# California Uniform Construction Cost Accounting Commission

## Meeting Agenda
Friday, August 20, 2021
1:00PM – 4:00PM

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**Teleconference Number (Audio only)**
+1 (916)-318-8201 (United States (Sacramento))
Phone Conference ID: 521 576 475 #

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**Meeting Agenda**

1. **Call to Order**
2. **Introductions**
3. **Approval of the Minutes (Refer to attachment 3A)**
   A. Minutes for meeting held July 29, 2021
4. Public Comments

5. Staff Comments/Requests
   A. SCO Staff Update

6. Reports of Officers
   A. Chair
   B. Vice Chair
   C. Secretary

7. Committee Reports
   A. CUCCAC Manual
      I. Proposed changes – Legislative updates
      II. Proposed changes – Non-Legislative updates

8. Commissioner Comments/Requests

9. Old Business

10. New Business (Refer to attachment 10A and 10B)
    A. Accounting Review – City of Tracy
    B. Accounting Review – County of Tuolumne

11. Next Meeting

12. Adjournment

If you would like further information regarding this meeting or require special accommodations for attending this meeting, please contact:

State Controller’s Office
Local Government Policy Section
LocalGovPolicy@sco.ca.gov
California Uniform Construction Cost Accounting Commission

To: Will Clemens, Chair
From: Commissioners Brad Farmer and Chuck Poss
Date: August 11, 2021
Re: City of Tracy – Commission Review of the Corral Hollow Road Skin Patch Paving Project

Summary

The City of Tracy (City) did not follow the requirements of the Act and exceeded their force account limit of $60,000 pursuant to Public Contracting Code Section 22032(a) on the Corral Hollow Road Skin Patch Paving Project (Project).

Regarding the claim by the City, having made the repairs in accordance with the Emergency Contracting Procedures allowed under section 22050, the City did not provide any supporting documentation to confirm they complied with section 22050 (a).

Claim

The California Industry Force Account Council sent the Commission a request to review the Project, pursuant to Section 22042(b) of the Public Contract Code.

22042. The commission shall review the accounting procedures of any participating public agency where an interested party presents evidence that the work undertaken by the public agency falls within any of the following categories: (b) Exceeded the force account limits.

Background

On May 19, 2021, the City was alerted to a one-half mile of Corral Hollow Road south of I-580 by the Lawrence Livermore National Laboratory Site 300 (Lab) personnel of the condition of Corral Hollow Road. Since this stretch of Corral Hollow Road is used to transport both explosive and radioactive material for use at the Lab, the City’s public works director considered the information to be substantial and a potential immediate danger to the citizens of the City, should the condition of the road result in an accident by vehicles carrying materials to the Lab.

On May 20, 2021, the City determined the cost to repair the road with a 2” asphalt overlay would cost up to $115,000. Further investigation was performed and confirmed in an email dated June 3, 2021, by the public works department on the condition of the road, finding:

a. The type and number of claims filed, declined and paid on the stretch of the road.
b. The number of accidents and road conditions of police records between 1/1/2018 to 12/31/2020, noting the roadway conditions “none listed roadway issues – all reports checked “no unusual (roadway) conditions”.
c. PW repair costs and GO Request History.

May 20, 2021 – June 7, 2021, the City made the determination to make the repair utilizing funds that were not initially budgeted for this project.

Total time frame from initial notification until determination to repair the road was 20 days.

The City’s response to inquiry

On August 2, 2021, we spoke with Don Scholl, Public Works Director at the City and obtained the following explanation.

Please see background above for a summary of the activities that were documented. Additionally, Mr. Scholl informed the commission that based upon the condition of the road and the items being transported to the Lab, the road presented an immediate dangerous condition and the City acted based upon the Public Contract Code section 22035.
Additionally, Mr. Scholl referenced the CUCCA’s FAQ number 18:

18. Does the Act allow flexibility in cases of emergency and when repair or replacements are necessary to permit the continued conduct of a public agency’s operations or services?

Yes. For the purposes of the Public Contract Code, an “emergency” is defined at Section 1102 as “a sudden, unexpected occurrence that poses a clear and imminent danger, requiring immediate action to prevent or mitigate the loss or impairment of life, health, property, or essential public services.”

The Act sets forth in Section 22035(a) how a governing body should proceed in case of emergency repairs or replacements. This section states:

In cases of emergency when repair or replacements are necessary, the governing body may proceed at once to replace or repair any public facility without adopting plans, specifications, strain sheets, or working details, or giving notice for bids to let contracts. The work may be done by day labor under the direction of the governing body, by contractor, or by a combination of the two. Section 22050 et seq., provides the emergency contract procedures to be followed in these cases.

**Added for reference**

**Section 22035 states:**

(a) In cases of emergency when repair or replacements are necessary, the governing body may proceed at once to replace or repair any public facility without adopting plans, specifications, strain sheets, or working details, or giving notice for bids to let contracts. The work may be done by day labor under the direction of the governing body, by contractor, or by a combination of the two.

(b) In case of an emergency, if notice for bids to let contracts will not be given, the public agency shall comply with Chapter 2.5 (commencing with Section 22050).

Section 22050 states:

(a) (1) In the case of an emergency, a public agency, pursuant to a four-fifths vote of its governing body, may repair a public facility, take any directly related and immediate actions required by that emergency, and procure the necessary equipment, services, and supplies for those purposes, without giving notice for bids to let contracts.
July 26, 2021

Will Clemens, Chair
California Uniform Construction Cost Accounting Commission
Office of the State Controller
Local Government Programs and Services Division
Local Government Policy Section
P.O. Box 942850
Sacramento, CA 94250

Sent Via Certified Mail: July 26, 2021

Re: Request for Commission review of the practices used by the City of Tracy on the Corral Hollow Road Skin Patch Paving Project, pursuant to Public Contract Code Section 22042(b)

Dear Chair Clemens,

This letter shall serve as a formal request for a Commission review pursuant to Section 22042(b) of the Public Contract Code listed below, concerning the City of Tracy.

22042. The commission shall review the accounting procedures of any participating public agency where an interested party presents evidence that the work undertaken by the public agency falls within any of the following categories:

(b) Exceeded the force account limits.

We believe that the City of Tracy has exceeded their force account limit of $60,000, pursuant to Public Contract Code Section 22032(a), on the Corral Hollow Road Skin Patch Paving Project.

The scope of work for this project included paving in excess of 2" on a ½-mile stretch of S. Corral Hollow Rd. south of State Highway 580 (Attachment A). The project commenced on June 11, 2021 and was finished on June 24, 2021. In total, ten city employees performed work on the project, totaling 535 man-hours (Attachment B). Photos provided by the City confirm that all work was performed by City of Tracy employees (Attachment C). On May 20, 2021, the City estimated that the cost to have this project completed by city employees would be $179,838.07 (Attachment D). Documentation provided by the City shows the actual cost of the project to be $80,768.77, excluding the cost of overhead, equipment, and disposal of waste material (Attachment E). A letter has been sent to the City of Tracy, informing them of our request for a Commission review (Attachment K).

