



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:** Public Works  
**Department No.:** 054  
**For Agenda Of:** April 6, 2021  
**Placement:** Administrative  
**Estimated Time:**  
**Continued Item:** No  
**If Yes, date from:**  
**Vote Required:** Majority

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**TO:** Board of Supervisors

**FROM:** Department Scott D. McGolpin, Public Works Department, 805-568-3010  
Director(s)  
Contact Info: Chris Sneddon, Deputy Director, Transportation, 805-568-3064

**SUBJECT:** Agreement for Services of Independent Contractor (NV5 West, Inc.) for Material Testing Services; in support of Floradale Avenue Bridge No. 51C-0370 over Santa Ynez River; Federal Project No. BRLSZD-5951(060); County Project No. 862032; Third Supervisorial District

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**County Counsel Concurrence**

As to form: Yes

Other Concurrence: Risk Management

As to form: Yes

**Auditor-Controller Concurrence**

As to form: Yes

**Recommended Actions:**

That the Board of Supervisors:

- a) Approve and authorize the Chair to execute the attached Agreement for Services of Independent Contractor for Materials Testing with NV5 West, Inc. (a Tri-County Vendor) 1868 Palma Drive, Suite A, Ventura, CA 93003, (“Agreement”) in the base amount of \$389,868, for construction engineering support of Floradale Avenue Bridge No. 51C-0370 over Santa Ynez River; County Project 862032; Federal Project BRLSZD-5951 (060); Third Supervisorial District; with a period of performance April 6, 2021 through June 30, 2024;
- b) Approve and authorize the Director of Public Works or designee to make immaterial amendments in accordance with Section 36 of the Agreement for Services of Independent Contractor, and to make amendments within the scope of the Statement of Work in the Agreement in an amount not to exceed \$19,493, upon review and approval from the Auditor-Controller’s Office and County Counsel’s Office; and
- c) Find that execution of the proposed Agreement does not constitute a “Project” within the meaning of the California Environmental Quality Act pursuant to 14 CCR 15378 (b)(5) as it is an administrative activity of government that will not result in direct or indirect physical changes in the environment.

**Summary Text:**

This item is on the agenda to authorize the Chair to execute an Agreement for Services of Independent Contractor with NV5 West, Inc. for Construction Materials Testing services. On January 14, 2021, the Public Works Department advertised a Request for Proposals (RFP) via PlanetBids seeking Materials Testing services for the for the support of construction of Floradale Avenue Bridge No. 51C-0370 over Santa Ynez River in the Third Supervisorial District. Five material testing firms submitted proposals prior to the February 5, 2021 deadline for submission. Each proposal was evaluated and ranked based on criteria described in the RFP by a review panel consisting of three individuals. The review team combined scoring yielded Twining as the top ranked consultant, followed by NV5 West, Inc. Staff initiated discussions and negotiations with Twining on February 12, 2021 during which it was determined that their proposal contained a significant error in a category that made up 40% of the evaluation scoring by our review panel. Therefore, on February 16, 2021 upon consultation with and agreement from Twining contract representative, our staff determined that this error was cause for ending negotiations with the top ranked consultant, and initiated negotiations with the second ranked consultant, NV5 West, Inc. Negotiations were successfully completed with NV5 West, Inc. on February 22, 2021.

On March 1<sup>st</sup>, the department received a protest from the fourth ranked proposal. Based on a thorough review of the process and materials submitted, the department denied the protest and determined NV5 West, Inc. remains the highest ranked proposer (Attachment B). Staff recommends awarding the Materials Testing services agreement to NV5 West, Inc. based on their demonstrated competence, professional qualifications, and competitive pricing.

**Background:**

The construction contract for the Floradale Avenue Bridge No. 51C-0370 over Santa Ynez River was awarded by the Board on March 16, 2021. This materials testing service agreement is required to perform federally mandated quality assurance testing of the construction materials used in this bridge replacement project.

**Fiscal and Facilities Impacts:**

Budgeted: Yes

**Fiscal Analysis:**

<b>Funding Sources</b>	<b>Current FY Cost:</b>	<b>Annualized On-going Cost:</b>	<b>Total One-Time Project Cost</b>
Federal (Highway Bridge Program)	\$ 26,149.00		\$ 362,407.00
Local Match	\$ 3,388.00		\$ 46,954.00
Total	\$ 29,537.00	\$ -	\$ 409,361.00

**Narrative:**

The costs, including contingencies, amounts to \$409,361. Funds for this project are budgeted in Dept. 054, Fund 0017, Org. 0600, Program 2830, Account 7460

**Special Instructions:**

Please forward the following items to Gail Ocheltree in the Public Works Department, Transportation Division, 123 E. Anapamu Street, Santa Barbara, CA, Phone extension 83094:

- A certified, stamped Minute Order approving these recommendations

- Two (2) duplicate original executed signature pages

**Attachments:**

- Attachment A: Agreement for Services of Independent Contractor - Materials Testing one (1) complete original agreement and two (2) duplicate signature pages
- Attachment B: Director's determination of protest denial

**Authored by:**

Philip Gaston, Public Works Transportation Division, Construction Resident Engineer, (805) 803-8776