



April 12, 2018

To: Transit Committee

From: Darrell E. Johnson, Chief Executive Officer

Subject: Agreement for the Construction of the Right-of-Way Slope Stabilization Project

Overview

The Orange County Transportation Authority's Board of Directors approved the construction of the right-of-way slope stabilization project as part of the Orange County Transportation Authority's Fiscal Year 2017-18 Budget. Bids were received in accordance with the Orange County Transportation Authority's public works procurement procedures. Board of Directors' approval is requested to execute an agreement with the lowest responsive, responsible bidder.

Recommendations

- A. Find James McMinn, Inc., the apparent low bidder, as non-responsive due to failure to meet the federal requirement for Disadvantaged Business Enterprise participation.
- B. Authorize the Chief Executive Officer to negotiate and execute Agreement No. C-7-2047 between the Orange County Transportation Authority and Bosco Constructors, Inc., the lowest responsive, responsible bidder, in the amount of \$1,735,600, for construction of the right-of-way slope stabilization project.

Discussion

The Orange County Transportation Authority (OCTA) received a Federal Transit Administration (FTA) grant for preventative maintenance and to repair existing erosion to avoid slope failures on the OCTA-owned railroad right-of-way. OCTA, in conjunction with the Southern California Regional Rail Authority (SCRRA), performed field investigations that identified eight sites currently affected by erosion and/or runoff, which require repair and stabilization to mitigate potential impacts to rail operations. The sites are located in the cities of Irvine, Laguna Hills, Lake Forest, Mission Viejo, and San Juan Capistrano, and

contain nearly-vertical embankments that range in length from approximately 600 to 3,150 linear feet.

In May 2013, a contract task order was issued to perform a geotechnical evaluation that included potential mitigation recommendations for each of the selected sites. Those recommendations are site-specific and include mitigation alternatives such as grading, installation of additional rip-rap, construction of retaining walls, and shotcrete lining. The evaluation also concluded that delayed maintenance could potentially impact railroad operations by undermining the track bed and/or depositing soil and debris on the railroad tracks.

Final plans, specifications, and design were completed in September 2017. Based on project design and track work involved at four of the sites, it was determined that SCRRA would be best suited to lead the construction effort on those sites; this is consistent with prior practices. OCTA will be the project lead for the remaining locations outside of the operating area.

Procurement Approach

This procurement was handled in accordance with OCTA's Board of Directors (Board)-approved procedures for public works projects. These procedures, which conform to both state and federal requirements, require that contracts are awarded to the lowest responsive, responsible bidder after a sealed bidding process.

On December 11, 2017, the Board authorized the release of Invitation for Bids (IFB) 7-2047, which was issued electronically on CAMM NET. The project was advertised on December 11 and 18, 2017, in a newspaper of general circulation. A pre-bid conference and job-walk were held on December 19, 2017, and were attended by five firms. Four addenda were issued to provide the pre-bid conference registration sheets and handle administrative issues related to the IFB. On January 25, 2018, six bids were received and publicly opened.

All bids were reviewed by staff from both the Contracts Administration and Materials Management and Rail Programs departments to ensure compliance with the contract terms and conditions, and technical specifications. The list of bidders and bid amounts is presented below:

<u>Firm and Location</u>	<u>Bid Amount</u>
James McMinn, Inc. Grand Terrace, California	\$1,644,325
Bosco Constructors, Inc. Chatsworth, California	\$1,735,600

Philbin Construction Company dba Philbin General Engineering Laguna Niguel, California	\$2,034,000
Zusser Company, Inc. Los Angeles, California	\$2,541,484
Earth Construction and Mining Co. Garden Grove, California	\$2,954,900
Environmental Construction, Inc. Woodland Hills, California	\$4,734,239

The apparent low bidder, James McMinn, Inc., was found non-responsive due to the inability to secure the required Disadvantaged Business Enterprise participation or demonstrate sufficient good faith efforts as required by the United States Department of Transportation regulations, which is providing funding for the project.

The engineer's estimate for the project was \$1,873,437. The recommended firm's bid is 7.4 percent below the engineer's estimate and is considered by staff to be fair and reasonable.

State law requires award to the lowest responsive, responsible bidder. As such, staff recommends award to Bosco Constructors, Inc., as the lowest responsive, responsible bidder, in the amount of \$1,735,600, for the project.

Fiscal Impact

The project is included in OCTA's Fiscal Year 2017-18 Budget, Capital Programs Division, Account 0018-9084-C5052-0NC, and is funded with an FTA grant.

Summary

Based on the information provided, staff recommends the Board of Directors authorize the Chief Executive Officer to negotiate and execute Agreement No. C-7-2047 between the Orange County Transportation Authority and Bosco Constructors, Inc., the lowest responsive, responsible bidder, in the amount of \$1,735,600, for construction of the right-of-way slope stabilization project.

Attachment

None.

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