon Avenue and Ada Avenue to Benson Avenue in the Montclair area. Minimal work for the Project will be done outside of the existing right-of-way; permission from the property owners has been acquired and no acquisitions will be required.

On August 9, 2022 (Item No. 40), the Board of Supervisors (Board) determined the Project was exempt under the California Environmental Quality Act, approved the Project as defined in the Notice of Exemption, and directed the Clerk of the Board to file and post said notice.

The Project aligns with the County and the Chief Executive Officer's goals and objectives of ensuring development of a well-planned, balanced and sustainable County by improving the structural integrity of existing road surfaces and providing for the safety of county residents by improving access for all pedestrians, including those with disabilities.

Following Board approval of this item, construction is anticipated to commence September 2023 and be completed by end of November 2023.

PROCUREMENT

On May 9, 2023 (Item No. 43), the Board approved the Project's plans and specifications, as well as authorized the Director of the Department to advertise the Project for bids. This Project was advertised in the Daily Press on June 13, 2023, in the Precinct Reporter on June 15, 2023, and released on the County Electronic Procurement Network (ePro) on June 13, 2023. Notice inviting bids was also provided to specified construction trade journals as required by Public Contract Code section 22036. On July 13, 2023, the following three bids were received:

Contractor	Location	Total Bid
Hardy & Harper, Inc.	Lake Forest, CA	\$2,625,000.00
Vance Corporation	Beaumont, CA	\$2,626,680.82 (Non-Responsive)
All American Asphalt	Corona, CA	\$2,925,761.90

The following addendum was issued during the bidding phase.

Addendum No. 1: Revised bid item sheet pages P-3 and P-4.

The Department has reviewed the bids received and determined that two of the three bids were responsive. The bid submitted by Vance Corporation was determined to be non-responsive because it failed to submit its bid on the required bid form specified in Addendum No. 1, listed an incorrect bid item amount for bid Item No. 1, and contained a miscalculation of its total bid. The Department recommends entering into a contract with Hardy & Harper, Inc., the lowest responsible bidder.

A timely bid protest was filed by Vance Corporation. The bid protest conceded Vance's failure to use the required bid form specified in Addendum No. 1, the incorrect bid amount for bid Item No. 1, and the miscalculation of its total bid amount. Nevertheless, the protest requested the Department waive these errors and find an adjusted total bid amount which would make them the apparent low bidder. Following an evaluation and in consultation with County Counsel, the Department denied the bid protest and recommends the Board award a construction contract to Hardy & Harper, Inc., as the lowest responsive and responsible bidder.

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This Project will have a 10% contingency fund of \$262,500 to compensate the contractor for verified quantity overruns, as well as changes in the contract under certain circumstances. Under an established formula based on the contract amount, Public Contract Code section 20142 allows the Board to authorize the Director of the Department 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 \$143,750 of the \$262,500 contingency fund.

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Aaron Gest, Deputy County Counsel, 387-5455) on July 26, 2023; Purchasing (Jason Cloninger, Lead Buyer, 387-8258) on July 26, 2023; Finance (Carl Lofton, Administrative Analyst, 387-5404) on August 4, 2023; and County Finance and Administration (Paloma Hernandez-Barker, Deputy Executive Officer, 387-5423) on August 7, 2023.

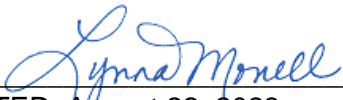
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Record of Action of the Board of Supervisors
San Bernardino County

APPROVED (CONSENT CALENDAR)

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

Lynna Monell, CLERK OF THE BOARD

BY 
DATED: August 22, 2023



cc: PW - Silao w/ agree
Contractor c/o PW w/ agree
File w/ agree

JLL 08/23/2023