

**COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS  
AGENDA ITEM TRANSMITTAL**

(1) DEPARTMENT Public Works	(2) MEETING DATE 3/19/2013	(3) CONTACT/PHONE Jeff Werst, Design Division Manager (805) 781-4480	
(4) SUBJECT Submittal of bid opening report for the Oak Woodland Habitat Mitigation for the Willow Road Extension and Highway 101 Interchange Project, Nipomo, to award the subject contract to John Madonna Construction Co., Inc., the lowest responsible bidder, in the amount of \$548,468.75, and authorize a budget adjustment, in the amount of \$250,000 for this project. District 4.			
(5) RECOMMENDED ACTION In accordance with applicable State Law, it is our recommendation that your Honorable Board: <ol style="list-style-type: none"> <li>1. Award the subject contract to John Madonna Construction Co., Inc., the lowest responsible bidder, at \$548,468.75;</li> <li>2. Authorize the Public Works Director or his designee to approve change orders for a contingency amount up to \$54,850.00 plus an additional amount of \$15,000.00 for traffic control and supplemental work, for a final total construction amount of \$618,318.75; and</li> <li>3. Authorize a budget adjustment, by a 4/5<sup>th</sup>'s vote, in the amount of \$250,000 to increase the appropriation and the associated State Local Partnership Program (SLPP) funding for this project.</li> </ol>			
(6) FUNDING SOURCE(S) Prop 1B, SLPP, RIF	(7) CURRENT YEAR FINANCIAL IMPACT \$750,000.00	(8) ANNUAL FINANCIAL IMPACT \$0.00	(9) BUDGETED? Yes
(10) AGENDA PLACEMENT <input checked="" type="checkbox"/> Consent <input type="checkbox"/> Presentation <input type="checkbox"/> Hearing (Time Est. ___) <input type="checkbox"/> Board Business (Time Est. ___)			
(11) EXECUTED DOCUMENTS <input type="checkbox"/> Resolutions <input type="checkbox"/> Contracts <input type="checkbox"/> Ordinances <input checked="" type="checkbox"/> N/A			
(12) OUTLINE AGREEMENT REQUISITION NUMBER (OAR) 19001243		(13) BUDGET ADJUSTMENT REQUIRED? BAR ID Number: 1213101 <input checked="" type="checkbox"/> 4/5th's Vote Required <input type="checkbox"/> N/A	
(14) LOCATION MAP Attached	(15) BUSINESS IMPACT STATEMENT? No	(16) AGENDA ITEM HISTORY <input type="checkbox"/> N/A    Date: 11/20/12; C-6	
(17) ADMINISTRATIVE OFFICE REVIEW <i>Nikki J. Schmidt</i>			
(18) SUPERVISOR DISTRICT(S) District 4 -			

Reference: 13MAR19-C-1

## County of San Luis Obispo



TO: Board of Supervisors

FROM: Public Works  
Jeff Werst, Design Division Manager  
Dale Ramey, Project Manager

VIA: Dave Flynn, Deputy Director of Public Works

DATE: 3/19/2013

SUBJECT: Submittal of bid opening report for the Oak Woodland Habitat Mitigation for the Willow Road Extension and Highway 101 Interchange Project, Nipomo, to award the subject contract to John Madonna Construction Co., Inc., the lowest responsible bidder, in the amount of \$548,468.75, and authorize a budget adjustment, in the amount of \$250,000 for this project. District 4.

### **RECOMMENDATION**

In accordance with applicable State Law, it is our recommendation that your Honorable Board:

1. Award the subject contract to John Madonna Construction Co., Inc., the lowest responsible bidder, at \$548,468.75;
2. Authorize the Public Works Director or his designee to approve change orders for a contingency amount up to \$54,850.00 plus an additional amount of \$15,000.00 for traffic control and supplemental work, for a final total construction amount of \$618,318.75; and
3. Authorize a budget adjustment, by a 4/5<sup>th</sup>'s vote, in the amount of \$250,000 to increase the appropriation and the associated State Local Partnership Program (SLPP) funding for this project.

### **DISCUSSION**

#### Project Background

The extension of Willow Road and connection to US Highway 101 has been a major circulation project shown in the South County General Plan over the past three decades. Construction of this east-west arterial roadway will reduce overall vehicle miles travelled on the Nipomo Mesa and relieve traffic congestion at the Tefft Street interchange, which is currently the only east-west connection across Route 101. One aspect of project construction was the removal of approximately 1,000 oak trees.

The Supplemental Environmental Impact Report for the project established a mitigation requirement for the loss of the oak trees. The mitigation is the development of a 22.8 acre oak woodland habitat. The site chosen for the mitigation project is the 100 acre site purchased by General Services on Thompson Avenue south of Nipomo. The site is across from the Dana Adobe, and is leased to the Dana Adobe Amigos for use as passive and active historical recreation parklands in conjunction with the Dana Adobe.

