

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

June 25, 2024

FROM

NOEL CASTILLO, Director, Department of Public Works – Transportation

SUBJECT

Contract with Hardy & Harper, Inc. for the Ceres Avenue and Other Roads Project in the Fontana Area

RECOMMENDATION(S)

1. Approve Addendum No. 1, issued on April 15, 2024, Addendum No. 2, issued on April 29, 2024, Addendum No. 3, issued on May 13, 2024 to the bid documents for the Ceres Avenue and Other Roads Project in the Fontana area.
2. Award a construction **Contract No. 24-496** to Hardy & Harper, Inc. in the amount of \$5,400,000 for the Ceres Avenue and Other Roads Project in the Fontana area.
3. Authorize a contingency fund of \$540,000 for the Ceres Avenue and Other Roads Project in the Fontana area.
4. Authorize the Director of the Department of Public Works to approve the expenditure of the contingency fund of \$540,000 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 \$210,000 of the \$540,000 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: 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 Ceres Avenue and Other Roads Project in the Fontana area (Project) will be funded with Senate Bill 1 (SB 1) Road Maintenance and Rehabilitation Account (RMRA) funds. Sufficient appropriation and revenue are included in the Department of Public Works (Department) 2023-24 and 2024-25 Road Operations budgets (6650002000 31H15155).

BACKGROUND INFORMATION

The Project consists of pavement rehabilitation to approximately 19 miles of roads, sidewalks, curb and gutter, asphalt concrete dike, driveway approaches at various locations, and painting

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pavement striping and markings. All work for the Project will be done within the existing right-of-way.

The Project was prioritized by the Board of Supervisors (Board) as part of the 2018-19 SB 1 RMRA project list approved on April 17, 2018 (Item No. 39), and revised list on April 30, 2019 (Item No. 53).

On August 8, 2023 (Item No. 42) the 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 of Supervisors to file and post said notice.

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

PROCUREMENT

On August 8, 2023 (Item No. 42), the Board approved the Project’s plans and specifications, and authorized the Director of Public Works to advertise the Project for bids. This Project was advertised in the Daily Press on April 9, 2024, in the Precinct Reporter on April 11, 2024, and released on the County electronic procurement network (ePro) on April 9, 2024 – Bid No. PWG124-LANDD-5366. Notice inviting bids was also provided to specified construction trade journals as required by Public Contract Code section 22036. On May 16, 2024, the following five bids were received:

<u>Contractor</u>	<u>Location</u>	<u>Total Bid</u>
Hardy & Harper, Inc.	Lake Forest, CA	\$5,400,000.00
Matich Corporation	San Bernardino, CA	\$5,480,601.00
All American Asphalt	Corona, CA	\$5,518,072.00
Vance Corporation	Beaumont, CA	\$5,649,223.98
Onyx Paving Company, Inc.	Anaheim, CA	\$6,396,003.30

The following addendums were issued during the bidding phase.

Addendum No. 1: Amended the Notice to Bidders; Amended General Construction to include Rubberized Slurry Type II and relevant items; Include Blue Pages after SP-112; Attach revised Proposal Pages and revised Exhibits.

Addendum No. 2: Revised the bid opening time to 10:00 AM on Thursday May 16, 2024.

Addendum No. 3: Revised the Notice to Bidders to include CARB certification; Revised Street treatments at cul-de-sac; Attach revised Proposal Pages and Exhibit.

The Department has reviewed the bids received and determined that they are responsive and recommends entering into a contract with Hardy & Harper, Inc., the responsive lowest responsible bidder. No appeal/protest letters were received.

This Project will have a 10% contingency fund of \$540,000 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

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necessary in the future, for a total amount not to exceed \$210,000 of the \$540,000 contingency fund.

REVIEW BY OTHERS

This item has been reviewed by County Counsel Aaron Gest, Deputy County Counsel, 387-5455) on May 30, 2024; Purchasing (Michael Candelaria, Lead Buyer, 387-8258) on May 29, 2024; Finance (Jessica Trillo, Administrative Analyst, 387-4222) on May 31, 2024; and County Finance and Administration (Paloma Hernandez-Barker, Deputy Executive Officer, 387-5423) on June 6, 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: June 25, 2024



cc: PW/Trans - Silao w/agree
Contractor - c/o PW/Trans w/agree
File - w/agree
CCM 06/25/2024