



**County Executive Office**  
**Memorandum**

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December 8, 2009

**To:** Patricia Bates, Chair  
**From:** Thomas G. Mauk, County Executive Officer  
**Subject:** Exception to the Rule 21

2009 DEC -8 PM 3:16  
OFFICE OF THE COUNTY CLERK  
BOARD OF SUPERVISORS

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The County Executive Office is requesting a supplemental for the December 15, 2009 Board Hearing Meeting.

**Agency:** OC Public Works  
**Subject:** Award Contract: Alton Parkway Extension  
**District:** 3rd

**Reason for supplemental:** Awaiting review and approvals.

**Concur:**

\_\_\_\_\_  
Patricia Bates, Chair Board of Supervisors

**cc:** Rob Richardson, Assistant County Executive Officer



**SUPPLEMENTAL AGENDA ITEM  
AGENDA STAFF REPORT**

5620

2009 DEC 11 PM 9:42  
CLERK OF THE BOARD  
BOARD OF SUPERVISORS

**MEETING DATE:**

**LEGAL ENTITY TAKING ACTION:** Board of Supervisors  
**BOARD OF SUPERVISORS DISTRICT(S):** 3, 5  
**SUBMITTING AGENCY/DEPARTMENT:** OC Public Works (Pending)  
**DEPARTMENT CONTACT PERSON(S):** Ignacio Ochoa (714) 667-3213  
 Victor Valdovinos (714) 567-7801

**SUBJECT:** Award Contract: Alton Parkway Roadway Extension

<b>CEO CONCUR</b> Yes 	<b>COUNTY COUNSEL REVIEW</b> Approval Not Required	<b>CLERK OF THE BOARD</b> Discussion 4/5 Vote
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**Budgeted:** No                      **Current Year Cost:** \$18,760,203                      **Annual Cost:** N/A

**Staffing Impact:** No                      **# of Positions:**                      **Sole Source:** No

**Current Fiscal Year Revenue:** \$11,742,213

**Funding Source:** Fund 148 Foothill Circulation Phasing Plan (FCPP): 48.8%; Prop 1B: 37.4%;  
 IRWD: 7.2%; Measure M: 5.3%; City of Lake Forest: 1.3%

**Prior Board Action:** September 18, 2007; April 7, 2009

**RECOMMENDED ACTION(S):**

1. Award contract to Sukut Construction, Inc. in the amount of \$18,760,203 for the Alton Parkway Extension from Irvine Boulevard to Commercentre Drive.
2. Authorize execution of contract by the Chair of the Board when the required bonds and insurance certificates have been submitted and approved by County Executive Office Risk Management and County Counsel.
3. Authorize return of bid security to all bidders after contract execution.
4. Direct the Auditor Controller to increase appropriations and revenues in the Road and FCPP Funds to cover the funding and encumbrances for this project as follows:

115-080-115-P861-4200-0000	\$7,017,990	Increase Appropriations
115-080-115-0950-9827	(\$7,017,990)	Reduce Reserves
148-080-148-P131-4200-0000	\$11,742,213	Increase Appropriations

148-080-148-0950-7670-0000	\$9,161,709	Increase Revenue
148-080-148-0950-7130-0000	\$2,580,504	Increase Revenue

**SUMMARY:**

Award of contract to Sukut Construction, Inc. in the amount of \$18,760,203 will support the extension of Alton Parkway from Irvine Boulevard to Commercentre Drive, enhance public safety, reduce traffic congestion, and improve local drainage and air quality.

**BACKGROUND INFORMATION:**

On April 7, 2009, your Board approved the Plans and Special Provisions, made CEQA findings, and set the bid opening date for the Alton Parkway Roadway Extension project. This project will extend Alton Parkway from Irvine Boulevard to Commercentre Drive within the cities of Irvine and Lake Forest. The work to be done consists, in general, of grading and construction of street and drainage improvements for approximately 5,600 linear feet of Alton Parkway; approximately 600 linear feet of Commercentre Drive; and approximately 1,300 linear feet along the eastern roadway section of Irvine Boulevard. Also included in this project are the construction of a wildlife corridor; a reinforced concrete box for the Borrego Canyon Wash flood control improvements; and Irvine Ranch Water District facilities.

