



A Tradition of Stewardship
A Commitment to Service

Agenda Date: 7/10/2012

Agenda Placement: 10A

NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

TO: Board of Supervisors

FROM: Lederer, Steven - Director of Public Works
Public Works

REPORT BY: John Vicencio, ASSOCIATE ENGINEER - 259-8369

SUBJECT: Napa River Rutherford Restoration Project, Reach 8A-Award of Contract for Construction

RECOMMENDATION

Director of Public Works requests the following actions to the "Napa River Rutherford Restoration Project, Reach 8A, PW 11-21":

1. Reject the bid from K.W. Emerson, Inc. of San Andreas, CA in the amount of \$1,307,677 for failing to attend a mandatory site walk through;
2. Waive the minor irregularity in Sitework's bid; and
3. Award the contract to Siteworks Construction, Inc. of Lafayette, CA, for their low base bid of \$1,345,584, and authorization for the Chairman to sign the construction contract.

EXECUTIVE SUMMARY

On May 22, 2012, the Board of Supervisors approved plans and specifications for the Rutherford Restoration Project, Reach 8A, PW 11-21, and authorized Public Works to advertise for sealed bids and for opening of the bids at a time, date, and location to be published by the Interim Director of Public Works pursuant to Section 20150.8 of the Public Contract Code.

Bids were opened on June 21, 2012 with the apparent low bidder being K.W. Emerson, Inc. of San Andreas, CA. K.W. Emerson did not attend a required minimum of one of two mandatory walk throughs and because of this irregularity, it is therefore recommended that the contract be awarded to the next lowest bidder, Siteworks Construction, Inc. of Lafayette, CA.

Approval of a construction contract by the Board is now needed to move the project into the construction phase and it is recommended that the next lowest bidder, Siteworks Construction of Lafayette, CA be awarded the contract for their base bid of \$1,345,584. Siteworks Construction is not a local vendor. Staff will be presenting a report with

additional information for the Board's consideration.

Procedural Requirements

1. Staff reports
2. Public comments.
3. Motion, second, discussion and vote on the item.

FISCAL IMPACT

Is there a Fiscal Impact?	Yes
Is it currently budgeted?	Yes
Where is it budgeted?	Capital Improvement Program
Is it Mandatory or Discretionary?	Discretionary
Discretionary Justification:	This phase of construction is necessary as part of the ongoing effort towards the completion of the Rutherford Dust Restoration project.
Is the general fund affected?	No
Future fiscal impact:	Construction will extend into fiscal year 2012-2013. Following construction, maintenance is being funded by an assessment district that was created by the Flood Control District. Future construction phases for other reaches will require additional grant(s) and also additional Measure "A" fund allocations.
Consequences if not approved:	If this item is not approved, potential loss of grant monies, landowner involvement, and continued degradation of the Napa River can occur.
Additional Information:	Reach 8A construction is planned to take place during the summer of 2012 to comply with permit conditions and also take advantage of a \$400,000 grant (matched with \$400,000 of Measure A funds) from State Department of Parks and Recreation Habitat Conservation Fund (HCF). These funds are to be used for this portion of the Reach 8 construction. In addition, a grant of \$1,000,000 from the California Coastal Conservancy (matched with \$1,000,000 of Measure A funds) is available for all of Reach 8 and will be utilized as necessary for this project. Therefore, approximately \$2,800,000 has been budgeted within the Capital Improvement Program for this work. The remainder of Reach 8 is anticipated to be constructed during the summer of 2013.

ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: Mitigated Negative Declaration Prepared. According to the Mitigated Negative Declaration, the proposed project would have, if mitigation measures are not included, potentially significant environmental impacts in the following areas: Aesthetics, Cultural/Paleontological Resources, Air Quality. This project site is not on any lists of hazardous waste sites enumerated under Government code section 65962.5. Project permit obtained from the United States Army Corps of Engineers will include additional environmental

evaluations to comply with NEPA as may be needed if Federal grant funds are used to fund future construction efforts.

BACKGROUND AND DISCUSSION

Reach 8A

On May 22, 2012, the Board of Supervisors approved plans and specifications for the "Napa River Rutherford Restoration Project, Reach 8A", PW 11-21, and authorized Public Works to advertise for sealed bids and for opening of the bids at a time, date, and location to be published by the Interim Director of Public Works pursuant to Section 20150.8 of the Public Contract Code.

Bids were opened on June 21, 2012 with the apparent low bidder being K.W. Emerson, Inc. of San Andreas, CA. Although the proper bid documents were submitted, upon further review it was determined that although one of K.W. Emerson's subcontractor's attended, K.W. Emerson never attended one of the two mandatory site walk throughs. This requirement is outlined in the Notice to Contractors in the specifications and states that any Contractor failing to sign in for one of the two site visits will be disqualified from the bidding process. Site visits are provided during the bidding process to allow Contractors an opportunity to review existing site conditions and formulate a more realistic bid to perform the work. These site visits were mandatory because the project takes place on private property and specific dates had to be scheduled with the property owners for access. Contractors were required and given the opportunity to at a minimum attend on one of two scheduled dates. K.W. Emerson did not attend either one and because of this irregularity, it is therefore recommended that the contract be awarded to the next lowest bidder, Siteworks Construction, Inc. of Lafayette, CA for their base bid of \$1,345,584. Staff will be presenting a report to the Board today to provide further information on the bids received, including perceived irregularities.

On June 21, 2012, the following bids were received:

Contractor	Total Base Bid
K.W. Emerson, San Andreas, CA	\$1,307,677
Siteworks Construction, Inc. Lafayette, CA	\$1,345,584
Team Ghilotti, Inc. Petaluma, CA	\$1,375,275
Hanford ARC	\$1,388,384
J.A. Gonsalves & Son Napa, CA	\$1,549,550
W.R. Forde, Inc. Richmond, CA	\$1,985,750

Siteworks Construction, Inc. is not a local vendor. Public Contract Code requires that the construction contract be awarded to the lowest responsible and responsive bidder regardless of whether the low bidder is local or not. Staff outreach to the local construction contractor community included advertising the request for bids in the Napa Valley Register, the Solano-Napa Builders Exchange and posting on the County website. Staff also sent "Notices to Contractors" to local contractors to let them know about the bidding opportunities. Once the construction contract is awarded the County will contact the Napa County Workforce Investment Board (WIB) and will require the successful contractor to contact the WIB to let the WIB know of its hiring needs.

The work under this contract is targeted to begin this summer and be completed by the end of the construction season. Once construction is complete revegetation of all disturbed areas will be performed. Invasive plant species that have been removed will be replaced with native vegetation that has been propagated from the Napa

River Watershed. These new plantings will be monitored and maintained over a 3-year period to assure that they are properly established. The revegetation portion of this project will take place under a different contract which will go out for bid during the summer of 2012.

Reach 8A construction is planned to take place during the summer of 2012 to comply with permit conditions and also take advantage of \$400,000 grant (matched with Measure A funds) from the State Department of Parks and Recreation Habitat Conservation Fund (HCF) that will be used specifically for this portion of the reach. An additional grant from the California Coastal Conservancy for \$1,000,000 (matched with Measure A funds) was awarded to be used for construction on the entire length of Reach 8 and will utilized as necessary for this project. Construction for the remainder of Reach 8 is anticipated to take place during the summer of 2013.

SUPPORTING DOCUMENTS

None

CEO Recommendation: Approve

Reviewed By: Molly Rattigan