



# San Bernardino County

## Legislation Text

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**File #: 5500, Agenda Item #: 43**

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

**February 8, 2022**

#### **FROM**

**BRENDON BIGGS, Director, Department of Public Works - Transportation**

#### **SUBJECT**

Contract with Hardy & Harper, Inc. for the Alder Avenue Project in the Fontana Area

#### **RECOMMENDATION(S)**

1. Approve Addendum No. 1, issued on January 10, 2022, to the bid documents for the Alder Avenue Project in the Fontana Area.
2. Award a construction contract to Hardy & Harper, Inc. (Lake Forest, CA) in the amount of \$1,590,000 for the Alder Avenue Project in the Fontana Area.
3. Authorize a contingency fund of \$159,000 for the Alder Avenue Project in the Fontana Area.
4. Authorize the Director of the Department of Public Works to approve the expenditure of the contingency fund of \$159,000 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 \$92,000 of the \$159,000 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: Brendon Biggs, 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 City of Fontana (City) and San Bernardino County (County) will fund their respective share of costs for the Alder Avenue Project on Alder Avenue, from 0.08 miles south of Taylor Street to San Bernardino Avenue, in the Fontana Area (Project). The County's share is approximately 49.6% of the Project costs, which will be funded with Senate Bill 1 (SB 1) Road Maintenance and Rehabilitation Account (RMRA) revenue. Sufficient appropriation and revenue are included in the Department of Public Works (Department) 2021-22 Road Operations budget (6650002000 14H14978).

#### **BACKGROUND INFORMATION**

The Project consists of pulverizing the existing asphalt surface, removing a portion of the pulverized material, placing cement treated base and paving with new asphalt concrete. The Project also includes installing new

curb ramps and reconstructing existing curb ramps at various locations pursuant to the current Americans with Disabilities Act (ADA) guidelines. Minimal work for the Project will be done outside the existing road right-of-way and will require permission from property owners; however, all permissions have been obtained and no property acquisitions are required.

This Project is part of the 2019-20 SB 1 RMRA project list, as approved by the Board of Supervisors (Board) on April 30, 2019 (Item No. 53). Updating existing curb ramps and/or installation of new ADA compliant curb ramps in the Project area are required for the subject road improvements under the federal 2013 DOJ/DOT Joint Technical Assistance on the Title II of the Americans with Disabilities Act Requirements to Provide Curb Ramps when Streets, Roads, or Highways are Altered through Resurfacing guidelines.

On November 17, 2020 (Item No. 62), the Board determined the Project was exempt under the California Environmental Quality Act, approved the Project as defined in the Notice of Exemption, approved Cooperative Agreement No. 20-1091 between the County and the City regarding their respective contributions toward the Project costs, and directed the Clerk of the Board to file and post said notice.

The Project aligns with the County and the Chief Executive Officer's goals of ensuring the development of a well-planned, balanced and sustainable County and providing for the safety of County residents by improving access for all pedestrians, including those with disabilities and by improving the structural integrity of roads.

Following Board approval of this item, construction is anticipated to commence in the beginning of March 2022 and be completed by end of April 2022.

#### **PROCUREMENT**

On November 16, 2021 (Item No. 53), 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 December 14, 2021, in the Precinct Reporter on December 16, 2021, and released on the County Electronic Procurement Network (ePro) on December 14, 2021. Notice of inviting bids was also provided to specified construction trade journals as required by Public Contract Code section 22036. On January 13, 2022, the following six bids were received:

<u>Contractor</u>	<u>Location</u>	<u>Total Bid</u>
Hardy & Harper, Inc	Lake Forest, CA	\$1,590,000.00
Calmex Engineering, Inc	Bloomington, CA	\$1,674,941.00
Onyx Paving Company	Anaheim, CA	\$1,699,000.00
LC Paving	Escondido, CA	\$1,728,552.99
R. J. Noble Company	Orange, CA	\$1,829,625.25
Vance Corporation	Bloomington, Ave	\$1,919,515.83

The following addendum was issued during the bidding phase.

Addendum No. 1: Revised the Special Provisions with added pothole activity of existing utilities, updated bid list and revised quantities.

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

This Project will have a 10 percent contingency fund of \$159,000 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 necessary in the future, for a total amount not-to-exceed \$92,000 of the \$159,000 contingency fund.

**REVIEW BY OTHERS**

This item has been reviewed by County Counsel (Aaron Gest, Deputy County Counsel, 387-5455) on January 13, 2022; Purchasing (Jason Cloninger, Lead Buyer, 387-8258) on January 14, 2022; Finance (Jessica Trillo, Administrative Analyst, 387-4222) on January 21, 2022; and County Finance and Administration (Paloma Hernandez-Barker, Deputy Executive Officer, 387-5423) on January 24, 2022.