

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

December 17, 2019

FROM

BRENDON BIGGS, Interim Director, Department of Public Works –Transportation

SUBJECT

Contract with All American Asphalt and Amendment to Agreement with the City of Chino for the Philadelphia Street Project, Chino Area

RECOMMENDATION(S)

1. Approve Addendum No. 1, issued on September 11, 2019, Addendum No. 2, issued on September 20, 2019, and Addendum No. 3, issued on September 24, 2019 to the bid documents for the Philadelphia Street project located in the Chino area (Project).
2. Award a construction **Contract no. 19-850** to All American Asphalt (Corona, CA), in the amount of \$1,278,376.38 for the Project.
3. Authorize a contingency fund of \$127,837 for the Project.
4. Authorize the Director of Public Works or Interim Director of Public Works to approve the expenditure of the contingency fund of \$127,837 for verified quantity overruns for this unit priced construction contract.
5. Authorize the Director of Public Works or Interim Director 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 \$76,418 beyond the \$127,837 contingency fund, pursuant to Public Contract Code section 20142.
6. Authorize the Director of Public Works or Interim Director of Public Works to accept the work when 100% complete and execute and file the Notice of Completion.
7. Approve **Amendment No. 2** to Cooperative **Agreement No. 17-112** with the City of Chino (City), by increasing the estimated City contribution amount by \$274,000 (from \$648,000 to \$922,000) and the County of San Bernardino (County) contribution amount by \$124,714 (from \$1,029,500 to \$1,154,214) for the Project.

(Presenter: Brendon Biggs, Interim 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.
Pursue County Goals and Objectives by Working with Other Agencies.

FINANCIAL IMPACT

Approval of this item will not result in the use of Discretionary General Funding (Net County Cost). The County's share of total Project costs is \$1,154,214, which will be funded with Senate Bill 1 Road Maintenance and Rehabilitation Account (RMRA) funds. In accordance with Amendment No. 2 to Cooperative Agreement 17-112, the City agrees to reimburse the County an estimated \$922,000 for its estimated share of the Project total costs, which will come from

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local City funds. Sufficient appropriation is included in the 2019-20 Road Operations budget (6650002000 34H14857).

BACKGROUND INFORMATION

The Project is located on Philadelphia Street from the Los Angeles County line east to Norton Avenue with portions within the City, approximately 0.97 miles in length. The Project consists of pavement rehabilitation and upgrading certain pedestrian curb ramps to comply with the current Americans with Disabilities Act (ADA) guidelines. The Project also includes a small segment of road widening with the installation of curb, gutter, and sidewalk. The Project aligns with the County and Chief Executive Officer's goals and objectives to ensure the development of a well-planned, balanced, and sustainable County and providing for the safety of County residents by improving the structural integrity of the existing roadway, improving access for all pedestrians and removing architectural barriers for those with mobility disabilities. All work for the Project will be done within the existing road right-of-way.

On March 7, 2017 (Item No. 36), the Board of Supervisors (Board) approved Cooperative Agreement No. 17-112 between the County and the City for reimbursement of the City's share of construction costs for the Project, determined that the Project was exempt under the California Environmental Quality Act (CEQA), approved the Project as defined in the Notice of Exemption, and directed the Clerk of the Board to file and post said notice. The County and the City amended Agreement No. 17-112 (Amendment No. 1) on June 11, 2019 (Item No. 46) to increase their respective Project contribution amounts and to extend the term of the agreement through December 31, 2020, due to design complexity and delays in resolving the Project scope. The Project's estimated total cost increased from \$1,204,000 to \$1,677,500.

On October 1, 2019 the lowest responsive and responsible bid for the construction phase of the Project was \$1,278,376.38. The amount is over 25% greater than the construction cost approved in Amendment No. 1. The increase in construction costs is attributed to the City's request for the additional design and reconstruction of two ADA curb ramps as well as the relocation of a traffic signal pole and removing a street light pole within the City's jurisdiction. These changes resulted in the need for addendums during the bidding phase and an amendment to the cooperative agreement. The County received written permission from the City Engineer to award the construction contract as expressed in Paragraph 3.12 of the Cooperative Agreement. Amendment No. 2 revises the total Project cost to \$2,076,214, under which the County's total share of cost is now \$1,154,214 and the City's total share of cost is \$922,000.

The City anticipates taking this Amendment to their Council for approval on December 17, 2019.

Following Board approval of this item, construction is anticipated to commence mid-January of 2020 and be completed by mid-April of 2020.

PROCUREMENT

On July 23, 2019 (Item No. 31), the Board approved the Project's plans and specifications, as well as authorized the Director of Public Works to advertise the Project for bids. This Project was advertised in the Daily Press on August 13, 2019, in the Precinct Reporter on August 15, 2019, and released on the County Electronic Procurement Network (ePro) on August 13, 2019. Notice inviting bids was also provided to specified construction trade journals as required by Public Contract Code section 22036. On October 1, 2019, the following five bids were received:

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<u>Contractor</u>	<u>Location</u>	<u>Total Bid</u>
All American Asphalt	Corona, CA	\$1,278,376.38
Hillcrest Contracting Company	Corona, CA	\$1,315,453.24
ONYX Paving Company, Inc.	Anaheim, CA	\$1,331,000.00
Hardy & Harper, Inc.	Lake Forest, CA	\$1,346,000.00
R.J. Noble Company	Orange, CA	\$1,428,580.88

The following addendums were issued during the bidding phase:

- Addendum No. 1: Changed the bid opening date to incorporate changes to the plans and specifications requested by the City.
- Addendum No. 2: Changed the bid opening date to add curb ramps and traffic signal improvements requested by the City, replaced Section 10-1.46, Signals and Lighting, SP-109, with revised Section 10-1.46. Incorporated comments from City of Chino by revising plan sheets 2-11.
- Addendum No. 3: Changed the bid opening date to revise the bid sheet to incorporate additional changes to the plans requested by the City.

The Department reviewed the bids received and determined that they are responsive, and recommends entering into a contract with All American Asphalt, the lowest responsible bidder. No appeal/protest letters were received.

This Project will have a 10 percent contingency fund of \$127,837 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 or Interim 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 \$76,418 beyond the \$127,837 contingency fund.

REVIEW BY OTHERS

This item has been reviewed by County Counsel Suzanne Bryant, Deputy County Counsel, 387-5455) on November 18, 2019; Purchasing (Jason Cloninger, Lead Buyer, 387-8258) on November 20, 2019; Finance (Jessica Trillo, Administrative Analyst, 387-4222) on November 20, 2019; and County Finance and Administration (Matthew Erickson, County Chief Financial Officer, 387-5423) on November 26, 2019.

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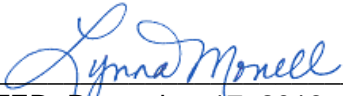
Record of Action of the Board of Supervisors
County of San Bernardino

APPROVED (CONSENT CALENDAR)

Moved: Robert A. Lovingood Seconded: Josie Gonzales

Ayes: Robert A. Lovingood, Janice Rutherford, Dawn Rowe, Curt Hagman, Josie Gonzales

Lynna Monell, CLERK OF THE BOARD

BY 
DATED: December 17, 2019



cc: PW/Trans- Ali w/agree
PW/Trans- Srirajan w/agree
Contractor- C/O PW/Trans w/agree
File- w/agree; w/attach; w/map
la 12/23/2019