

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

February 27, 2024

FROM

NOEL CASTILLO, Director, Department of Public Works – Transportation

SUBJECT

Contract with FS Contractors, Inc. for the Chino and Montclair Areas Americans with Disabilities Act Ramp Project

RECOMMENDATION(S)

1. Award a construction **Contract No. 24-154** to FS Contractors, Inc. (Sylmar, CA) in the amount of \$819,705 for the Chino and Montclair Areas Americans with Disabilities Act Ramp Project.
2. Authorize a contingency fund of \$81,970 for the Chino and Montclair Areas Americans with Disabilities Act Ramp Project.
3. Authorize the Director of the Department of Public Works to approve the expenditure of the contingency fund of \$81,970 for verified quantity overruns for this unit priced construction contract.
4. 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 \$53,485 of the \$81,970 contingency fund, pursuant to Public Contract Code section 20142.
5. 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: 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 Discretionary General Funding (Net County Cost). The Chino and Montclair Areas Americans with Disabilities Act (ADA) Ramp Project (Project) is funded with Senate Bill 1 (SB1) Road Maintenance and Rehabilitation Account (RMRA) revenue and City of Montclair (City) funding. Sufficient appropriation and revenue are included in the Department of Public Works (Department) 2023-24 Road Operations budget (6650002000 20H15061).

BACKGROUND INFORMATION

The Project consists of constructing new and replacing existing curb ramps at 25 locations in the Chino and Montclair areas in accordance with current design standards and pursuant to the ADA guidelines. Other improvements include reconstruction of sidewalks, driveways,

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spandrels, cross gutters, and minor street improvements, as needed. All work for the Project will be done within the existing right-of-way.

This Project was prioritized by the Board of Supervisors (Board) as part of the 2020-21 SB1 RMRA project list, which was approved on April 21, 2020 (Item No. 45). Updates to existing ADA compliant curb ramps or installation of new ADA compliant curb ramps for the Project are required under the federal "2013 Department of Justice/Department of Transportation Joint Technical Assistance on the Title II of the ADA Requirements to Provide Curb Ramps when Streets, Roads, or Highways are Altered through Resurfacing" guidelines.

The Department's environmental staff has reviewed this Project and determined that a categorical exemption in accordance with the California Environmental Quality Act (CEQA) Guidelines, Title 14 of the California Code of Regulations, Section 15301(c) Class 1 and Section 15302(c) Class 2 is appropriate. The Class 1 exemption allows for repair and maintenance activities on existing roads, sidewalks, gutters, and similar facilities that involve negligible or no expansion of use beyond that existing at the time of the lead agency's determination. The Class 2 exemption allows for the replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced. The filing and posting of a Notice of Exemption was recommended, and the Notice of Exemption was filed by the Clerk of the Board on August 9, 2023.

This 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 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 in March 2024 and be completed by May 2024.

PROCUREMENT

On December 19, 2023 (Item No. 70), the Board approved the Project's revised 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 December 26, 2023, in the Precinct Reporter on December 28, 2023, and released on the County Electronic Procurement Network (ePro) on December 26, 2023. Notice inviting bids was also provided to specified construction trade journals as required by Public Contract Code section 22036. On January 25, 2024, the following eight bids were received:

Contractor	Location	Total Bid
FS Contractors, Inc.	Sylmar, CA	\$ 819,705.00
S. Porter, Inc.	Big Bear Lake, CA	\$ 948,723.00
Hardy & Harper, Inc.	Lake Forest, CA	\$1,290,000.00
Onyx Paving, Inc.	Anaheim, CA	\$1,444,000.00
Gentry General Engineering, Inc.	Colton, CA	\$1,457,677.50
LCR Earthwork and Engineering, Corp.	Jurupa Valley, CA	\$1,485,407.90
IE General Engineering, Inc.	Beaumont, CA	\$2,446,975.00
DM Contracting, Inc.	Colton, CA	N/A

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Upon receipt of bids, the Department determined that the bid submitted by DM Contracting, Inc. was non-responsive due to its failure to comply with the requirement that all bidders must be registered and listed on the Official Plan Holders List, per the Special Provisions and Notice to Bidders. Accordingly, because DM Contracting was not listed on the Official Plan Holders List for the Project at the time of bid opening, its bid was not accepted and returned unopened.

The Department reviewed the remaining seven bids received and determined that these were responsive and recommends entering into a contract with FS Contractors, Inc., the lowest responsible bidder. No appeal/protest letters were received.

This Project will have a 10 percent contingency fund of \$81,970 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 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 \$53,485 of the \$81,970 contingency fund.

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Aaron Gest, Deputy County Counsel, 387-5455) on January 31, 2024; Purchasing (Jason Cloninger, Lead Buyer, 387-8258) on January 31, 2024; Finance (Carl Lofton, Administrative Analyst, 387-5404) on February 6, 2024; and County Finance and Administration (Paloma Hernandez-Barker, Deputy Executive Officer, 387-5423) on February 9, 2024.

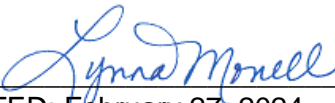
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Record of Action of the Board of Supervisors
San Bernardino County

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: February 27, 2024



cc: PW/Trans - Silao w/agree
 Contractor - c/o PW/Trans w/agree
 File - w/agree
CCM 02/28/2024