Bid proposals for the project were opened on July 29, 2009. A summary of bids received and the Engineer's Estimate are as follows:

<b>Sukut Construction, Inc.</b>	<b>\$18,760,203.00</b>
Griffith Company	\$18,894,290.15 *
KEC Engineering	\$20,373,363.00
SEMA Construction, Inc.	\$21,423,180.46
Excel Paving Company	\$21,529,692.00
Beador Construction Company, Inc.	\$22,175,275.50 **
Vance Corporation	\$22,657,506.00
Sully-Miller Contracting Company	\$23,855,540.65
Steve Bubalo Construction Company	\$23,899,535.33
ARB, Inc.	\$25,160,094.00
<b>Engineer's Estimate</b>	<b>\$34,535,286.00</b>

\* Mathematical correction to bid proposal; does not affect bid standing. The referenced bidder made errors in multiplication of the estimated quantity and their bid unit price.

\*\* Mathematical correction to bid proposal; does not affect bid standing. The referenced bidder made errors in multiplication of the estimated quantity and their bid unit price and in addition of the extended total column.

The low bid of Sukut Construction, Inc. for this project is approximately 46 percent (\$15,775,083) below the Engineer's Estimate. OC Public Works has reviewed the estimate and verified that the difference is not the result of errors or omissions in the estimate, but rather is attributed to highly competitive bidding for public projects given current economic conditions.

Regulatory permits for the Alton Parkway Project have been under negotiation for the past year and are still pending issuance. Construction cannot begin until all regulatory permits are secured. The critical pending permit issue is the California Department of Fish and Game's (CDFG) new requirement for financial assurance to guarantee the County's obligation to maintain the project's compensatory mitigation in perpetuity. After significant discussions with both the CDFG local regional office as well as their Sacramento Headquarters, the County's proposal to provide a pledge of revenue in lieu of an endowment as a financial assurance instrument is pending agreement. This is the first instance that OC Public Works has been conditioned by CDFG to fund an endowment for financial assurance in relation to compensatory mitigation and one of the first instances for public agencies Statewide to meet this requirement before a permit is issued.

As a result of receiving the competitive low bid, OC Public Works recommends awarding the construction contract without final permits issued. This action by your Board will secure the low bid while allowing for additional time to obtain regulatory permits. If the permit issue is not resolved by January 7, 2010, a notice to proceed will not be issued by OC Public Works. The contract will either be terminated or temporarily suspended until the end of the bird nesting season in October 2010. The County may be subject to a claim from the contractor given either of these possibilities.

**Compliance with CEQA:** On April 7, 2009, Final Environmental Impact Report 585 and addendum IP 08-457, previously certified by your Board on September 18, 2007, were found to satisfy the requirements of CEQA and were approved for the subject project.

#### **FINANCIAL IMPACT:**

This project is not included in the FY 2009-10 approved budget and there are currently no existing appropriations to cover this project. The recommended budget actions are necessary to award and encumber this project.

This project is funded by the Road Fund 115 and Foothill Circulation Phasing Plan (FCPP) Fund 148 with funding from Proposition 1B, Irvine Ranch Water District (IRWD), Measure M Grants and the City of Lake Forest. The approximate funding amounts are:

Proposition 1B funds (3 allocations)  $\$1,505,937 + \$3,221,255 + \$2,290,798 = \$7,017,990$  (37.4%)

IRWD Funds for New Facilities (Agreement D08-085) =  $\$1,352,615$  (7.2%)

Measure M funds (GMA and MPAH)  $\$654,005 + \$331,534 = \$985,539$  (5.3%)

City of Lake Forest (Agreement D08-082) =  $\$242,350$  (1.3%)

The remainder, 48.8% or  $\$9,161,709$  will be funded from FCPP.

