

**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 Sully-Miller Contracting Company for the Spring Valley Lake Americans with Disabilities Act Ramps and Various Road Pavement Rehabilitation Project, Spring Valley Lake Area

**RECOMMENDATION(S)**

1. Approve Addendum No 1, issued on May 29, 2019, Addendum No. 2, issued on May 30, 2019, Addendum No. 3, issued on June 10, 2019, and Addendum No. 4, issued on June 10, 2019, to the bid documents for the Spring Valley Lake ADA Ramps and Overlay Project located in the Spring Valley Lake area (Project).
2. Award a construction **Contract No. 19-532** to Sully-Miller Contracting Company (Brea, CA), in the amount of \$12,448,000 for the Project in the Spring Valley Lake area.
3. Approve Escrow Agreement for Security Deposits in Lieu of Retention (Escrow Agreement) with Sully-Miller Contracting Company and US Bank pursuant to Public Contract Code section 22300.
4. Authorize the Director of Public Works to execute the Escrow Agreement and to provide and receive written notice under the agreement.
5. Direct the Director of Public Works to transmit all documents in relation to Escrow Agreement to the Clerk of the Board after execution.
6. Authorize a contingency fund of \$1,244,800 for the Project.
7. Authorize the Director of Public Works to approve the expenditure of the contingency fund of \$1,244,800 for verified quantity overruns for this unit priced construction contract.
8. 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 \$210,000 of the \$1,244,800 contingency fund, pursuant to Public Contract Code section 20142.
9. 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.  
Pursue County Goals and Objectives by Working with Other Agencies.**

**FINANCIAL IMPACT**

Approval of this item will not result in the use of additional Discretionary General Funding (Net County Cost). The Project is funded with the General Fund allocation for the 2019-20 Department of Public Works (Department) Pavement Improvements and Preservation Program

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and with Senate Bill 1 (SB1) Road Maintenance Rehabilitation Account (RMRA) funds. Sufficient appropriation is included in the 2019-20 Road Operations budget (6650002000 20H14932 and 6650002000 34H15010) and will be included in future recommended budgets for completion of the Project. All costs associated with County Service Area (CSA) 64 facility adjustments are to be funded by CSA 64 using district maintenance funds. The costs to CSA 64 for this project are estimated at \$525,000, which includes \$381,000 for manhole work, as well as costs for daily project inspection, project management, contingency, and other anticipated costs.

**BACKGROUND INFORMATION**

The Project consists of roadway rehabilitation of approximately 30 miles of 122 various roads in the Spring Valley Lake community. The roads to be rehabilitated have been separated into five groups based on the individual road's current condition. The details of the work to be done on each group of roads vary related to initial phases of conventional asphalt leveling course and stress absorbing material interlayer, but all roads will receive a new rubberized asphalt concrete surface. Areas along Spring Valley Parkway and other roads with severely damaged curb and gutter or sidewalk will be replaced. The Project also includes constructing new curb ramps and upgrading existing curb ramps along Spring Valley Parkway and other roads in accordance with current design standards and pursuant to the Americans with Disabilities Act (ADA), as well as repairing or reconstructing spandrels and cross-gutters.

This 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 access for all pedestrians, removing architectural barriers for those with mobility disabilities and by preserving and improving the structural integrity of the existing roadway surface. All work for the Project will be done within the existing road right-of-way.

Following Board of Supervisors (Board) approval of this item, construction is anticipated to commence by mid-September, 2019 and be completed by the end of February, 2020.

**PROCUREMENT**

On April 30, 2019 (Item No. 85), 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 13, the following four bids were received:

<u>Contractor</u>	<u>Location</u>	<u>Total Bid</u>
Sully-Miller Contracting Co.	Brea, CA	\$12,448,000.00
All American Asphalt	Corona, CA	\$12,957,985.65
Granite Construction Co.	Indio, CA	\$13,694,000.00
Manhole Adjusting, Inc.	Pico Rivera, CA	\$13,864,231.24

The following addendums were issued during the bidding phase:

Addendum No. 1: Changed the bid opening date. Revised the special provisions for the following items: supplemental work at Force Account for subgrade

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stabilization; remove asphalt concrete surfacing; miscellaneous concrete construction; paint traffic stripes and pavement markings and curb markings; adjust frame and cover to grade; deleted remove traffic stripe section from the special provisions. Replaced, as well as, included certain standard drawings. Replaced proposal sheets, and amended plan sheets 7, 8 and 9 with sheets 7A, 8A and 9A.

Addendum No. 2: Replaced proposal sheet P-4 with addendum 2, P-4.

Addendum No. 3: Changed the bid opening date. Revised the special provisions for the following items: Mobilization, miscellaneous concrete construction, remove concrete, asphalt concrete (RAP Optional). Replaced a county standard drawing. Replaced proposal sheets 3 & 4 with Addendum 3, P-3 & 4, and replaced drawing sheet 8 with 8B.

Addendum No. 4: Changed the bid opening date, and revised the special provisions with respect to the number of working days allowed for the project.

The Department has reviewed the bids received and determined that they are responsive, and recommends entering into a contract with Sully-Miller Contracting Company, the lowest responsible bidder. The Department received a bid protest from the fourth low bidder, Manhole Adjusting, Inc. (MAI), on June 19, 2019 alleging that the three lowest bids failed to properly complete forms included in the bid package related to prior project performance references for similar Asphalt Rubber Binder Seal Coat (ARBSC) projects. All three lowest bidders listed American Pavement Systems, Inc. (APS) as their subcontractor to install the required ARBSC work. MAI alleged that significant flushing of the ARBSC has occurred on at least one of the listed projects where APS had installed ARBSC, but had incorrectly indicated on the form that no flushing had occurred. The Department, in conjunction with legal counsel, has reviewed and analyzed the bid protest, the responses to the bid protest from the three low bidders, and MAI's response to the three low bidders' responses, and recommends that Sully-Miller Contracting Company be awarded the contract because it is the lowest bidder, it submitted a substantially conforming responsive bid, and the bid promises to do what the bidding instructions, specifications, and plans demand. References were contacted for projects that ARBSC did as per the requirements, including work for CALTRANS, the feedback from the references was all positive. The protest was rejected in a letter dated July 16, 2019.

This Project will have a 10 percent contingency fund of \$1,244,800 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 \$210,000 of the \$1,244,800 contingency fund.

**REVIEW BY OTHERS**

This item has been reviewed by County Counsel (Suzanne Bryant, Deputy County Counsel, 387-5455) on July 11, 2019; Purchasing (Jason Cloninger, Lead Buyer, 387-8258) on July 14, 2019; Finance (Wen Mai, Administrative Analyst, 387-4020) on July 18, 2019; and County Finance and Administration (Matthew Erickson, County Chief Financial Officer, 387-5423) on July 18, 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: 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- Ali w/agree  
Contractor c/o w/agree  
File- w/agree  
vh 08/8/2019