Please see the applicable project details below:

**Project Details**

**Project Name:** 2" SKIN PATCH - S. Corral Hollow
Project Scope of work: Partial excavation of the alligatored sections of the roadway, backfill of those areas with base rock, 2" overlay and re-striping

Project Agency Estimate: $179,838.07

Work Performed: Force Account

Agency Contact:
Don Scholl
Director of Public Works
520 Tracy Blvd, Gate #3
Tracy, CA 95376

The Construction Industry Force Account Council (CIFAC) is a non-profit organization that represents contractors, contractor associations and the various building trades. As such, we meet the definition of an “interested party” per Public Contract Code Section 22042.

Please feel free to contact Michelle Pickens or Justin Bochmann, Midstate Regional Compliance Manager at jbochmann@cifac.org if you should have any questions regarding this request for a Commission review. We request that you notify us in writing of the findings of the Commission.

Sincerely,

Michelle Pickens, Executive Director
2420 Martin Road, Suite 250
Fairfield CA, 94534
mpickens@cifac.org

Enclosures: Attachment “A” Map of Project Site
Attachment “B” Employee Time Entries Log
Attachment “C” City Photos of Project
Attachment “D” Force Account/Project Cost Estimate
Attachment “E” Force Account Cost Actual
Attachment “F” CIFAC June 28, 2021 Public Records Act Request
Attachment “G” NextRequest #21-291 Records Request Timeline
Attachment “H” CIFAC Photos of Project
Attachment “I” Daily Reports Log, Fleet Used Log, Materials Log
Attachment “J” Project Related City Staff Email Communications
Attachment “K” Copy of Complaint Letter to City of Tracy
## Attachment B

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**Work Estimate Form**

### Project Information:
- **Project Name:** 2" Skin Patch - S. Corral Hollow  
- **Job Location:** Corral Hollow Road
- **Performing Department / Division:** PW Streets
- **Requested By:**  
- **Supervisor Approval:**
- **Date Submitted:** 5/20/2021
- **Estimated Project Duration:** 3 weeks
- **Desired Schedule:** to

### Funding:
- **Proposed Funding Source:**
- **Account #:**
- **Object Code:**
- **Project Code:**

### Labor:

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Subtotal: $47,920.80

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<td>Back Hoe</td>
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Subtotal: $15,265.69

### Materials:

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<th>Item</th>
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Subtotal: $103,951.58

### Fees & Associated Costs:

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<th>Qty.:</th>
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<td>$127.00</td>
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</table>

Subtotal: $12,700.00

Date Approved: ___________________________  
Total Project Cost: $179,838.07

Approved by: ____________________________  
Director Signature: ______________________
**WORK ESTIMATE FORM**

**Project Information:**
- **Project Name:** 2" SKIN PATCH - S. Corral Hollow
- **Job Location:** Corral Hollow Road
- **Performing Department / Division:** PW Streets
- **Requested By:**
- **Date Submitted:** 5/20/2021
- **Estimated Project Duration:** 3 weeks
- **Desired Schedule:**

**Funding:**
- **Proposed Funding Source:** (select from drop down)
- **Account #**:
- **Object Code**:
- **Project Code**:

**Labor:**
- **Classification:**
  - Senior Maintenance Worker - Pavement: Est. Hours: 78, Rate: $57.44, Cost: $4,480.32
  - Maintenance Worker II - Pavement: 648, $55.36, $35,873.28
  - Senior Maintenance Worker - Striping: 45, $57.44, $2,584.80
  - Maintenance Worker II - Striping: 90, $55.36, $4,982.40
- **Actuals:** $31,817.52
- **Subtotal:** $47,920.80

**Equipment:**
- **Type:**
  - Dump Truck - 3 axle: Hours Used: 570, Hourly Rate: $8.94, Cost: $5,097.94
  - Back Hoe: 648, $0.85, $550.80
  - Paver - Leeboy: 420, $20.01, $8,404.20
  - Tack Oil- Bomag: 231, $5.25, $1,212.75
- **Actuals - Tracking purpose only**
- **Subtotal:** $15,265.69

**Materials:**
- **Item:**
  - Asphalt: Qty.: 1080, $80.00, $86,400.00
  - Detak: 83, $35.26, $2,926.58
  - Base materials: 105, $85.00, $8,925.00
  - Pro melt Markings material - striping: 1, $5,700.00, $5,700.00
- **Actuals - includes misc materials**
- **Subtotal:** $48,951.25
- **Total Materials Cost:** $103,951.58

**Fees & Associated Costs**
- **Fee Type:**
  - Disposal (tonnage): Qty.: 100, $127.00, $12,700.00
  - Actuals: 0, Subtotal $12,700.00
- **Actuals Total:** $80,768.77

**Date Approved:**

**Total Project Cost:** $179,838.07

Approved by: ___________________________  Director Signature: ___________________________
June 28, 2021

Don Scholl, Director of Public Works
City of Tracy
520 Tracy Blvd.
Gate #3
Tracy, CA 95376

Re: Public Records Act Request - Corral Hollow Road Paving Project

Dear Don Scholl:

The Construction Industry Force Account Council (CIFAC) is a construction industry supported non-profit organization dedicated to Public Contract Code compliance and education. We promote competitive bidding on public works construction projects by using a fair, transparent and objective process.

It was recently observed that the City of Tracy utilized force account to pave a significant section of Corral Hollow Road. We are seeking documentation from your agency for our review. Please provide the following documents or the legal authority under which you claim exemption:

1. Copies of any estimates or cost studies performed prior to the commencement of the project, including an estimate of cost associated with in-house personnel self-performing the work
2. Copies of any/all documents reflecting the scope of work to be performed by in-house personnel, including any changes to the scope listed previously in the bid documents
3. Copies of any/all documents reflecting the timeline of the project, including the estimated start and completion dates for the work
4. Copies of employee time cards who worked on the project, including inspectors and supervisors
5. Copies of all inspection logs/work logs
6. Copies of any/all material invoices
7. Copies of any/all documents reflecting the equipment used on this project, including the make and model of vehicles

Thank you for your prompt reply to this letter. We are requesting these documents per the California Public Records Act; Government Code 6250 et seq. and, therefore, will expect a reply by July 8, 2021. Please contact me if you have any questions at (209) 840-0191.

Sincerely,

Justin Bochmann
Midstate Regional Compliance Manager
Construction Industry Force Account Council
jbochmann@cifac.org
(209) 840-0191 Cell
Details

The Construction Industry Force Account Council (CIFAC) is a construction industry supported non-profit organization dedicated to Public Contract Code compliance and education. We promote competitive bidding on public works construction projects by using a fair, transparent and objective process.

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Thank you for your prompt reply to this letter. We are requesting these documents per the California Public Records Act; Government Code 6250 et seq. and, therefore, will expect a reply by July 8, 2021.

