County of Sonoma
Agenda Item
Summary Report

Clerk of the Board
575 Administration Drive
Santa Rosa, CA 95403

To: Board of Supervisors

Board Agenda Date: June 14, 2016
Vote Requirement: Majority

Department or Agency Name(s): Transportation and Public Works

Staff Name and Phone Number: Susan Klassen, 707-565-2231

Supervisory District(s): First, Second, Fourth and Fifth

Title: 2015-16 Pavement Preservation Program – Full Depth Reclamation and Chip Seals, C16051.

Recommended Actions:

1. Approve the plans and specifications for the 2015-16 Pavement Preservation Program – Full Depth Reclamation and Chip Seals, C16051.
2. Sustain the bid protest from Team Ghilotti, Inc. for award of the contract to Northwest Paving Inc. and determine Northwest Paving, Inc.’s bid is non-responsive.
3. Determine Argonaut Constructors, Inc.’s bid is non-responsive.
4. Award contract to the lowest responsive/responsible bidder, Team Ghilotti, Inc., for an amount not to exceed $9,841,401.52 including 10% for construction contingency and authorize the Chair to execute construction contract C16051.

Executive Summary:

On March 17, 2015, the Board approved the expenditure plan for contributions towards 2015-16 Pavement Preservation Program comprised of allocations over two years totaling $16M in General Fund dollars and $4.4M in General Fund Refuse Franchise Fees. Additionally, the Board identified $1M annually to address the worst local roads. The total amount for the 2 year program is $22.4M. As part of the expenditure plan, the Board approved a list of roads for the 2015-16 Pavement Preservation Program, which includes several different treatments to improve 88 miles of County roads. This year’s program will be broken into three pieces, with one portion being completed by County forces, and two others through competitively bid contracts. This item is the second of the two competitively bid contracts.

Last year, the Transportation and Public Works Department let the 2015 Pavement Preservation Program – Bonded Wearing Course project and did not award the contract due to prices that exceeded the budget. The roads in that contract have been redistributed amongst the three pieces of the current program.

2015-16 Full Depth Reclamation and Chip Seal Project
The current contract includes: (1) application of a Full Depth Reclamation, pulverizing the existing roadway 12” deep, adding a small percentage of dry cement, and re-mixing and re-compacting the roadway,
followed by a 2” asphalt concrete overlay which strengthens the roadway structure and provides a smooth
driving surface; or (2) Chip Seal, an application of a thin layer of asphaltic binder followed by an application
of aggregate (chips) which seals the existing asphalt concrete roadway for preventative maintenance
purposes to the following road segments:

Full Depth Reclamation
A. Faught Road (#8807), PM 10.41-12.67, from Carriage Lane to Pleasant Avenue, (District 4)
B. Frei Road (#79039), PM 10.00-11.41, from Guerneville Road to Hwy 116, (District 5)
C. Irwin Lane (#78024), PM 10.00-11.81, from Hall Road to Hwy 12, (District 5)
D. Llano Road (#6805), PM 10.00-11.96, from Todd Road to Hwy 116, (District 5)
E. Piner Road (#7811), PM 10.00-12.52, from Olivet Road to Santa Rosa City Limits, (District 4)
F. Pleasant Avenue (#8805), PM 10.41-11.16, from Faught Road to Windsor City Limit, (District 4)
G. Watmaugh Road (#5504), PM 10.00-10.93, from Hwy 116 to Arnold Drive, (District 1)

Chip Seal
H. Slusser Road (#7903A), PM 10.00-11.96, from River Road to Windsor City Limit, (District 4)
I. Valley Ford Freestone Road (#6001), PM 10.00-12.60, from Hwy 1 to Bodega Hwy, (District 2)

Alternate – Chip Seal
J. Liberty Road (#58016), PM 10.00-11.94, from Skillman Lane to Pepper Road, (District 2)
K. Los Alamos Road (#77005), PM 10.94-11.80, from Santa Rosa City Limits to northerly 0.86 miles, (District
1)
L. Pepper Road (#5801), PM 10.00-12.59, from Bodega Avenue to Mecham Road, (District 2)

The Department recommends the Board approve the plans and specifications for the 2015-16 Pavement
Preservation Program-Full Depth Reclamation and Chip Seal Project C16051.

The Project was advertised for bids: March 21 to April 21, 2016.

Bids were opened: April 21, 2016.

Base Bids were received as follows:

Northwest Paving, Inc.$5,312,094.30....................($7,062,282.60 including alternates)
Team Ghilotti, Inc.$6,325,521.60....................($8,946,728.65 including alternates)
Ghilotti Construction Co.$6,446,540.20....................($8,730,272.70 including alternates)

Argonaut Constructors, Inc.’s bid was administratively determined by the Department as non-responsive.
This determination was not challenged by Argonaut Contractor’s Inc.

