

**MONTEREY COUNTY BOARD OF SUPERVISORS**

<b>MEETING:</b>	<b>July 21, 2009 - Consent</b>	<b>AGENDA NO.:</b> 35
<b>SUBJECT:</b>	a. Disallow any and all bid protests for the Espinosa Road Overlay Project; b. Award a contract to Granite Rock Company dba Pavex Construction Division, the lowest responsible Base bidder, for the Espinosa Road Overlay Project, Project No. 09-140465, in the total amount of \$1,975,828; c. Approve the Performance and Payment Bonds executed and provided by Granite Rock Company dba Pavex Construction Division; d. Authorize a contingency in the amount of \$150,000 to provide funding for approved contract change orders; and e. Authorize the Director of Public Works to execute the contract.	
<b>DEPARTMENT:</b>	RMA - Public Works	

**RECOMMENDATIONS:**

It is recommended that the Board of Supervisors:

- a. Disallow any and all bid protests for the Espinosa Road Overlay Project;
- b. Award a contract to Granite Rock Company dba Pavex Construction Division, the lowest responsible Base bidder, for the Espinosa Road Overlay Project, Project No. 09-140465, in the total amount of \$1,975,828;
- c. Approve the Performance and Payment Bonds executed and provided by Granite Rock Company dba Pavex Construction Division;
- d. Authorize a contingency in the amount of \$150,000 to provide funding for approved contract change orders; and
- e. Authorize the Director of Public Works to execute the contract.

**SUMMARY/DISCUSSION:**

The Board approved the Plans and Special Provisions for the Espinosa Road Overlay Project on May 12, 2009, and the project was subsequently advertised. The bids were opened on June 24, 2009, and the lowest responsible base bidder was Granite Rock Company dba Pavex Construction Division (Pavex Construction) in the amount of \$1,443,298, and \$532,530 for the additive alternate bid for a total award of \$1,975,828. The total amount for the contract, including the Additive Alternate 1, is \$1,975,828. The Engineer's Estimate is \$2,232,378 for the base bid and \$514,813 for the alternate bid for a total of \$2,747,191. The total project cost was estimated at \$4,508,638; actual project cost is \$3,561,055.

A bid protest was filed by Granite Construction Company stating that Pavex Construction unbalanced their bid since Pavex Construction is low on the Base bid and not low on the Additive Alternate 1 bid. However, the project specification clearly stated that the basis of award is to the lowest responsive responsible bidder with the lowest total Base bid and not a combination of the Base and the Additive Alternates. The bid protest was reviewed by the Department of Public Works and Office of County Counsel and determined to be without merit. Therefore, the contract is to be properly awarded to Granite Rock Company dba Pavex Construction Division.

The project consists of overlaying Espinosa Road with hot mix asphalt, from State Route 183 to 0.2 miles West of State Highway 101, approximately 4.8 miles. The overlay project includes use of pavement reinforcing fabric, installation of thermoplastic traffic stripes, and shoulder backing work. Failed pavement areas have been repaired by County Maintenance in preparation for the overlay.

The majority of funding (\$2,108,638) is sourced through the Economic Stimulus Package. The Road Fund will provide cash flow funding and will be reimbursed by federal funds administered by the State. Supplemental funding (\$500,000) has been received from the State through Proposition 1B. During the FY 2009-10 Budget process, the Board approved allocation of \$900,000 for the project. Based on the bid award, staff needs to make a determination if part or all of the funding may be required. Upon determination, staff will return to the Board.

**OTHER AGENCY INVOLVEMENT:**

County Counsel and Contracts/Purchasing attended the bid opening and reviewed the low bid for conformance with applicable regulations. County Counsel and Risk Management approved the Contract and Bonds as to form, and insurance provisions, respectively.

**FINANCING:**

There is no financial impact to the General Fund. The estimated total cost of the project, including project management, design, and construction, is \$3,561,055. Sufficient appropriations are included in the Road Fund (Fund 002, Unit 8195) for this project. Additional funding of \$900,000 is available from Fund 401, for which staff will return to the Board, if needed.

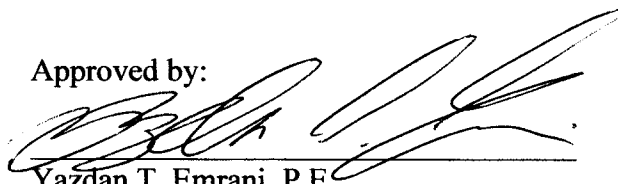
Prepared by:



Arturo A. Adlawan, P.E.

Senior Civil Engineer

Approved by:



Yazdan T. Emrani, P.E.

Director of Public Works

Dated: July 16, 2009

Attachments: Board Order; Project Budget; Bid Protest; Bid Summary; Contract; Bonds (on file with the Clerk of the Board); Location Map