



Legislation Details (With Board Report)

File #: A 22-436 **Name:** Award Granite Rock Company the project Toro Road Embankment Failure #621082

Type: BoS Agreement **Status:** Passed

File created: 8/1/2022 **In control:** Board of Supervisors

On agenda: 8/23/2022 **Final action:** 8/23/2022

Title: a. Award a contract to Granite Rock Company, the lowest responsible bidder for the Toro Road Embankment Failure, Project No. 621082, Federal Aid Project No: PA-09-CA-4301-PW-00671 in the total amount of \$1,327,542;

b. Approve the Performance and Payment Bonds executed and provided by Granite Rock Company;

c. Authorize a contingency, not to exceed ten percent (10%) of the contract amount or \$132,754 to provide funding for approved contract change orders for Toro Road Embankment Failure, Project No. 621082, Federal Aid Project No: PA-09-CA-4301-PW-00671;

d. Authorize the Director of Public Works, Facilities and Parks to execute the contracts and, subject to the provisions of the Public Contract Code and Board Policies as applicable, approve change orders to the contract that do not exceed ten percent (10%) of the original contract amount and do not significantly change the scope of work; and

e. Authorize the Director of Public Works, Facilities and Parks to execute a Certificate of Completion and record a Notice of Completion with the County Recorder when the Director determines that the contract is complete in all respects in accordance with Plans and Special Provisions for the construction of the Toro Road Embankment Failure, Project No. 621082, Federal Aid Project No: PA-09-CA-4301-PW-00671.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Board Report, 2. Attachment A - Contracts, Bonds & Insurance, 3. Attachment B - Project Budget, 4. Attachment C - Location Map, 5. Completed Board Order Item No. 62

Date	Ver.	Action By	Action	Result
8/23/2022	1	Board of Supervisors	approved	Pass

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RECOMMENDATION:

It is recommended that the Board of Supervisors:

- a. Award a contract to Granite Rock Company, the lowest responsible bidder for the Toro Road Embankment Failure, Project No. 621082, Federal Aid Project No: PA-09-CA-4301-PW-00671 in the total amount of \$1,327,542;
- b. Approve the Performance and Payment Bonds executed and provided by Granite Rock Company;
- c. Authorize a contingency, not to exceed ten percent (10%) of the contract amount or \$132,754 to provide funding for approved contract change orders for Toro Road Embankment Failure, Project No. 621082, Federal Aid Project No: PA-09-CA-4301-PW-00671;
- d. Authorize the Director of Public Works, Facilities and Parks to execute the contracts and, subject to the provisions of the Public Contract Code and Board Policies as applicable, approve change orders to the contract that do not exceed ten percent (10%) of the original contract amount and do not significantly change the scope of work; and
- e. Authorize the Director of Public Works, Facilities and Parks to execute a Certificate of Completion and record a Notice of Completion with the County Recorder when the Director determines that the contract is complete in all respects in accordance with Plans and Special Provisions for the construction of the Toro Road Embankment Failure, Project No. 621082, Federal Aid Project No: PA-09-CA-4301-PW-00671.

SUMMARY/DISCUSSION:

The Public Works, Facilities and Parks Department (PWFP) proposes to implement the Toro Road Emergency Storm Damage Project (Project) to address undermining and slip out of an approximately 160-foot-long section of Toro Road. This segment of Toro Road was damaged during the winter storms of 2017. The 2017 Winter Storms were declared a Natural Disaster by President Trump, and Monterey County became eligible to receive financial assistance from the California Office of Emergency Services (Cal OES) and the Federal Emergency Management Agency (FEMA) to repair the damaged infrastructure due to the winter storms. The Board of Supervisors approved a list of 2017 Winter Storm Projects that were obligated for reimbursement, and this Project is part of that list.

On June 7, 2022, the Board of Supervisors adopted the Plans and Special Provisions for the Toro Road Embankment Failure Project, Project No. 621082, Federal Aid Project No: PA-09-CA-4301-PW-00671. The project was subsequently advertised, and bids were received and opened on July 8, 2022. A total of three (3) bids were submitted for the project. The lowest responsible, responsive bidder was Granite Rock Company, Inc, with a bid of \$1,327,542.00. The second bidder was Gordon N. Ball, Inc, with a bid amount of \$1,533,734.25.

In accordance with the California Environmental Quality Act (CEQA), PWFP filed a Notice of Exemption on September 7, 2021. The project has been determined to be categorically exempt (Class 1) because the project is to perform repair and maintenance of existing streets and similar facilities which involve no expansion of an existing use (See CEQA Guidelines, California Code of Regulations [CCR] Section 15301 Existing Facilities). FEMA, as the designated lead for the National Environmental Policy Act (NEPA), determined that the Project is Categorically Excluded from the need to prepare either an Environmental Impact Statement or Environmental Assessment in accordance with FEMA Instruction 108-1-1 and DHS Instruction 023-01-001-01.

Construction is anticipated to begin in October 2022 and is scheduled to take ninety (90) working days, with anticipated completion in April 2023.

OTHER AGENCY INVOLVEMENT:

The Office of the County Counsel and Contracts/Purchasing attended the bid openings and reviewed the bids for conformance with applicable regulations. The Office of the County Counsel-Risk Management, and Auditor-Controller's Office have reviewed and approved the contracts and bonds as to form, insurance and indemnification, and fiscal provisions, respectively.

FINANCING:

The County was awarded a total of \$472,380.94 from FEMA and Cal OES toward the Toro Road Embankment Failure Project repairs based on the initial project cost.

Staff has completed the plans and specification and develop a detailed project cost for these repairs that includes environmental, engineering and construction. The total project cost is \$2,122,313. Since the project cost is much higher than the initial cost, staff anticipates FEMA and CAL OES reimbursements to cover the actual eligible cost. Thus, a total of \$1,369,028 of the project is funded by FEMA/Cal OES grant funds and \$753,285 is to be funded with County Measure X funds. FEMA/Cal OES program guidelines do not allow funding repairs needed to address normal wear of the roadway. These programs focus on funding projects that return the effected infrastructure to its pre-storm conditions and not for any infrastructure betterments.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

These projects, which will extend the useful life of the County's transportation infrastructure, support the following Board of Supervisors Strategic Initiatives.

- Economic Development
- Administration
- Health & Human Services
- Infrastructure
- Public Safety

Prepared by: Victor Gutierrez, Project Manager, (831) 755-4806

Reviewed by: Tom Bonigut, PE, Assistant Director of Public Works, Facilities and Parks

Approved by: Randell Ishii, MS, PE, TE, PTOE, Director of Public Works, Facilities and Parks

The following attachments are on file with the Clerk of the Board:

Attachment A - Contracts, Bonds & Insurance

Attachment B - Project Budget

Attachment C - Location Map