The Department posted a Notice of Intent to Award to Northwest Paving Inc. on May 2, 2016.

Bid Protest
On May 6, 2016, Team Ghilotti protested the award of contract to Northwest Paving on several grounds,
including that Northwest Paving had an unfair advantage because its bid was ambiguous and omitted
Team Ghilotti argued this provided Northwest Paving with an unfair advantage because it provided Northwest Paving the opportunity to claim a mistake in its bid, and seek to withdraw its bid under the Public Contract Code without forfeiting its bid bond, if Northwest Paving determined it had underbid the Project after seeing the other bids.

On May 10, 2016, TPW staff sent a letter to Northwest Paving and Ghilotti Construction indicating that Team Ghilotti had protested the intended award of the contract to Northwest Paving Inc. and enclosed the letter of protest. The letter invited responses from the recipients by close of business on May 13, 2016. TPW did not receive comments concerning the validity of the protest by this deadline.

On May 16, 2016, the Department received a letter from Northwest Paving Inc. requesting bid relief, specifically it sought to withdraw its bid without forfeiting its bid bond. This letter was not received within 5 days of the April 21, 2016, bid opening as required Public Contract Code 5103, and was therefore not effective.

The Department has reviewed Team Ghilotti’s bid protest and recommends that the Board sustain the protest on the grounds that the bid from Northwest Paving omitted page ADD1 BB-9 of the Bid Form, a non-material defect that will not be waived.

On May 17, 2016, the Department posted a Notice of Intent to Award the contract to Team Ghilotti.

The Engineer’s Estimate for the base bid was $7,053,600.00. The Engineer’s Estimate for the Grand Total, including all alternates, was $9,348,116.00.

The responsive low bid of $6,325,521.60 by Team Ghilotti is $728,078.40 (10%) below the Engineer’s Estimate. The second responsive low bid by Ghilotti Construction Co., is $121,018.60 (2%) above the low bid. The average bid price is $6,165,884.23, 13% less than the Engineer’s Estimate. The major differences between the bid and the estimate are the costs for the asphalt items and the traffic control items.

In accordance with Public Contract Code Section 20128, the contract shall be awarded to the lowest responsive and responsible bidder.

Team Ghilotti Inc. is experienced in performing roadway work. They have proposed using a subcontractor, Pavement Recycling Systems, for the Full Depth Reclamation work and American Paving Systems, Inc. for the chip seal work. These sub-contractors are experienced with Full Depth Reclamation and Chip Seal work. Team Ghilotti Inc. have been licensed since 2007 and has worked for the County before.

**Contract Award Options**
The Board has three options on how to proceed with this contract award. The Board can:

1) Reject the Bid Protest and award the contract to North West Paving, Inc.,
2) Sustain the Bid Protest and award this contract to Team Ghilotti, per staff’s recommendation, or
3) Reject all the bids and re-bid the project.
The Department recommends awarding the contract to Team Ghilotti, Inc., the low responsive bidder for the base bid plus all of the alternates. The bid prices for the alternates are below the engineer’s estimate as well, and as such the Department does not anticipate getting better bids by waiting. The total estimated cost of construction is $9,841,401.52 including 10% for construction contingency. Appropriations are available in the FY 2016-17 Road Improvements budget. Funding for the project is from General Fund dollars received in FY 2015-16.

Prior Board Actions:

9/1/15 Board rejected all bids for the 2015 Pavement Preservation Program Bonded Wearing Course Project M15101
3/17/15: Board approved 2 Year Pavement Preservation Program of projects for the 2015 and 2016 construction seasons.

Strategic Plan Alignment  Goal 3: Invest in the Future

This project will improve the surface of 24 miles of County roads.

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<th>Fiscal Summary - FY 16-17</th>
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<td><strong>Total Expenditure</strong></td>
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Narrative Explanation of Fiscal Impacts (If Required):

There are adequate appropriations in the Roads Capital Improvement budget. This project is being funded with the FY 15-16 annual General Fund contribution towards pavement preservation.

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<th>Staffing Impacts</th>
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<td><strong>Position Title</strong> (Payroll Classification)</td>
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Narrative Explanation of Staffing Impacts (If Required):
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<th><strong>Attachments:</strong></th>
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<td>Location Maps</td>
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<th><strong>Related Items “On File” with the Clerk of the Board:</strong></th>
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<td>Special Provisions, Bid Book, Addendum 1, Plans</td>
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