

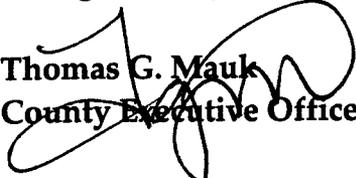


County of Orange

MEMO

DATE: October 19, 2007

TO: Chris Norby, Chairman
Orange County Board of Supervisors

FROM: 
Thomas G. Mauk
County Executive Officer

SUBJECT: Exception to the Rule 21

RECEIVED
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 COUNTY OF ORANGE
 CLERK OF SUPERVISORS

S21A

The County Executive Office is requesting a supplemental agenda item for the October 23, 2007 Board Meeting:

Board Meeting Date: October 23, 2007

Subject: Award Contract – East Garden Grove-Wintersburg Levee

Calendar: Supplemental

Districts: 2

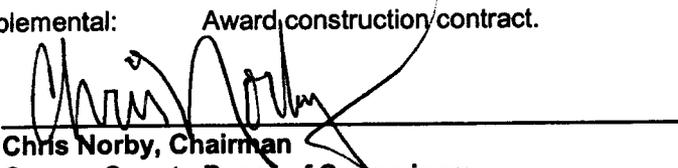
Recommended Actions:

Acting as the Board of Supervisors for the Orange County Flood Control District:

- (1) Authorize Director, RDMD, or his designee to approve and sign City of Huntington Beach permits for Right-of-Way Encroachments for implementation of the East Garden Grove-Wintersburg Emergency Operations Plan.
- (2) Approve award of contract for the East Garden Grove-Wintersburg Channel (Facility No. C05) north levee emergency project to J.F. Shea Construction, Inc. for \$7,999,050 and authorize execution of contract when the required bonds and insurance certificates have been submitted and approved by County Executive Office/Risk Management and County Counsel with the date of the contract effective upon execution.
- (3) Authorize return of bid security to all bidders after contract execution.

Reason for Supplemental: Award construction contract.

Concur:


Chris Norby, Chairman
Orange County Board of Supervisors

cc: Rob Richardson, Assistant to the County Executive Officer



**SUPPLEMENTAL AGENDA ITEM
AGENDA STAFF REPORT**

Agenda Item

(Clerk's Use Only)

S21A

ASR Control

MEETING DATE: 10/23/07

LEGAL ENTITY TAKING ACTION: Orange County Flood Control District

BOARD OF SUPERVISORS DISTRICT(S): 2

SUBMITTING AGENCY/DEPARTMENT: Resources and Development Management Department

DEPARTMENT CONTACT PERSON(S): Victor Valdovinos (714) 567-7801
Hiram Downard (714) 567-7812

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SUBJECT: Award Contract – East Garden Grove-Wintersburg Levee

CEO CONCUR

[Handwritten signature]

COUNTY COUNSEL REVIEW

[Handwritten signature: Daniel P. Torres]

**CLERK OF THE BOARD
Discussion**

4/5 vote

Budgeted: No **Current Year Cost:** \$7,999,050 **Annual Cost:** N/A

Staffing Impact: No **# of Positions:** **Sole Source:** N/A

Current Fiscal Year Revenue: N/A

Funding Source: Fund 400: 100%

Prior Board Action: October 16, 2007, Agenda Item 32

RECOMMENDED ACTION(S)

Acting as the Board of Supervisors for the Orange County Flood Control District:

1. Authorize the Director, Resources and Development Management Department (RDMD), or his designee to approve and sign City of Huntington Beach permits for Right-of-Way Encroachments for implementation of the East Garden Grove-Wintersburg Emergency Operations Plan.
2. Approve award of contract for the East Garden Grove-Wintersburg Channel (Facility No. C05) north levee emergency project to J.F. Shea Construction, Inc. for \$7,999,050 and authorize the Chairman to execute the contract when the required bonds and insurance certificates have been submitted and approved by County Executive Office/Risk Management and County Counsel with the date of the contract effective upon execution.
3. Authorize return of bid security to all bidders after contract execution.

SUMMARY:

Awarding a construction contract for the East Garden Grove-Wintersburg Channel (Facility No. C05) north levee emergency project will provide protection to the public from potential flooding.

BACKGROUND INFORMATION:

On October 16, 2007, the Board of Supervisors acting as the Board of the Orange County Flood Control District (OCFCD) approved Agenda Item 23 including the following actions:

1. Found that pursuant to the California Public Contract Code Section 22050, the current condition of the northerly levee of the East Garden Grove – Wintersburg (EEG-W) Channel from 3,800 feet downstream of Graham Street westerly to the Old Oil Road Bridge constitutes an emergency due to the risk of flooding nearby homes northerly of the channel.
2. Approved and adopted the Notice to Contractors, form of Proposal, and form of Construction Agreement.
3. Authorized the Chief Engineer of the OCFCD, or his designee, to solicit bids from qualified contractors and to return to the Board to award the emergency contract.

