



MARIPOSA COUNTY

Public Works • (209) 966-5356



RESOLUTION - ACTION REQUESTED 2013-389

MEETING: September 10, 2013

TO: The Board of Supervisors

MINUTE ORDER ATTACHED

FROM: Peter Rei, Public Works Director

RE: Approve an Agreement with Mark Stephens Construction

RECOMMENDATION AND JUSTIFICATION:

Approve an Agreement with Mark Stephens Construction for the Permanent Restoration of the Ben Hur Road Erosion Project from P.M. 26.486 to P.M. 26.600 in the Not-To-Exceed Amount of \$218,193.46,0 and Authorize the Public Works Director to Sign the Agreement.

The Department received only one bid for this project which was from Mark Stephens, General Engineering Contractor in the amount of \$218,193.46 (see Attachment #1). This bid amount is greater than the budgeted amount approved for the project by Caltrans per the original E-76 funding form (see Attachment #2).

In discussions with Public Works staff, Mr. Stephens has indicated that he is agreeable to execute a Change Order immediately following award of the full price contract to lower the contract price by \$52,585 to \$165,608.46 (see Attachment #3). However, per Caltrans direction, formal negotiations for reductions in cost may only occur after the original contract bid is awarded (see Attachment #4).

Public Works staff requested, and the Emergency Relief Office at Caltrans Headquarters approved, a funding request to increase the construction funding for the project by 15%. The County has now received written confirmation of that increase in construction funding (see Attachment #5). This results in the total approved funding from Caltrans for the project being increased to \$204,609.00.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

On June 18, 2013, the Board approved the Plans and Specifications and authorized the Public Works Director to solicit bids for the Permanent Restoration of the Ben Hur Road Erosion Project from P.M. 26.486 to P.M. 26.600 by Board Resolution 2013-261.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

The Board could choose to not award the contract for the original bid price of \$218,193.46. Doing so would prevent the needed repairs from being constructed at this time.

FINANCIAL IMPACT:

Funding in the amount of \$167,523 is budgeted in fund 306-0302-582-0605 if a change order is approved to reduce the bid amount there will not be a shortfall.

ATTACHMENTS:

Contract for Services with Mark Stephens (PDF)

Bid Schedule (PDF)

Authorization-Agreement Summary (PDF)

Change Order with Supporting Documentation (PDF)

Email dated August 13, 2013 (PDF)

Email dated August 14, 2013 (PDF)

CAO RECOMMENDATION

Requested Action Recommended


Rick Benson, County Administrative Office

RESULT: ADOPTED AS AMENDED [UNANIMOUS]

MOVER: Merlin Jones, District II Supervisor

SECONDER: John Carrier, District V Supervisor

AYES: Stetson, Jones, Bibby, Cann, Carrier



COUNTY of MARIPOSA

P.O. Box 784, Mariposa, CA 95338 (209) 966-3222

LEE STETSON, CHAIR
KEVIN CANN, VICE-CHAIR
JANET BIBBY
MERLIN JONES
JOHN CARRIER

DISTRICT I
DISTRICT IV
DISTRICT III
DISTRICT II
DISTRICT V



MARIPOSA COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

TO: PETER REI, Public Works Director

FROM: RENE' LaROCHE, Clerk of the Board *RL*

SUBJECT: **Approve an Agreement with Mark Stephens Construction for the Permanent Restoration of the Ben Hur Road Erosion Project from P.M. 26.486 to P.M. 26.600 in the Not-To-Exceed Amount of \$218,193.46, and Authorize the Public Works Director to Sign the Agreement**

RES. 13-389

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA

ADOPTED THIS Order on September 10, 2013

ACTION AND VOTE:

Approve an Agreement with Mark Stephens Construction for the Permanent Restoration of the Ben Hur Road Erosion Project from P.M. 26.486 to P.M. 26.600 in the Not-To-Exceed Amount of \$218,193.46, and Authorize the Public Works Director to Sign the Agreement

Peter Rei/Public Works Director made the staff presentation.

Supervisor Cann inquired if there is an engineer's estimate for the work; required clarification that the contractor's net will be approximately \$165,000; and required assurance that the Public Works Director is comfortable that the contractor has the ability to do the work, and will do the work, for that amount of money. Mr. Rei responded.

Supervisor Stetson required clarification that the County can terminate the agreement. Steven W. Dahlem/County Counsel responded.

Supervisor Jones discussed his concerns regarding the initial cost of the asphalt, and regarding the experience level of the bidder given the issues with the bid.

Supervisor Bibby required assurance regarding the legality of the fee adjustment; and required clarification regarding stated dollar amounts, and nullification of bids.

Supervisor Carrier required clarification: that we can proceed having received only one bid; and regarding the contractor needing to pay prevailing wage. Supervisor Cann discussed his professional experience with single bids; discussed terminating for convenience under the Federal system; and the need to pay the contractor for costs to that point. Supervisor Bibby required clarification regarding contract termination for convenience. Mr. Rei responded to all concerns.

No public comment.

Supervisor Jones moved to accept this as presented, conditioned upon the Public Works Director negotiating a lower price with the contractor. Seconded by Supervisor Carrier. Mr. Rei requested clarification of whether he is being authorized to negotiate and sign the change order since this represents a decrease of less than ten percent. The Board concurred. County Counsel clarified that the motion is to approve the item as presented, and authorize the Public Works Director to execute a Change Order as requested. The Motion Maker and the Second concurred.

The item passed unanimously.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Merlin Jones, District II Supervisor

SECONDER: John Carrier, District V Supervisor

AYES: Stetson, Jones, Bibby, Cann, Carrier

Cc: File