Read less

Received
June 28, 2021 via email

Departments
Development Services, Finance, Utilities, Public Works, City Clerk’s Office

Requester
Justin Bochmann
jbochmann@cifac.org
2420 Martin Rd Suite 250, Fairfield, CA 94534
209-840-0191
Construction Industry Force Account Council

Documents

Public
Corral Hollow Rd Time Entries.pdf

Requester
(none)
Staff

Point of Contact
Necy Lopez

Timeline

Request Published
July 23, 2021, 4:40pm by Necy Lopez

Request Closed
The City has provided all responsive, non-exempt records.
July 23, 2021, 4:40pm by Necy Lopez

Document(s) Released
Corral Hollow Rd Time Entries.pdf
July 23, 2021, 4:39pm by Necy Lopez

Document(s) Released
Photo 1 - Corral Hollow Rd.jpg
Photo 2 - Corral Hollow Rd.jpg
Photo 3 - Corral Hollow Rd.jpg
Photo 4 - Corral Hollow Rd.jpg
Photo 5 - Corral Hollow Rd.jpg
Photo 6 - Corral Hollow Rd.jpg
Photo 7 - Corral Hollow Rd.jpg
Photo 8 - Corral Hollow Rd.jpg
Photo 9 - Corral Hollow Rd.jpg
Photo 10 - Corral Hollow Rd.jpg
Photo 11 - Corral Hollow Rd.jpg
Photo 12 - Corral Hollow Rd.jpg
Photo 13 - Corral Hollow Rd.jpg
Photo 14 - Corral Hollow Rd.jpg
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Photo 19 - Corral Hollow Rd.jpg
Photo 20 - Corral Hollow Rd.jpg
Photo 21 - Corral Hollow Rd.jpg
Photo 22 - Corral Hollow Rd.jpg
Photo 23 - Corral Hollow Rd.jpg
Photo 24 - Corral Hollow Rd.jpg
Photo 25 - Corral Hollow Rd.jpg
Photo 26 - Corral Hollow Rd.jpg
Photo 27 - Corral Hollow Rd.jpg
Photo 28 - Corral Hollow Rd.jpg
Photo 29 - Corral Hollow Rd.jpg
July 23, 2021, 10:12am by Necy Lopez

Department Assignment
Added: City Clerk's Office.
External Message

Please provide the following additional information:

1. Copies of any/all documentation reflecting funding mechanisms associated with the project
2. Copies of any/all City Council meeting agenda and meeting minutes reflecting any discussion and action taken on this project or related work
3. Copies of any/all photographs taken by city personnel throughout the duration of the project
4. A Copy of the City’s Procurement/Bidding policy for public works

July 20, 2021, 5:03pm by Necy Lopez

External Message

More information is needed. Please provide the following:

• Which section of Corral Hollow Road.
• What is the CIP Number?
• It could be a development project on Corral Hollow Road.
• Name of the contractor
• Time Frame - Dates
• DIR #

July 19, 2021, 11:59am by Necy Lopez (Staff)

Document(s) Released

July 19, 2021, 11:17am by Necy Lopez

External Message

Please be advised that City of Tracy staff has received your California Public Records Act request. Within the next 10 days, staff will determine whether your request seeks copies of disclosable records in the City of Tracy’s possession or whether the City will require an extension.

June 28, 2021, 5:25pm

Development Services, Utilities

June 28, 2021, 5:25pm by Necy Lopez

Request Opened

Request received via email

June 28, 2021, 5:25pm by Necy Lopez
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<td>6/15/2021</td>
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<td>10123401</td>
<td>5339 Rdwy Maint - Operating Supply</td>
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<td>Streets - 5gal can emergency repair *Corral Hollow</td>
<td>6/14/2021</td>
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<td>Valley Quick Lube In</td>
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<td>6/14/2021</td>
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<td>Streets - propane Emergency Repair* Corral Hollow</td>
<td>6/15/2021</td>
</tr>
</tbody>
</table>

39,174.80
FYI. Let’s get her the info so we can provide her options...

From: Don Scholl  
Sent: Thursday, May 20, 2021 8:30 AM  
To: Jenny Haruyama <Jenny.Haruyama@cityoftracy.org>  
Cc: Midori Lichtwardt <Midori.Lichtwardt@cityoftracy.org>; Robert Armijo <Robert.Armijo@cityoftracy.org>; Andrew Malik <Andrew.Malik@cityoftracy.org>  
Subject: RE: Corral Hollow Road Surface Issue

I’m working with my folks to get you an estimate for us to do an overlay that should buy us a few years until Tracy Hills is triggered to reconstruct the road in this area. I should have that to you today.

From: Jenny Haruyama <Jenny.Haruyama@cityoftracy.org>  
Sent: Thursday, May 20, 2021 7:52 AM  
To: Don Scholl <Don.Scholl@cityoftracy.org>  
Cc: Midori Lichtwardt <Midori.Lichtwardt@cityoftracy.org>; Robert Armijo <Robert.Armijo@cityoftracy.org>; Andrew Malik <Andrew.Malik@cityoftracy.org>  
Subject: Re: Corral Hollow Road Surface Issue

We will need to figure out how to allocate funds to address.

Sent from my iPad

On May 20, 2021, at 4:45 AM, Don Scholl <Don.Scholl@cityoftracy.org> wrote:

They are correct. We’ve confirmed in the past the area is ours.

Sent from my iPhone

On May 19, 2021, at 10:51 PM, Jenny Haruyama <Jenny.Haruyama@cityoftracy.org> wrote:

Please figure out what it will cost for that portion (.75) to be addressed.

Robert, looks like a portion is in the City? I need someone to verify that what the county is saying is correct.

We will need to address this issue given the Lab’s situation. Please advise.

Jenny Haruyama, City Manager  
City of Tracy - City Manager’s Office
On May 19, 2021, at 10:13 PM, Don Scholl
<Don.Scholl@cityoftracy.org> wrote:

I thought you should be aware of this request. The condition of the road has been beyond PW's current ability to repair for some time. We routinely fill potholes but the road is too far gone for the material to stay in place beyond a few days.

Sent from my iPhone

Begin forwarded message:

From: "Zarif, Najee [PW]" <nzarif@sjgov.org>
Date: May 19, 2021 at 5:53:08 PM PDT
To: "Balaji, Kris [PW]" <kbalaji@sjgov.org>, "Tyrrell, Scott [BOS]" <styrrell@sjgov.org>
Cc: "Rickman, Robert [BOS]" <rickman@sjgov.org>, "Stone, Jim [PW]" <jstone@sjgov.org>, Andrew Malik <Andrew.Malik@cityoftracy.org>, Robert Armijo <Robert.Armijo@cityoftracy.org>, Don Scholl <Don.Scholl@cityoftracy.org>
Subject: RE: Corral Hollow Road Surface Issue

Good Afternoon Scott,

Approximately .75 miles of Corral Hollow Road immediately south/southwest of I-580 is in the City of Tracy. This area was annexed by the City several years ago as part of the Tracy Hills Specific Plan. I've attached a photo of the boundary of this area for reference.