This project will install 3730 linear feet of steel sheet piles which will be driven through the existing service road on top of the levee to a depth of approximately 45 feet below the roadway surface. Installation of the sheet piles is part of a phased long term OCFCD plan to improve the competence of this levee; and is being done now to protect against the possibility of levee failure. In order to facilitate rapid completion of the emergency work, the contractor will be allowed to work from 7:00 AM until 8:00 PM Monday through Saturday consistent with authority granted by the City of Huntington Beach noise ordinance.

RDMD provided plans and specifications to nine responsible contractors who possess the necessary background and resources to perform this emergency work. Eight of these contractors chose to attend a pre-bid meeting at the jobsite on October 16, 2007 and five submitted bid proposals on October 19 at 9:00 a.m. A summary of bids received (including the Engineer’s Estimate) is as follows:

J.F. Shea Construction, Inc.	\$7,999,050.00
Reyes Construction, Inc.	\$8,559,240.00
KEC Engineering	\$8,679,630.00
Advanced Geosolutions, Inc.	\$8,744,925.00
Mladen Buntich Construction Co., Inc.	\$9,179,100.00
Engineer's Estimate	\$9,212,250.00

The Engineer's Estimate for this project is based, in part, on the concept that premiums might need to be paid to ensure rapid procurement of material and equipment. While the low bid is attractive, this still may be the case as the emergency construction moves forward.

J.F. Shea Construction, Inc., the low bidder, will submit acceptable bonds, insurance documents and a signed Construction Agreement on or before October 26, 2007; and is expected to commence work in November 2007 and complete work in 75 working days (excluding weekends and holidays).

Compliance with CEQA: The subject project is Statutorily Exempt from the provisions of CEQA pursuant to Section 25269 of the CEQA Guidelines.

FINANCIAL IMPACT:

The preliminary engineer's estimate for this project was approximately \$10 million. The Fiscal Year 2007-08 budget for the Flood Control Program projects (Fund 400) includes two other East Garden Grove-Wintersburg Channel projects; one for the south levee, opposite the subject emergency project and the other for both sides of the channel upstream of Graham Street to Warner Avenue. These two other projects are budgeted for \$23.8 million; and the levees in these projects are in relatively better condition than the emergency project levee. Considering the difficulties in securing permits for these projects, it is not likely that OCFCD will be able to start construction on either of the projects this fiscal year. Therefore, OCFCD proposes to shift the Fund 400 budget for a levee buttress project (which was to have been a precursor of the subject project, had the emergency not been declared) and a portion of the funding from the two additional budgeted projects to fund this emergency sheet pile project.

STAFFING IMPACT:

N/A

EXHIBIT(S):

Exhibit A - Bid Summary

Exhibit B - Location Map

Exhibit A

COUNTY OF ORANGE RESOURCES & DEVELOPMENT MANAGEMENT DEPT. CONSTRUCTION DIVISION



BID OPENING SUMMARY REPORT

DATE: 10/19/2007
TIME: 2:00 P.M.

