

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

August 6, 2024

FROM

NOEL CASTILLO, Director, Department of Public Works – Transportation

SUBJECT

Contract with Granite Construction Company for the Baker Boulevard and Park Avenue Project in the Baker Area

RECOMMENDATION(S)

1. Approve Addendum No. 1, issued on June 6, 2024, and Addendum No. 2, issued on June 10, 2024, to the bid documents for the Baker Boulevard and Park Avenue Project in the Baker area.
2. Award a construction **Contract No. 24-729** to Granite Construction Company in the amount of \$3,869,000 for the Baker Boulevard and Park Avenue Project in the Baker area.
3. Authorize a contingency fund of \$386,900 for the Baker Boulevard and Park Avenue Project in the Baker area.
4. Authorize the Director of the Department of Public Works to approve the expenditure of the contingency fund of \$386,900 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 \$205,950 of the \$386,900 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.
7. Authorize the Auditor-Controller/Treasurer/Tax Collector to post budget adjustments in the amount of \$3,186,120, as detailed in the Financial Impact section, for the Baker Boulevard and Park Avenue Project in the Baker area (Four votes required).

(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 Department of Public Works (Department) is funded by Gas Tax revenue, fees, and other state and local funding. The Baker Boulevard and Park Avenue Project in the Baker area (Project) is funded with Measure "I" Local Street Program – North Desert Subarea funds.

Necessary budget adjustments of \$3,186,120 to the Department's 2024-25 budget for Measure "I" Local Street Program – North Desert Subarea are requested to carryover the Project's budget from the prior year (Work Order No. 6650002140 34TX1814). The remaining \$682,880

**Contract with Granite Construction Company for the Baker Boulevard and Park Avenue Project in the Baker Area
August 6, 2024**

will be adjusted as part of the final fund balance adjustments to be included in the 2024-25 budget.

The following Department 2024-25 budget adjustments are being requested:

Fund Center/Fund	GL Account	Description	Action	Amount
6650002140	52002445	Other Professional Services	Increase	\$3,186,120
2140	37008880	Available Reserves	Decrease	\$3,186,120

BACKGROUND INFORMATION

The pavement rehabilitation and traffic signal improvements of the Project involves milling the existing pavement on Baker Boulevard and overlaying with new asphalt concrete, from 0.86 mile west of State Highway 127, east 2.6 miles, and the installation of a traffic signal at Mojave Pointe Road. Other improvements include: (1) replacing existing ramps in accordance with current design standards and pursuant to the Americans with Disabilities Act; (2) isolated areas of sidewalk repairs; (3) asphalt overlay on Park Avenue, from Baker Boulevard to Roosevelt Lane; and (4) minor road widening to restripe existing left-turn lane at Baker Boulevard and Mojave Pointe Drive. All work for the Project will be done within the existing right-of-way.

On November 16, 2021 (Item No. 49), 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.

Following Board approval of this item, construction is anticipated to commence September 2024 and be completed by December 2024.

PROCUREMENT

On May 9, 2023 (Item No. 39), 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 May 22, 2024, in the San Bernardino County Sun on May 21, 2024, and released on the County's Electronic Procurement Network (ePro) on May 22, 2024 as Bid No. PWG124-LANDD-5442. Notice inviting bids was also provided to specified construction trade journals as required by Public Contract Code section 22036. On June 27, 2024, the following four bids were received:

Contractor	Location	Total Bid
Granite Construction Co. (Granite)	Indio, CA	\$3,869,000.00
Onyx Paving Company, Inc. (Onyx)	Anaheim, CA	\$3,963,000.00
Calmex Engineering, Inc.	Bloomington, CA	\$4,310,489.08
Hardy & Harper, Inc.	Lake Forest, CA	\$6,650,000.00

The following addendums were issued during the bidding phase.

Addendum No. 1: Amend the Construction Plan to include revised plans and notes. Amend the Project Special Provisions to revise the Table of Contents, Notice to Bidders, and General Construction. Add Blue Pages, Amend the Brown Pages, revise the Signing and Striping Plan, and revise the proposal pages.

Addendum No. 2: Amend the Special Provisions by replacing proposal pages P-4 and P-5 with revised pages to replace the bid sheets in their entirety.

**Contract with Granite Construction Company for the Baker Boulevard
and Park Avenue Project in the Baker Area
August 6, 2024**

Upon receipt of the bids, the Department initially determined that the bid submitted by Granite was non-responsive due to its submission of an electronically signed paper Bid Bond, authenticated by a notary, provided as the original paper submission of the bidder's security in a separately sealed envelope. Granite submitted a timely bid protest asserting its basis as to why its Bid Bond submission was an original paper submission satisfying the Special Provisions bid instruction requirements.

Onyx, the apparent second lowest bidder, was included as a recipient of Granite's bid protest and provided an opportunity to respond within three business days, pursuant to the Special Provisions Section 3-1.04 of the bidding instructions. Onyx submitted a timely response, via email, opposing Granite's protest by asserting that the original non-responsive determination was correct per the Special Provisions, Section 2-1.34 "Proposal Guaranty," which it believed required "original wet signatures, notaries [and] seals."

After a detailed review and evaluation of the Special Provisions and the Bid Bond submission, and in consultation with County Counsel, the Department determined that Granite's bidder's security was indeed "an original paper submission." It complied with the bidding instructions and met all applicable requirements for electronic signatures and notarizations. Therefore, Granite's bid was deemed responsive and accepted as the apparent lowest bid.

Accordingly, on July 10, 2024, the Department provided a written response to Granite and Onyx stating its findings regarding Granite's bid protest and Onyx's opposition thereto. Pursuant to Special Provisions Section 3-1.04 of the bidding instructions, Department Director's decision shall be final, unless overturned by the Board.

On July 12, 2024, Onyx indicated that it intends to appeal the Department's findings and determinations to the Board. The Department has reviewed the bids received and determined that they are responsive and recommends entering into a contract with Granite, the responsive lowest responsible bidder.

This Project will have a 10 percent contingency fund of \$386,900 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 Department's Director 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 \$205,950 of the \$386,900 contingency fund.

REVIEW BY OTHERS

This item has been reviewed by Auditor-Controller/Treasurer/Tax Collector (Charlene Huang, Auditor-Controller Manager, 382-7022) on July 22, 2024; County Counsel (Aaron Gest, Deputy County Counsel, 387-5455) on July 12, 2024; Purchasing (Michael Candelaria, Lead Buyer, 387-8258) on July 11, 2024; Finance (Jessica Trillo, Administrative Analyst, 387-4222) on July 19, 2024; and County Finance and Administration (Paloma Hernandez-Barker, Deputy Executive Officer, 387-5423) on July 22, 2024.


**Contract with Granite Construction Company for the Baker Boulevard
and Park Avenue Project in the Baker Area
August 6, 2024**

Record of Action of the Board of Supervisors
San Bernardino County

APPROVED (CONSENT CALENDAR)

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

Lynna Monell, CLERK OF THE BOARD

BY 
DATED: August 6, 2024



cc: DPW - Silao w/agree
Contractor - c/o DPW w/agree
File - w/agree
MBA 08/8/2024