I believe this is the area that LLNL is concerned about. I'm copying City of Tracy staff on this email so that they are aware of the request for maintenance on this section of roadway and can respond with any planned work.

Please let me know if you have any questions.

Best regards,
Najee

Najee Zarif, PE
Certainly Scott. Looking at the attached email that was sent regarding road treatments in District 5, it appears Corral Hollow is scheduled to get a chip seal treatment. Let me check further.

Regards,
Kris Balaji, PMP, P.E.,
Director of Public Works
San Joaquin County
W 209-468-3100
C (209) 623-8302 (New Cell#)

From: SCOTT TYRRELL <styrrell@sjgov.org>
Date: Wednesday, May 19, 2021 at 5:01 PM
To: "Balaji, Kris [PW]" <kbalaji@sjgov.org>
Cc: "Rickman, Robert [BOS]" <rrickman@sjgov.org>
Subject: Fwd: Corral Hollow Road Surface Issue

Good afternoon Director Balaji; can we please have appropriate staff investigate the matter outlined below - Thank you for your attention to this request - V/R, Scott

Sent from my iPhone

Begin forwarded message:

From: "Wilson, Scott F." <wilson101@llnl.gov>
Date: May 19, 2021 at 3:54:41 PM PDT
To: "Tyrrell, Scott [BOS]"
<styrrell@sjgov.org>
Subject: Corral Hollow Road Surface Issue

CAUTION: This email is originated from outside of the organization. Do not click links or open attachments unless you
Scott –

It was brought to my attention by our team at Site 300 that there is about a ½ mile stretch of Corral Hollow Road south of I-580 that is in need of resurfacing. Regulations require us to use that route, rather than Tesla/Corral Hollow, when transporting high explosive materials in vehicles 20 feet or longer to and from Site 300 and the condition of the roadway is concerning.

The City of Tracy informs me that that portion of the roadway is within county jurisdiction. We would greatly appreciate your office’s attention to this, and letting me know if there is some remedy available.

Thank you.

Scott

<Tracy Hills Specific Plan.PNG>
David Murphy

From: Don Scholl
Sent: Monday, June 7, 2021 5:17 PM
To: David Murphy; Robin Kloepfer
Subject: FW: Corral Hollow Road Surface Issue

David, we received the ‘ok’ to do the proposed temporary repairs/skin patch on the far end of Corral Hollow. Please proceed with planning and scheduling the work. Send me your proposed timeline once you have it. Be sure to include a traffic control plan approved by Anju in your planning. Thanks.

Robin, as discussed, here is the direction given regarding funding the work. If I get any additional responses I’ll forward them to you.

From: Don Scholl
Sent: Monday, June 7, 2021 5:05 PM
To: Felicia Galindo <Felicia.Galindo@cityoftracy.org>
Subject: RE: Corral Hollow Road Surface Issue

Sounds good. It just can’t come out of next FY PW operating budget...Thanks!

From: Felicia Galindo <Felicia.Galindo@cityoftracy.org>
Sent: Monday, June 7, 2021 4:54 PM
To: Don Scholl <Don.Scholl@cityoftracy.org>
Subject: RE: Corral Hollow Road Surface Issue

Well let’s just say you are already way negative in cash.... It will be fixed at year end 😊

Felicia Galindo | Senior Accountant
Finance Department
333 Civic Center Plaza | Tracy, CA 95376
Office: 209.831.6839

From: Don Scholl <Don.Scholl@cityoftracy.org>
Sent: Monday, June 7, 2021 4:14 PM
To: Felicia Galindo <Felicia.Galindo@cityoftracy.org>
Subject: RE: Corral Hollow Road Surface Issue
So we will be WAY over on those accounts for this FY and you will reconcile at close out?

From: Felicia Galindo <Felicia.Galindo@cityoftracy.org>
Sent: Monday, June 7, 2021 1:26 PM
To: Don Scholl <Don.Scholl@cityoftracy.org>
Subject: RE: Corral Hollow Road Surface Issue

Don,

Just utilize your gas tax accounts for streets and we will adjust on the back end.

Thank You,

Felicia Galindo | Senior Accountant
Finance Department
333 Civic Center Plaza | Tracy, CA 95376
Office: 209.831.6839

From: Don Scholl <Don.Scholl@cityoftracy.org>
Sent: Monday, June 7, 2021 11:18 AM
To: Karin Schnaider <Karin.Schnaider@cityoftracy.org>; Felicia Galindo <Felicia.Galindo@cityoftracy.org>
Subject: RE: Corral Hollow Road Surface Issue

Thanks.

We will be performing the repairs in-house if that helps...

From: Karin Schnaider <Karin.Schnaider@cityoftracy.org>
Sent: Monday, June 7, 2021 10:52 AM
To: Don Scholl <Don.Scholl@cityoftracy.org>; Felicia Galindo <Felicia.Galindo@cityoftracy.org>
Subject: FW: Corral Hollow Road Surface Issue

Felicia

Can you provide the Gas Tax account for Don to use? I would assume he may need a CIP number, too.

Thank You,

Karin Schnaider
City of Tracy
Finance Director
Good morning, Karin
Can you help us locate an appropriate funding source and have your staff provide an account number for Don to charge the work to.

Let me know if we need to discuss further before Don schedules the work.

Thanks in advance for your assistance on this issue.

Midori Lichtwardt, Assistant City Manager   |   City Manager’s Office
333 Civic Center Plaza   |   Tracy, CA  95376
Office (209) 831.6113   |   Direct (209) 831.6159   |   Fax (209) 831.6120
midori.lichtwardt@cityoftracy.org

---

Yes, however need to confirm funding source.

Jenny Haruyama, City Manager
City of Tracy - City Manager’s Office
333 Civic Center Drive
Tracy, CA 95376
(209) 831-6115
www.thinkinsidethetriangle

Sent from my iPhone

On Jun 4, 2021, at 2:23 PM, Midori Lichtwardt <Midori.Lichtwardt@cityoftracy.org> wrote:
Is this a green light for Don and his crews to schedule the work?

Midori Lichtwardt, Assistant City Manager | City Manager’s Office
333 Civic Center Plaza | Tracy, CA 95376
Office (209) 831.6113 | Direct (209) 831.6159 | Fax (209) 831.6120
midori.lichtwardt@cityoftracy.org

From: Karin Schnaider <Karin.Schnaider@cityoftracy.org>
Sent: Thursday, June 3, 2021 4:35 PM
To: Jenny Haruyama <Jenny.Haruyama@cityoftracy.org>; Midori Lichtwardt <Midori.Lichtwardt@cityoftracy.org>
Subject: RE: Corral Hollow Road Surface Issue

Yes, I agree.