Proposition 1B revenue is required to be deposited in the Road Fund. All remaining Proposition 1B revenue is anticipated to be received in FY 2009-10 and the portion of this project funded by Proposition 1B will be encumbered in the Road Fund 115, balance of the project will be encumbered in the FCPP Fund 148.

#### **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:** 7/29/2009

**TIME:** 2:00 P.M.

**PROJECT:** ALTON PARKWAY ROADWAY EXTENSION

**LIMITS:** IRVINE BOULEVARD TO COMMERCENTRE DRIVE

**WORK ORDER #:** ETD2000

**ENGR'S EST.:** \$34,535,286.00

	<b>BIDDER</b>	<b>CITY</b>	<b>TOTAL BID AMOUNT</b>	<b>BOND</b>
1.	<u>SULLY-MILLER CONTRACTING CO.</u>	<u>ANAHEIM</u>	<u>\$23,855,540.65</u>	<u>10%</u>
2.	<u>ARB, INC.</u>	<u>LAKE FOREST</u>	<u>\$25,160,094.00</u>	<u>10%</u>
3.	<u>VANCE CORPORATION</u>	<u>RIALTO</u>	<u>\$22,657,506.00</u>	<u>10%</u>
4.	<u>STEVE BUBALO CONSTRUCTION CO.</u>	<u>MONROVIA</u>	<u>\$23,899,535.00</u>	<u>10%</u>
5.	<u>SUKUT CONSTRUCTION, INC.</u>	<u>SANTA ANA</u>	<u>\$18,760,203.00</u>	<u>10%</u>
6.	<u>SEMA CONSTRUCTION, INC.</u>	<u>LAKE FOREST</u>	<u>\$21,423,180.46</u>	<u>10%</u>
7.	<u>GRIFFITH COMPANY</u>	<u>SANTA ANA</u>	<u>\$18,896,290.15</u>	<u>10%</u>
8.	<u>EXCEL PAVING COMPANY</u>	<u>LONG BEACH</u>	<u>\$21,529,692.00</u>	<u>10%</u>
9.	<u>BEADOR CONSTRUCTION CO., INC.</u>	<u>CORONA</u>	<u>\$22,120,700.00</u>	<u>10%</u>
10.	<u>KEC ENGINEERING</u>	<u>CORONA</u>	<u>\$20,373,363.00</u>	<u>10%</u>

**APPARENT LOW BIDDER:** NO. 5 SUKUT CONSTRUCTION, INC. **PRICE:** \$18,760,203.00

<b>ITEM</b>	<b>LISTED SUBCONTRACTORS</b>	<b>CITY</b>
<u>AC PAVING</u>	<u>ALL AMERICAN ASPHALT</u>	<u>CORONA</u>
<u>FLAT CONCRETE</u>	<u>ALL AMERICAN ASPHALT</u>	<u>CORONA</u>
<u>GABIONS</u>	<u>SUN QUEST</u>	<u>VALLEY CENTER</u>
<u>ELECTRICAL/TELEMETRY</u>	<u>BEARD ELECTRIC</u>	<u>STA. FE SPRINGS</u>
<u>TRAFFIC SIGNALS</u>	<u>MOORE ELECTRIC</u>	<u>CORONA</u>
<u>REBAR</u>	<u>UNITED STEEL PLACERS</u>	<u>RCHO CUCAMONGA</u>
<u>DAY UTILITIES</u>	<u>A.D. WILSON</u>	<u>NORCO</u>
<u>LANDSCAPE</u>	<u>EAST BAY CONSTRUCTION CO.</u>	<u>MURRIETA</u>
<u>FENCING</u>	<u>CROWN FENCE</u>	<u>STA. FE SPRINGS</u>

**BID PROPOSALS RECEIVED FROM CLERK BY:** CARMENCITA VILLANUEVA

Exhibit B