The construction contract for the work entails planting approximately 3,800 native oak acorns which have been collected this past year by volunteers. The contractor will plant, protect, and establish irrigation for the oaks and will be required to maintain the site for a seven year plant establishment period. At the end of the seven years, we expect to achieve at least an 80% survival rate of the oak trees. The contract will also provide fencing for the mitigation sites to prevent livestock encroachment.

### Bid Results

In accordance with direction from your Board, bids for the subject contract were opened on Thursday, January 17, 2013.

Seven bids were received. They are as follows:

Engineer's Estimate	\$483,513.00
John Madonna Construction Co., Inc.	\$548,468.75
Pacific Restoration Group, Inc.	558,370.50
Spieß Construction Co., Inc.	623,336.00
V. Lopez Jr. & Sons	626,061.80
Natures Image, Inc.	696,403.00
The J.F. Will Company, Inc.	722,151.19
Diani Building Corp.	751,834.00

The low bid came in 15.7% above the Engineer's Estimate. In comparing the bids to the Engineer's Estimate, it appears that the bids for constructing the irrigation system improvements required for plant establishment were much higher than initially estimated, accounting for most of the difference between the bids and Engineer's Estimate. We have reviewed the submittal from John Madonna Construction Co., Inc. and verified that they are the lowest responsive, responsible bidder. Staff has determined that available project funds will be sufficient for awarding the contract.

### Bid Protest

A written protest from the apparent second lowest bidder (Pacific Restoration Group, Inc.) was received, protesting the bid from the apparent lowest bidder (John Madonna Construction Co., Inc.), and has been attached to this Board letter for your information. A written response to the protest was provided by John Madonna, a copy of which is also attached to this Board letter. Staff reviewed the bid documents, bid protest and response letters with County Counsel and has determined that the bid of Madonna Construction is responsive to the bid requirements. Staff contacted Pacific Restoration Group to determine whether they wished to withdraw their protest, based upon the response provided by Mr. Madonna. The Pacific Restoration Group responded via e-mail (scanned copy attached) that they had decided to not pursue their protest. It is therefore staff's recommendation to your Board that the contract be awarded to John Madonna Construction Co., Inc.

## **OTHER AGENCY INVOLVEMENT/IMPACT**

The Dana Adobe Amigos Board of Directors has reviewed and approved the boundaries of the Oak Woodlands conservation easement. As part of the conservation easement, the Land Conservancy of San Luis Obispo County has agreed to accept the open space easement and to be the conservator of the Oak Woodland habitat. The overall oak mitigation layout compliments a riparian habitat enhancement previously completed on this site.

South County Advisory Council, SLOCOG, Caltrans, State Water Resources Control Board, Agricultural Commissioner, Air Pollution Control District, State Historical Preservation Office, California Department of Fish and Game, Army Corps of Engineers, Nipomo Community Services District, General Service's property management division, Nipomo Community, AT&T, ConocoPhillips, PG&E, The Land Conservancy of San Luis Obispo County and the Rancho Nipomo Dana Adobe have all participated in establishment and implementation of the mitigation requirements

An encroachment permit over the State Water pipeline was obtained through Department of Water Resources to support project construction.

## **FINANCIAL CONSIDERATIONS**

Willow Road Extension project is a multi-year project budgeted in the FY 2012/13 Roads budget at \$8,906,910. Funding for this project comes from several sources including the South County Road Improvement Fee Account, Prop 1B State-Local Partnership Program, Roads Fund, and State Transportation Improvement Program.

The Oak Woodlands Habitat Mitigation is a component of the Willow Road Extension and Highway 101 Interchange Project and is included in the current year's budget. The cost to complete this component of the project, including plant establishment, is estimated at \$750,000.

The County has received additional funding from Prop 1B State-Local Partnership Program (SLPP) in the amount of \$375,000, specifically for the Oak Tree Mitigation work. It is necessary for your Honorable Board to authorize a budget adjustment, by a 4/5<sup>th</sup> s vote, in the amount of \$375,000 to increase the appropriation and the associated SLPP funding for this project. The budget adjustment also decreases the Road Impact Fee funding by \$125,000 for a net increase of \$250,000.

Please see Exhibit "A" for an estimated cost breakdown of the project.

## **RESULTS**

The immediate result of the recommended action will be the construction of this project, which will improve the road for the safety of the motoring public. This, in turn, will result in a safer, more livable community.

File: Contract No. 300129.09.04

c: Ron DeCarli, SLOCOG  
Steve DiGratzia, Caltrans District 5 Project Manager  
Norma Washburn, Executive Director Dana Adobe Amigos  
Accounting Officer  
Resident Engineer

Construction Engineer  
John Madonna Construction Co., Inc., Contractor

Reference: 13MAR19-C-1

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## **ATTACHMENTS**

1. Vicinity Map
2. Exhibit A - Project Cost Estimates
3. Bid Protest Letter from Pacific Restoration Group, Inc. (dated 1/25/13)
4. Protest Response Letter from John Madonna Construction Co., Inc. (dated 1/29/13)
5. Protest Withdrawal e-mail from Pacific Restoration Group, Inc. (dated 2/7/13)