Thank You,

Karin Schnaider
City of Tracy
Finance Director

From: Jenny Haruyama <Jenny.Haruyama@cityoftracy.org>
Sent: Thursday, June 3, 2021 4:27 PM
To: Midori Lichtwardt <Midori.Lichtwardt@cityoftracy.org>; Karin Schnaider
Thoughts? While no significant fiscal impact, from an efficiency perspective—makes sense to do the 2-3 year fix.

Jenny Haruyama, City Manager  
City of Tracy - City Manager’s Office  
333 Civic Center Drive  
Tracy, CA 95376  
(209) 831-6115  
www.thinkinsidethetriangle

Sent from my iPhone

Begin forwarded message:

From: Don Scholl <Don.Scholl@cityoftracy.org>  
Date: June 3, 2021 at 4:14:56 PM PDT  
To: Jenny Haruyama <Jenny.Haruyama@cityoftracy.org>  
Cc: Midori Lichtwardt <Midori.Lichtwardt@cityoftracy.org>, Robert Armijo <Robert.Armijo@cityoftracy.org>, Andrew Malik <Andrew.Malik@cityoftracy.org>, David Murphy <David.Murphy@cityoftracy.org>, Karin Schnaider <Karin.Schnaider@cityoftracy.org>  
Subject: RE: Corral Hollow Road Surface Issue

As follow up to our call of last week, here is some additional information:

1. Claims Info – (from AIMS)
   a. Number of claims filed: 8
   b. Number declined: 2 returned as insufficient due to lack of exact location on Corral Hollow Rd., 1 rejected because outside of City limits
   c. Amount paid out for claims: 5 claims paid = $7,463.32
   d. List of types of claims: all 8 were pothole claims

2. PD records – (1/1/2018 – 12/31/2020)
   a. Number of accidents – 17 for the section of CH near Tracy Hills and the end of the City portion of the roadway
   b. Roadway conditions noted – none listed roadway issues – all reports checked ‘no unusual (roadway) conditions’

3. PW repair costs and GO Request History –
a. FY 20/21 we are at 18 visits, 7.5 tons, 11 bags of Ezstreet and 31 total staff hours.
   i. $1,200 materials
   ii. $1,379 burdened labor
   iii. $2,579 total this FY

b. GO Request history – We’ve received 36 work requests on this area from 2018 to today. The details of them are included in the attached spreadsheet.

The numbers stated above do not indicate a significant immediate fiscal impact. I believe other issues warrant consideration:

1. Concern expressed by Site 300
2. Past comment by Fire staff regarding road condition. I believe Randy noted it to David during a past conversation.
3. Known current condition (see images and work request history)
4. Time spent by crew potholing could be utilized on other work
5. Timeline outlook for actual reconstruction by TH

I hope this helps inform our next steps. Please let me know if there is anything else Public Works can provide.

Thanks.

From: Don Scholl
Sent: Thursday, May 20, 2021 3:10 PM
To: Jenny Haruyama <Jenny.Haruyama@cityoftracy.org>
Cc: Midori Lichtwardt <Midori.Lichtwardt@cityoftracy.org>; Robert Armijo <Robert.Armijo@cityoftracy.org>; Andrew Malik <Andrew.Malik@cityoftracy.org>
Subject: RE: Corral Hollow Road Surface Issue

Attached is our estimate for our in-house staff to perform a 2” asphalt overlay (skin patch) of the area. We can perform this work utilizing existing staff and equipment but do not have funding for the necessary materials or disposal. (The total for those two items is approx. $115,000.) PW crews do routinely check this area and fill potholes as best they can but the pothole work is short-lived and our current materials resources are limited.
The proposed process would include:

1. Partial excavation of the alligatored sections of the roadway
2. Backfill of those areas with base rock
3. 2” overlay
4. Re-striping

The roadway needs full reconstruction. However, the proposed work outlined above will provide an acceptable surface that should minimize issues for approximately 3 – 5 years or so. That timeframe may allow Tracy Hills to proceed with the required reconstruction of the roadway which I understand is their responsibility at some trigger point.

I will assign staff to begin the work ASAP once your approval is given for the materials and disposal funding for the project. We could start the second week of June and be completed by approx.. June 18th.

Please let me know what else PW can do to assist.

From: Don Scholl
Sent: Thursday, May 20, 2021 8:30 AM
To: Jenny Haruyama
Cc: Midori Lichtwardt, Robert Armijo, Andrew Malik
Subject: RE: Corral Hollow Road Surface Issue

I’m working with my folks to get you an estimate for us to do an overlay that should buy us a few years until Tracy Hills is triggered to reconstruct the road in this area. I should have that to you today.

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Cc: Midori Lichtwardt, Robert Armijo, Andrew Malik
Subject: Re: Corral Hollow Road Surface Issue
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Tracy, CA 95376
(209) 831-6115
www.thinkinsidethetriangl<http://www.thinkinsidethetriangl>

Sent from my iPhone

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Sent from my iPhone

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Date: May 19, 2021 at 5:53:08 PM PDT
To: "Balaji, Kris [PW]" <kbalaji@sjgov.org<mailto:kbalaji@sjgov.org>>,
"Tyrrell, Scott [BOS]" <styrrell@sjgov.org<mailto:styrrell@sjgov.org>>
Cc: "Rickman, Robert [BOS]"
<rrickman@sjgov.org<mailto:rrickman@sjgov.org>>, "Stone, Jim [PW]"
<jstone@sjgov.org<mailto:jstone@sjgov.org>>, Andrew Malik
<Andrew.Malik@cityoftracy.org<mailto:Andrew.Malik@cityoftracy.org>>,
Robert Armijo
<Robert.Armijo@cityoftracy.org<mailto:Robert.Armijo@cityoftracy.org>>, Don Scholl <Don.Scholl@cityoftracy.org<mailto:Don.Scholl@cityoftracy.org>>
Subject: RE: Corral Hollow Road Surface Issue

Good Afternoon Scott,
Approximately .75 miles of Corral Hollow Road immediately south/southwest of I-580 is in the City of Tracy. This area was annexed by the City several years ago as part of the Tracy Hills Specific Plan. I’ve attached a photo of the boundary of this area for reference.

I believe this is the area that LLNL is concerned about. I’m copying City of Tracy staff on this email so that they are aware of the request for maintenance on this section of roadway and can respond with any planned work.

Please let me know if you have any questions.

Best regards,
Najee

Najee Zarif, PE
Deputy Director - Engineering
209.468.3053 (o) | 209.609.2417 (m)

From: Balaji, Kris [PW] <kbalaji@sjgov.org>
Sent: Wednesday, May 19, 2021 5:06 PM
To: Tyrrell, Scott [BOS] <styrrell@sjgov.org>
Cc: Rickman, Robert [BOS] <rrickman@sjgov.org>; Zarif, Najee [PW] <nzarif@sjgov.org>; Stone, Jim [PW] <jstone@sjgov.org>
Subject: Re: Corral Hollow Road Surface Issue

Certainly Scott. Looking at the attached email that was sent regarding road treatments in District 5, it appears Corral Hollow is scheduled to get a chip seal treatment. Let me check further.

