



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Department Name: General Services
Department No.: 063
For Agenda Of: November 10, 2015
Placement: Administrative
Estimated Tme: N/A
Continued Item: No
If Yes, date from: N/A
Vote Required: Majority

TO: Board of Supervisors
FROM: General Services Matthew P. Pontes, Director (560-1011)
Contact Info: Greg Chanis, Assistant Director (568-3096)
SUBJECT: Santa Ynez Valley Airport ACIP 14 Project #8595 Award Construction Contract;
Third District

County Counsel Concurrence

As to form: Yes

Auditor-Controller Concurrence

As to form: Yes

Other Concurrence: Risk, Santa Ynez Airport Authority

As to form: Yes

Recommended Actions:

That the Board of Supervisors:

- a) Approve the plans and specifications for construction of the Santa Ynez Airport ACIP 14 project on file in the General Services Capital Projects office;
- b) Reject the bid protest, and award the attached construction contract in the base amount of \$747,935.00 to the lowest responsible bidder, Whitaker Construction Group, Inc., subject to the provisions of the documents and certifications as set forth in the plans and specifications applicable to the project and as required by California Law;
- c) Approve and direct the chair to execute the attached Construction Contract with Whitaker Construction Group, Inc.;
- d) Authorize the Director of General Services to approve change orders in an amount not to exceed \$49,896.75 as authorized under California Public Contract Code Section 20142; and
- e) Find that the project was determined by your Board to be exempt from the provisions of the California Environmental Quality Act (CEQA) under State CEQA Guidelines Section 15301 on September 8, 2015, that a Notice of Exemption was filed on that basis, and that the above actions are within the scope of that Notice of Exemption.

Summary Text:

This project, known as ACIP Grant 14, will maintain and modernize the Santa Ynez Valley Airport facilities, and has been proposed by the Santa Ynez Valley Airport Authority (SYVAA) who manages the airport under lease on behalf of the County. The total cost of the project, including design services, construction and management is \$1,192,808.00. The project is funded primarily by federal grants from the FAA, with the remaining funding coming from California Department of Transportation (Caltrans) and the SYVAA. Rejection of the bid protest and award of the construction contract to Whitaker Construction Group, Inc. will allow the project to proceed on schedule.

Background:

The ACIP 14 project will construct the design developed in the ACIP 13 airport security enhancements project. The scope of work includes construction of approximately 300 lineal feet of perimeter fence, vehicle access gate, approximately 600 feet of asphalt pavement service road including drainage improvements, bank slope grading to restrict vehicle access and enhance erosion control measures, and Runway 26 threshold marking revisions. Design work and work related to bidding has already been paid for using FAA and Caltrans funds from the ACIP 13 project.

On June 2, 2015 the Board authorized General Services to advertise for bids on the ACIP 14 project. On August 13, 2015 General Services received seven (7) bids, with Whitaker Construction Group, Inc. (WCG), a Paso Robles, CA based company, the apparent responsive low bidder. WCG's bid of \$747,935.00 is 5% higher than the engineer's estimate for this project. The total project cost is estimated at \$1,192,808.00, with the project scheduled to be completed by summer 2016.

A bid protest letter from the Law offices of J. Tavener Holland, representing the apparent second lowest bidder Souza Construction, Inc., was received by the County on August 25, 2015 alleging that WCG did not make and/or document a Good Faith Effort in attaining participation of Disadvantaged Business Enterprises (DBEs). General Services has reviewed the allegations, and determined that WCG did make and document a Good Faith Effort in attaining participation of DBEs on the basis of the following:

- WCG placed ads in Compliance News Monthly Trade Journal and in Compliance News Daily Focus Journal on July 29, 2015 soliciting DBE's to provide any service or product to complete the bid requirements
- WCG contacted 172 DBEs regarding the project in an effort to solicit bids from each of them
- WCG made nearly 63% of their contract value available to DBEs during bidding
- The DBEs that were not selected had higher bids than that of other companies

In light of the above, General Services has concluded that the information provided in Souza's protest does not alter its original determination. As such, staff recommends that the bid protest be rejected, and the contract be awarded to WCG as the lowest responsive bidder.

CEQA:

A CEQA categorical exemption was approved by the Board for this project on September 8, 2015, as it consists of maintenance, repair and alteration of an existing public structure with no expansion of use beyond that existing at the time of the lead agency's determination in accordance with 15301 (c). This exemption includes existing highways and streets, sidewalks, gutters, bicycle and pedestrian trails, and similar facilities (this includes road grading for the purpose of public safety). A National Environmental Policy Act (NEPA) categorical exclusion document has been submitted to and approved by the FAA under similar justification.

Fiscal and Facilities Impacts:

Budgeted: Yes

Fiscal Analysis:

<u>Funding Sources</u>	<u>Current FY Cost:</u>	<u>Annualized On-going Cost:</u>	<u>Total One-Time Project Cost</u>
FAA, SYAA, Caltrans	\$ 747,935.00		\$ 747,935.00
Total	\$ 747,935.00	\$ -	\$ 747,935.00

Narrative:

Funding is provided by grants from the FAA, State matches from the California Department of Transportation (Caltrans) - Aeronautics Program, and local matches from the Santa Ynez Airport Authority. The total project budget is \$1,192,808. Ninety percent (90%), \$1,073,527, is funded by the FAA. The SYVAA pays the remaining ten percent (10%), up to \$119,280, in accordance with the lease agreement between the County and the SYVAA. We have received FAA grant approval and therefore the Caltrans portion will now be applied for and, if granted, may reimburse the SYVAA 4.5%, \$53,676. There are no County funds being used on this project.

This current fiscal year project was recommended for funding in the FY 2014/2015 Airport Capital Improvement Program. Once the grant is approved, funds will be available in Fund 0052, Dept. 063, Account 8700, Program 1920, Project 8595.

Key Contract Risks:

General Services and the SYVAA meet with FAA Planners annually to review and update the programmed 5 year ACIP for the Santa Ynez Valley Airport. During this meeting the project specifics and FAA funding preferences are discussed. Since FAA and Caltrans funding availability varies from year to year, the FAA and SYVAA work to prioritize the ACIP projects and to queue the projects accordingly. The opportunity to take advantage of these grant funded projects must be accomplished when offered, or the needed airport improvement projects will become delayed until future grant offers are available.

Staffing Impacts: Legal Impacts 0; Staffing Impacts 0

Special Instructions:

Please send one (1) copy of the Minute Order, and (2) duplicate executed originals of the Construction Contract to Todd Morrison, GS / Support Services Division, Courthouse East Wing.

Attachments:

1. Three (3) duplicate original construction contracts
2. Bid Protest
3. Response to Bid Protest
4. Response to Bid Protest Response
5. CEQA Exemption

Authored by: Todd Morrison, General Services – Capital Projects