

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

August 6, 2019

FROM

KEVIN BLAKESLEE, Director, Department of Public Works – Transportation

SUBJECT

Contract with Matich Corporation for the Park Boulevard Reconstruction Project, Joshua Tree Area

RECOMMENDATION(S)

1. Award a construction **Contract No. 19-517** to Matich Corporation San Bernardino, CA, in the amount of \$1,272,544 for the Park Boulevard Reconstruction Project in the Joshua Tree area (Project).
2. Authorize a contingency fund of \$127,254 for the Project.
3. Authorize the Director of Public Works to approve the expenditure of the contingency fund of \$127,254 for verified quantity overruns for this unit priced construction contract.
4. Authorize the 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 \$76,127 of the \$127,254 contingency fund, pursuant to Public Contract Code section 20142.
5. Authorize the Director of Public Works to accept the work when 100% complete and execute and file the Notice of Completion.

(Presenter: Kevin Blakeslee, 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 Project is funded by Measure I 2010-2040 Morongo Basin Subarea Major Local Highway Program (MLHP) revenues. The San Bernardino County Transportation Authority is the administrator of the MLHP revenues and shall reimburse the County for eligible Project costs. Sufficient appropriation is included in the 2019-20 Road Operations budget (6650002000 14H14844) and will be included in future recommended budgets.

BACKGROUND INFORMATION

The Project involves pulverizing the existing asphalt surface, removing a portion of the pulverized material, placing cement treated base and paving with new asphalt concrete (AC). The Project also involves placing AC dikes and reconstructing concrete gutters. By preserving and improving the structural integrity of the existing roadway surface, the Project aligns with the County and Chief Executive Officer's goals and objectives by ensuring the development of a well-planned, balanced, and sustainable County, and by providing for the safety, health and

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social service needs of County residents. All work for the Project will be done within the existing road right-of-way.

On December 5, 2017 (Item No. 45), the Board of Supervisors (Board) determined that 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 mid-August, 2019 and be completed by the end of October, 2019.

PROCUREMENT

On April 16, 2019 (Item No. 34), the Board approved the Project's plans and specifications, as well as authorized the Director of the Department of Public Works to advertise the Project for bids. This Project was advertised in the Daily Press on May 7, 2019, in the Precinct Reporter on May 9, 2019, and released on the County Electronic Procurement Network (ePro) on May 7, 2019. Notice inviting bids was also provided to specified construction trade journals as required by Public Contract Code section 22036. On June 6, 2019, the following six bids were received:

| <u>Contractor</u> | <u>Location</u> | <u>Total Bid</u> |
|---------------------------|--------------------|------------------|
| Matich Corporation | San Bernardino, CA | \$1,272,544.00 |
| Granite Construction Co. | Indio, CA | \$1,321,231.00 |
| Onyx Paving Company, Inc. | Anaheim, CA | \$1,396,000.00 |
| Hardy & Harper, Inc. | Lake Forest, CA | \$1,517,999.10 |
| All American Asphalt | Corona, CA | \$1,735,858.00 |
| Vance Corporation | Bloomington, CA | \$1,828,069.00 |

The Department has reviewed the bids received and determined that they are responsive, and recommends entering into a contract with Matich Corporation, the lowest responsible bidder. Subsequent to the bid opening, the Department had received a bid protest from the second low bidder, Granite Construction Co., on June 13, 2019. It protested the low bidder's bid for various inconsistencies. The Department has reviewed the protest in conjunction with legal counsel and rejected it, via a letter dated July 3 2019, as failing to specify a valid basis under which the Low Bidder's bid must be rejected as non-responsive. The Department has determined that Matich's bid was responsive and the inadvertent errors they had on the bid documents did not provide them with an advantage or benefit, nor did it affect the overall amount of the bid, therefore the errors addressed by the protest were inconsequential to the final results.

This Project will have a 10 percent contingency fund of \$127,254 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 \$76,127 of the \$127,254 contingency fund.

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Suzanne Bryant, Deputy County Counsel, 387-5455) on July 3, 2019; Purchasing (Jason Cloninger, Lead Buyer, 387-8258) on July 2, 2019; Finance (Wen Mai, Administrative Analyst, 387-4020) on July 17, 2019; and County Finance and Administration (Matthew Erickson, County Chief Financial Officer, 387-5423) on July 18, 2019.

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County of San Bernardino

APPROVED (CONSENT CALENDAR)

Moved: Robert A. Lovingood Seconded: Dawn Rowe

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

Lynna Monell, CLERK OF THE BOARD

BY 
DATED: August 6, 2019



cc: PW/Trans- Ali w/agree
Contractor c/o PW/Trans w/agree
File-w/agree
vh 08/7/2019