

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

January 28, 2025

FROM

NOEL CASTILLO, Chief Flood Control Engineer, Flood Control District

SUBJECT

Construction Contract for Desert Knolls Wash Phase III Flood Control Improvement Project in the Town of Apple Valley

RECOMMENDATION(S)

Acting as the governing body of the San Bernardino County Flood Control District:

1. Approve Addendum No 1, issued on September 26, 2024, Addendum No. 2, issued on October 9, 2024, Addendum No. 3, issued on October 28, 2024, Addendum No. 4, issued on November 8, 2024, Addendum No. 5, issued on November 12, 2024, and Addendum No. 6, issued on November 13, 2024, to the bid documents for the Desert Knolls Wash Phase III Flood Control Improvement Project in the Town of Apple Valley.
2. Award **Contract No. 25-58** to Ames Construction, Inc. (Corona, CA), in the amount of \$11,102,185 for the Desert Knolls Wash Phase III Flood Control Improvement Project in the Town of Apple Valley.
3. Authorize a contingency fund of \$1,110,218 for the Desert Knolls Wash Phase III Flood Control Improvement Project in the Town of Apple Valley.
4. Authorize the Chief Flood Control Engineer of the San Bernardino County Flood Control District to approve the expenditure of the contingency fund of \$1,110,218 for verified quantity overruns for this unit priced construction contract.
5. Authorize the Chief Flood Control Engineer of the San Bernardino County Flood Control District to order any necessary changes or additions in the work being performed under the contract, for a total amount not to exceed \$150,000 of the \$1,110,218 contingency fund, pursuant to Public Contract Code section 21061(d).
6. Authorize the Chief Flood Control Engineer of the San Bernardino County Flood Control District to accept the work when 100% complete, and execute and file the Notice of Completion.

(Presenter: Noel Castillo, Chief Flood Control Engineer, 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.

Pursue County Goals and Objectives by Working with Other Agencies and Stakeholders.

FINANCIAL IMPACT

Approval of this item will not result in the use of Discretionary General Funding (Net County Cost). The San Bernardino County Flood Control District (District) is funded by property tax revenue, fee revenue, and other local, state, and federal funding. An access culvert is part of the planned flood control improvements for the Desert Knolls Wash Phase III Flood Control

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Improvement Project in the Town of Apple Valley
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Improvement Project in the Town of Apple Valley (Project). The cost to design and construct the Project will be funded by property tax revenue and a \$1,932,000 grant received from the United States Environmental Protection Agency (EPA) (Grant Award No. 98T69901) under the Community Grants Program. The proposed Grant Award Agreement will be brought to the Board of Supervisors at a future meeting for approval and acceptance. Sufficient appropriation and revenue for the Project are included in the District's 2024-25 budget (1940002532 F01854).

BACKGROUND INFORMATION

The Project consists of the construction of approximately 2,590 linear feet of flood control improvements to the Desert Knolls Wash drainage system that extends from the existing concrete channel and terminates near the confluence with the Mojave River in the Town of Apple Valley.

The Project improvements include constructing a series of grade stabilization structures along the full length of the channel, slope stabilization, maintenance access roads with access ramps and a bridge.

On July 25, 2017 (Item No. 66), the District Board of Supervisors (Board) adopted a Mitigated Negative Declaration for the Project, approved the Project, and directed the Clerk of the Board to file a Notice of Determination for the Project. No timely challenge was filed under the California Environmental Quality Act.

Additionally, in 2018, the District applied for and received State regulatory permits from the Lahontan Regional Water Quality Control Board and the California Department of Fish and Wildlife, thereby, meeting CEQA and State regulatory permit requirements necessary for implementation.

Following Board approval of this item, construction is anticipated to commence February 2025 and be completed by February 2026.

PROCUREMENT

On September 26, 2023 (Item No. 77), the Board approved the Project's plans and specifications, as well as authorized the Chief Flood Control Engineer to advertise the Project for bids. This Project was advertised in the San Bernardino County Sun newspaper on August 20, 2024, and released on the County Electronic Procurement Network (ePro) on August 20, 2024. Notice inviting bids was also provided to specified construction trade journals as required by Public Contract Code section 22036. On November 21, 2024, the following nine bids were received:

| Contractor | Location | Total Bid |
|--|-----------------|-------------------------------------|
| Ames Construction, Inc. | Corona, CA | \$11,102,185.00 |
| J/K Excavation & Grading Company, Inc. | Rialto, CA | \$11,126,338.00 |
| Griffith Company | Brea, CA | \$11,707,532.00 |
| Empire Equipment Service, Inc. | Mira Loma, CA | \$12,495,000.00 |
| Granite Construction Company | Indio, CA | \$13,845,845.00 |
| RE Chaffee Construction, Inc. | Wrightwood, CA | \$13,862,220.00 (Non-Responsive) |
| Horizon's Construction Company | Orange, CA | \$13,998,157.50 |
| H&H General Contractors, Inc. | Highland, CA | \$15,775,219.00 |
| Riverside Construction Company | Riverside, CA | \$16,383,020.00 |

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There were six addenda issued during the bidding phase:

Addendum No. 1: Revised the bid open date

Addendum No. 2: Revised the bid open date

Addendum No. 3: Revised the bid open date

Addendum No. 4: Added requirement for California Air Resources Board (CARB) certification; Amended the Project special provisions; Replaced the general prevailing wage rates and the federal minimum wage rates; Amended the standard plans and special drawings; Revised the proposal pages and contract documents; Amended the project plans; and Provided responses to questions asked during the bidding process

Addendum No. 5: Revised the proposal pages

Addendum No. 6: Revised the bid open date

Upon receipt of bids, the District determined that the bid submission from RE Chaffee Construction, Inc. was non-responsive because their bid package was missing a signed CARB certification of compliance and acknowledgement of the ePro process.

The District reviewed the remaining bids received and determined that they are responsive and recommends that the Board award the contract to Ames Construction, Inc., the lowest responsive bidder. No appeal/protest letters were received.

This Project will have a ten percent contingency fund of \$1,110,218 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 21061(d) allows the Board to authorize the Chief Flood Control Engineer 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 \$150,000 of the \$1,110,218 contingency fund.

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Sophie A. Curtis, Deputy County Counsel, 387-5455) on January 23, 2025; Risk Management (Gregory Ustaszewski, Staff Analyst II, 386-9008) on December 26, 2024; Purchasing (Michael Candelaria, Lead Buyer, 387-8258) on December 17, 2024; Finance (Kathleen Gonzalez, Administrative Analyst, 387-5412) on January 10, 2025; and County Finance and Administration (Paloma Hernandez-Barker, Deputy Executive Officer, 387-5423) on January 10, 2025.

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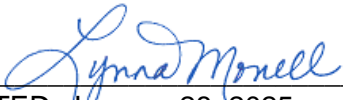
Record of Action of the Board of Supervisors
San Bernardino County Flood Control District

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: January 28, 2025



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

CCM 01/29/2025