Regards,
Kris Balaji, PMP, P.E.,
Director of Public Works
San Joaquin County
W 209-468-3100
C (209) 623-8302 (New Cell#)

From: SCOTT TYRRELL <styrrell@sjgov.org>
Date: Wednesday, May 19, 2021 at 5:01 PM
To: "Balaji, Kris [PW]" <kbalaji@sjgov.org>
Cc: "Rickman, Robert [BOS]"
Subject: Fwd: Corral Hollow Road Surface Issue

Good afternoon Director Balaji; can we please have appropriate staff investigate the matter outlined below - Thank you for your attention to this request - V/R, Scott

Sent from my iPhone
Begin forwarded message:

From: "Wilson, Scott F." <wilson101@llnl.gov>
Date: May 19, 2021 at 3:54:41 PM PDT
To: "Tyrrell, Scott [BOS]" <styrrell@sjgov.org>
Subject: Corral Hollow Road Surface Issue

CAUTION: This email is originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Scott –

It was brought to my attention by our team at Site 300 that there is about a ½ mile stretch of Corral Hollow Road south of I-580 that is in need of resurfacing. Regulations require us to use that route, rather than Tesla/Corral Hollow, when transporting high explosive materials in vehicles 20 feet or longer to and from Site 300 and the condition of the roadway is concerning.

The City of Tracy informs me that that portion of the roadway is within county jurisdiction. We would greatly appreciate your office’s attention to this, and letting me know if there is some remedy available.

Thank you.

Scott

<Tracy Hills Specific Plan.PNG>
<Copy of SKIN PATCH CORRAL HOLLOW.xlsx>
<S. Corral Hollow - HWY 580 MAP.pdf>

<Book1.xlsx>
[This page intentionally left blank]
Hello all:

Below is a status update and timeline we currently have for the temporary repairs on CH –

1. Received approval from CMO to proceed – 6/7
2. Confirmed funding direction from Felicia – 6/7
3. Notified Carissa of upcoming need for posts regarding project – 6/8
   a. DRAFT post sent for review – 6/9
   b. Carissa to review and schedule posts
4. Notified Anju of need for stamped traffic control plan and sent DRAFT plan for her review – 6/8
5. Electronic message boards were placed notifying public of upcoming work – 6/9
7. Equipment prep, rental, staging of materials and traffic control devices – 6/9 & 6/14
8. Work begins – 6/15 with single lane closure between 7AM and 3PM – working in lane opposite the commute
9. Estimated date for completion of temporary repairs – 6/30 (we may finish earlier)

Additional notes:
1. This project will keep the entire Streets Division crew occupied during this time. No other special projects or assignments will be conducted unless an absolute emergency.
2. The CPU will continue its scheduled/posted activities at encampments, etc.
3. The repairs will again be temporary in nature but should address the concerns recently expressed by Site 300. The roadway will not be aesthetically pleasing but will be safer to utilize – similar to the skin patch done recently on West Grantline Road near Walmart.
4. If you like, I can notify the County of the plan.

Let me know if you need more info.

Thanks.

As follow up to our call of last week, here is some additional information:

1. Claims Info – (from AIMS)
   a. Number of claims filed : 8
   b. Number declined : 2 returned as insufficient due to lack of exact location on Corral Hollow Rd., 1 rejected because outside of City limits
c. Amount paid out for claims: 5 claims paid = $7,463.32
d. List of types of claims: all 8 were pothole claims

2. PD records – (1/1/2018 – 12/31/2020)
a. Number of accidents – 17 for the section of CH near Tracy Hills and the end of the City portion of the roadway
b. Roadway conditions noted – none listed roadway issues – all reports checked ‘no unusual (roadway) conditions’

3. PW repair costs and GO Request History –
a. FY 20/21 we are at 18 visits, 7.5 tons, 11 bags of Ezstreet and 31 total staff hours.
   i. $1,200 materials
   ii. $1,379 burdened labor
   iii. $2,579 total this FY
b. GO Request history – We’ve received 36 work requests on this area from 2018 to today. The details of them are included in the attached spreadsheet.

The numbers stated above do not indicate a significant immediate fiscal impact. I believe other issues warrant consideration:

1. Concern expressed by Site 300
2. Past comment by Fire staff regarding road condition. I believe Randy noted it to David during a past conversation.
3. Known current condition (see images and work request history)
4. Time spent by crew potholing could be utilized on other work
5. Timeline outlook for actual reconstruction by TH

I hope this helps inform our next steps. Please let me know if there is anything else Public Works can provide.

Thanks.

From: Don Scholl
Sent: Thursday, May 20, 2021 3:10 PM
To: Jenny Haruyama <Jenny.Haruyama@cityoftracy.org>
Cc: Midori Lichtwardt <Midori.Lichtwardt@cityoftracy.org>; Robert Armijo <Robert.Armijo@cityoftracy.org>; Andrew Malik <Andrew.Malik@cityoftracy.org>
Subject: RE: Corral Hollow Road Surface Issue

Attached is our estimate for our in-house staff to perform a 2” asphalt overlay (skin patch) of the area. We can perform this work utilizing existing staff and equipment but do not have funding for the necessary materials or disposal. (The total for those two items is approx. $115,000.) PW crews do routinely check this area and fill potholes as best they can but the pothole work is short-lived and our current materials resources are limited.

The proposed process would include:
1. Partial excavation of the alligatored sections of the roadway
2. Backfill of those areas with base rock
3. 2” overlay
4. Re-striping
The roadway needs full reconstruction. However, the proposed work outlined above will provide an acceptable surface that should minimize issues for approximately 3 – 5 years or so. That timeframe may allow Tracy Hills to proceed with the required reconstruction of the roadway which I understand is their responsibility at some trigger point.

I will assign staff to begin the work ASAP once your approval is given for the materials and disposal funding for the project. We could start the second week of June and be completed by approx.. June 18th.

Please let me know what else PW can do to assist.

From: Don Scholl  
Sent: Thursday, May 20, 2021 8:30 AM  
To: Jenny Haruyama <Jenny.Haruyama@cityoftracy.org>  
Cc: Midori Lichtwardt <Midori.Lichtwardt@cityoftracy.org>; Robert Armijo <Robert.Armijo@cityoftracy.org>; Andrew Malik <Andrew.Malik@cityoftracy.org>  
Subject: RE: Corral Hollow Road Surface Issue

I’m working with my folks to get you an estimate for us to do an overlay that should buy us a few years until Tracy Hills is triggered to reconstruct the road in this area. I should have that to you today.

From: Jenny Haruyama <Jenny.Haruyama@cityoftracy.org>  
Sent: Thursday, May 20, 2021 7:52 AM  
To: Don Scholl <Don.Scholl@cityoftracy.org>  
Cc: Midori Lichtwardt <Midori.Lichtwardt@cityoftracy.org>; Robert Armijo <Robert.Armijo@cityoftracy.org>; Andrew Malik <Andrew.Malik@cityoftracy.org>  
Subject: Re: Corral Hollow Road Surface Issue

We will need to figure out how to allocate funds to address.