PROJECT: C05 - NORTH LEVEE EMERGENCY PROJECT

LIMITS: EGG - WINTERSBURG CHANNEL

WORK ORDER #: EF27718
ENGR'S EST.: \$9,212,250.00

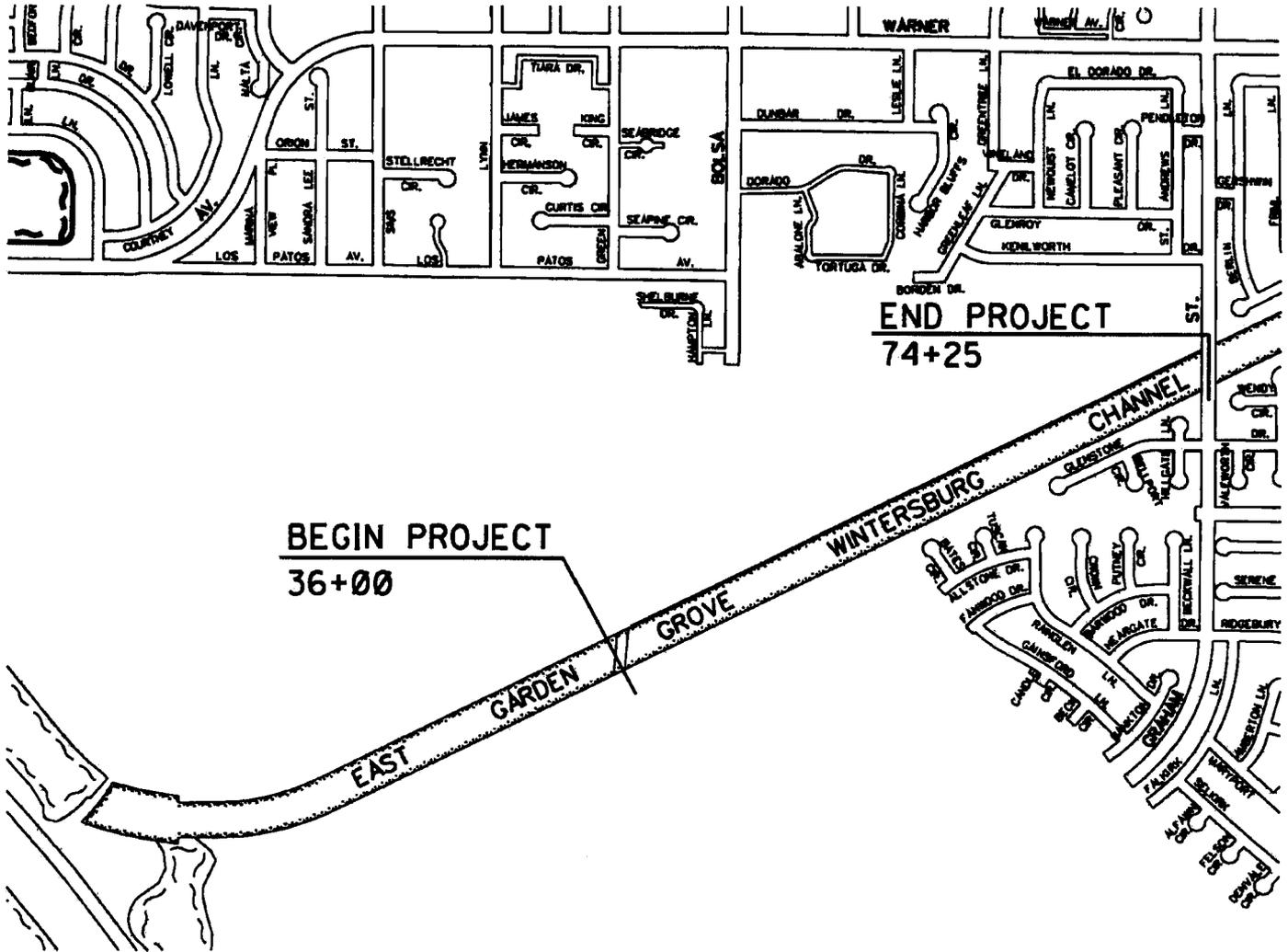
	BIDDER	CITY	TOTAL BID AMOUNT	BOND
1.	<u>J.F. SHEA CONSTRUCTION, INC.</u>	<u>WALNUT</u>	<u>\$7,999,050.00</u>	<u>10%</u>
2.	<u>FUDO CONST.-ADVANCED GEOSOLUTIONS</u>	<u>SAN MATEO</u>	<u>\$8,744,925.00</u>	<u>10%</u>
3.	<u>REYES CONSTRUCTION, INC.</u>	<u>POMONA</u>	<u>\$8,559,240.00</u>	<u>10%</u>
4.	<u>MLADEN BUNTICH CONST., INC.</u>	<u>UPLAND</u>	<u>\$9,179,100.00</u>	<u>10%</u>
5.	<u>KEC ENGINEERING</u>	<u>CORONA</u>	<u>\$8,679,630.00</u>	<u>10%</u>

APPARENT LOW BIDDER: NO. 1 J.F. SHEA CONSTRUCTION, INC. PRICE: \$7,999,050.00

ITEM	LISTED SUBCONTRACTORS	CITY
<u>DRIVE PILE</u>	<u>GIKEN AMERICAN</u>	<u>FLORIDA</u>

BID PROPOSALS RECEIVED FROM CLERK BY: HIRAM DOWNARD

Exhibit B



BEGIN PROJECT
36+00

END PROJECT
74+25



N.T.S.

ORANGE COUNTY
RESOURCES AND DEVELOPMENT MANAGEMENT DEPARTMENT

EXHIBIT A - LOCATION MAP
EAST GARDEN GROVE-
WINTERSBURG CHANNEL
(C05)

FROM 3800' DS OF GRAHAM ST.
TO GRAHAM ST.