Sent from my iPad

On May 20, 2021, at 4:45 AM, Don Scholl <Don.Scholl@cityoftracy.org> wrote:

They are correct. We’ve confirmed in the past the area is ours.

Sent from my iPhone

On May 19, 2021, at 10:51 PM, Jenny Haruyama <Jenny.Haruyama@cityoftracy.org> wrote:

Please figure out what it will cost for that portion (.75) to be addressed.

Robert, looks like a portion is in the City? I need someone to verify that what the county is saying is correct.

We will need to address this issue given the Lab’s situation. Please advise.

Jenny Haruyama, City Manager  
City of Tracy - City Manager’s Office  
333 Civic Center Drive  
Tracy, CA 95376
On May 19, 2021, at 10:13 PM, Don Scholl
<Don.Scholl@cityoftracy.org> wrote:

I thought you should be aware of this request. The condition of the road has been beyond PW’s current ability to repair for some time. We routinely fill potholes but the road is too far gone for the material to stay in place beyond a few days.

Sent from my iPhone

Begin forwarded message:

From: "Zarif, Najee [PW]" <nzarif@sjgov.org>
Date: May 19, 2021 at 5:53:08 PM PDT
To: "Balaji, Kris [PW]" <kbalaji@sjgov.org>, "Tyrrell, Scott [BOS]" <styrrell@sjgov.org>
Cc: "Rickman, Robert [BOS]" <rrickman@sjgov.org>, "Stone, Jim [PW]" <jstone@sjgov.org>, Andrew Malik <Andrew.Malik@cityoftracy.org>, Robert Armijo <Robert.Armijo@cityoftracy.org>, Don Scholl <Don.Scholl@cityoftracy.org>
Subject: RE: Corral Hollow Road Surface Issue

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Please let me know if you have any questions.

Best regards,
Najee

Najee Zarif, PE
Deputy Director - Engineering
209.468.3053 (o) | 209.609.2417 (m)
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To: Tyrrell, Scott [BOS] <styrrell@sjgov.org>
Cc: Rickman, Robert [BOS] <rrickman@sjgov.org>; Zarif, Najee [PW] <nzarif@sjgov.org>; Stone, Jim [PW] <jstone@sjgov.org>
Subject: Re: Corral Hollow Road Surface Issue
Importance: High

Certainly Scott. Looking at the attached email that was sent regarding road treatments in District 5, it appears Corral Hollow is scheduled to get a chip seal treatment. Let me check further.

Regards,
Kris Balaji, PMP, P.E.,
Director of Public Works
San Joaquin County
W 209-468-3100
C (209) 623-8302 (New Cell#)

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Subject: Corral Hollow Road Surface Issue

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The City of Tracy informs me that that portion of the roadway is within county jurisdiction. We would greatly appreciate your office’s attention to this, and letting me know if there is some remedy available.

Thank you.

Scott

<Tracy Hills Specific Plan.PNG>
[This page intentionally left blank]
Good afternoon Mr. Murphy,

You will find two traffic plans attached. The preferred plane is the Road Closure because there is less of an opportunity for accidents, both to workers and motorists. We can discuss details of what the message boards will say and when they will be put in place tomorrow. We do have enough yellow paint for the center line striping and we can make use of our new thermoplastic machines to do the edge line striping.

Chris Foley
Traffic Maintenance
City of Tracy
209-346-1183
July 26, 2021

Don Scholl
Director of Public Works
520 Tracy Blvd, Gate #3
Tracy, CA 95376

Sent Via Certified Mail: July 26, 2021

Re: California Uniform Construction Cost Accounting Commission review of the practices used by the City of Tracy on the Corral Hollow Road Skin Patch Paving Project, pursuant to Public Contract Code Section 22042(b)

Dear Don Scholl,

This letter shall serve as a formal notice to the City of Tracy that the Construction Industry Force Account Council (CIFAC) has requested a Commission review of the Corral Hollow Road Skin Patch Paving Project, pursuant to Section 22042(b) of the Public Contract Code listed below.

22042. The commission shall review the accounting procedures of any participating public agency where an interested party presents evidence that the work undertaken by the public agency falls within any of the following categories:

(b) Exceeded the force account limits.

We believe that the City of Tracy has exceeded their force account limit of $60,000, pursuant to Public Contract Code Section 22032, on the Corral Hollow Road Skin Patch Paving Project.

In accordance with Public Contract Code Section 22043(c) (2), the Commission review shall commence immediately and conclude within ninety (90) days from the receipt of the request for commission review.

The Construction Industry Force Account Council (CIFAC) is a non-profit organization that represents contractors, contractor associations and the various building trades. As such, we meet the definition of an “interested party” per Public Contract Code Section 22042.

Please feel free to contact Michelle Pickens or Justin Bochmann, Midstate Regional Compliance Manager at jbochmann@cifac.org if you should have any questions regarding this complaint.

Sincerely,

Michelle Pickens, Executive Director
2420 Martin Road, Suite 250
Fairfield CA, 94534
mpickens@cifac.org
July 19, 2021

Will Clemens, Chair  
California Uniform Construction Cost Accounting Commission  
Office of the State Controller  
Local Government Programs and Services Division  
Local Government Policy Section  
P.O. Box 942850  
Sacramento, CA 94250  

Sent Via Certified Mail: July 19, 2021

Re: Request for Commission review of the practices used by the County of Tuolumne on the Five Mile Creek Road Storm Damage Repair Project, pursuant to Public Contract Code Section 22042(a)

Dear Chair Clemens,

This letter shall serve as a formal request for a Commission review pursuant to Section 22042(a) of the Public Contract Code concerning the County of Tuolumne.

22042. The commission shall review the accounting procedures of any participating public agency where an interested party presents evidence that the work undertaken by the public agency falls within any of the following categories:

(a) Is to be performed by a public agency after rejection of all bids, claiming work can be done less expensively by the public agency.

The Five Mile Creek Road Storm Damage Repair Project was competitively bid in accordance with the requirements set forth in Public Contract Code Section 22034 on May 12, 2021. Bids were received and opened on May 27, 2021. On July 13, 2021, the County of Tuolumne opted to reject all bids presented and have the project completed by force account. The resolution was passed by a four-fifths vote declaring that the employees of the County could perform the project more economically.

Agencies subject to the Act are required to follow the cost accounting procedures as contained in the Cost Accounting Policies and Procedures Manual. Section 3.01 of the manual states that “The Commission feels that all cost elements, including personnel, materials, supplies and subcontracts, equipment, and overhead associated with the project must be reported at the project level.”

We believe that the County of Tuolumne has failed to include all costs associated with constructing this project, including the required overhead. We respectfully request the Commission's review to ensure the County is compliant.
In accordance with Public Contract Code Section 22043(a), this request for commission review is being sent no later than eight business days from the date the public agency rejected all bids.

We have mailed a copy of our complaint to the County of Tuolumne and have attached a copy of that letter for your records. Please see project details below:

**Project Name:** Five Mile Creek Road Storm Damage Repair (Contract No. 1723-4)

**Project Bid Date:** May 12, 2021

**Project Bid Rejection Date:** July 13, 2021

**Project Low Bid Dollar Amount:** $191,604.00

**Project Agency Estimate:** $150,000.00

**Force Account Estimate:** $81,540.22

**Project Contact:** Kim MacFarlane
Director of Public Works
2 South Green Street
Sonora, CA 95370-4618
(209) 533-5601

The Construction Industry Force Account Council (CIFAC) is a non-profit organization that represents contractors, contractor associations and the various building trades. As such, we meet the definition of an “interested party” per Public Contract Code Section 22042.

Please feel free to contact Michelle Pickens or Justin Bochmann, Midstate Regional Compliance Manager at jbochmann@cifac.org if you should have any questions regarding this complaint. We request that you notify us in writing of the findings of the Commission.

Sincerely,

Michelle Pickens, Executive Director
2420 Martin Road, Suite 250
Fairfield CA, 94534
mpickens@cifac.org

Enclosures:
Attachment “A” A copy of the Board of Supervisors meeting agenda item staff report
Attachment “B” A copy of the passed and signed resolution
Attachment “C” A copy of the Force Account estimate
Attachment “D” A copy of the complaint letter to Tuolumne County
Attachment "A"
TO: Honorable Board of Supervisors
FROM: Blossom Scott-Heim, P.E., Supervising Engineer
DATE: July 13, 2021
RE: Five Mile Creek Road Storm Damage Repair

REQUESTED ACTION
Consideration of rejecting all bids for Contract No. 1723-4, “Five Mile Creek Road Storm Damage Repair,” adopting a resolution declaring that the public project can be performed more economically by the employees of the County, and authorizing the completion of the project by means of force account.

BACKGROUND INFORMATION
Between March 21 and 23, 2018 heavy rains throughout Tuolumne County resulted in flash flooding that caused extensive damage to public infrastructure. At least fifteen county-maintained roads were affected, with Priest-Ciouterville Road, Marshes Flat Road, Feretti Road, and Five Mile Creek Road sustaining the worst damage. Marshes Flat Road (2 sites) and Five Mile Creek Road are the only remaining projects.

The Engineering Division made immediate temporary repairs to the sites and have continued to monitor them until permanent repairs can be completed. The project required consultant geotechnical and design services due to the complexity of the repairs. This design and permitting process has contributed to the longer delivery time of the project.

On July 21, 2020, your Board delegated authority to the Director of Public Works to adopt plans, specifications and working details and advertise for bids for the remaining storm damage projects and on May 11, 2021, the Five Mile Creek Road Storm Damage Repair Project was advertised for bids.

Bids for the project were opened on May 27, 2021, at 2:00 p.m. Two bids were received:

<table>
<thead>
<tr>
<th>Contractor</th>
<th>Location</th>
<th>Bid Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sierra Mountain Construction, Inc.</td>
<td>Sonora, CA</td>
<td>$191,604.00</td>
</tr>
<tr>
<td>Sutton Enterprises</td>
<td>Vallecito, CA</td>
<td>$228,770.60</td>
</tr>
</tbody>
</table>

The Engineer’s Estimate for the project was $150,000. The received bids range from 128% to 154% of the Engineer’s Estimate. The budget for the project in the Fiscal Year 21/22 Budget is $200,000 which includes construction, construction inspection, and project closeout. Construction inspection and staff time to close out the project are generally 20% of the construction cost, in this case $30,000, in addition to the construction costs.

Tuolumne County Ordinance Code (§3.22.080) and California Public Contract Code (§22038(a)(2)) allow the county to reject any or all bids presented and have the project done by force account by passage of a resolution by four-fifths vote declaring that the public project can be performed more economically by the employees of the county.
Engineering and Roads Division staff have reevaluated its cost estimates for the project, have prepared a force account analysis and have determined that the work could be performed by the county road crews for approximately $93,770. Notice of the Department of Public Works’ intention to reject all bids was provided to all bidders on July 9, 2021.

County Counsel has reviewed the bids submitted and concurs with staff’s recommendation that all bids may be rejected. Please refer to the memorandum from County Counsel attached hereto.

FINANCIAL IMPACT

This project is currently budgeted in the Fiscal Year 21/22 Budget in the amount of $200,000 which is eligible to be reimbursed at the rate of 75% by CDA (via CalOES), leaving a local match of 25% to be covered by the County.

RECOMMENDATION

It is recommended that your Board reject all bids for Contract No. 1723-4, “Five Mile Creek Road Storm Damage Repair,” adopt a resolution declaring that the public project can be performed more economically by the employees of the county, and authorize the completion of the project by means of force account.

Attachments: Bid Summary
Force Account Analysis
County Counsel Memo
Resolution
## BID SUMMARY

**Five Mile Creek Road Storm Damage Repair**  
**Contract # 1723-4**

**Date**: May 27, 2021  
**Time**: 2:00pm  
**Conference Room**: 48 West Yancey, Sonora, CA  
**Prepared by**: Coleen Bohannon  
**Approved by**: Blossom Scott-Heim

### Item #  Description | Quantity | Unit | Engineer's Estimate | Sierra Mountain Construction | Sutton Enterprises | **Difference** from Bid Schedule Exhibit A Totals
---|---|---|---|---|---|---|---
1 | MOBILIZATION | 1 | LS | $15,000.00 | 15,000.00 | $33,000.00 | $33,000.00 | $20,000.00 | $20,000.00
2 | CONSTRUCTION AREA SIGNS | 1 | LS | $1,000.00 | 1,000.00 | $4,000.00 | $4,000.00 | $4,000.00 | $4,000.00
3 | JOB SITE MANAGEMENT | 1 | LS | $15,000.00 | 15,000.00 | $23,000.00 | $23,000.00 | $10,000.00 | $10,000.00
4 | PREPARE WATER POLLUTION CONTROL PROGRAM | 1 | LS | $2,000.00 | 2,000.00 | $4,000.00 | $4,000.00 | $3,800.00 | $3,800.00
5 | CLEARING AND GRUBBING | 1 | LS | $15,000.00 | 15,000.00 | $6,000.00 | $6,000.00 | $20,000.00 | $20,000.00
6 | ROADWAY GRAVING | 1,335 | SY | $15.00 | 20,025.00 | $6.00 | $8,010.00 | $25.00 | $33,375.00
7 | DITCH GRAVING | 25 | CY | $165.00 | 4,125.00 | $185.00 | $4,625.00 | $155.00 | $3,875.00
8 | IMPORTED BORROW (CY) | 395 | CY | $190.00 | 51,350.00 | $195.00 | $77,025.00 | $210.00 | $82,950.00
9 | CLASS II AGGREGATE BASE (CY) | 115 | CY | $90.00 | 10,350.00 | $143.00 | $16,445.00 | $205.00 | $23,575.00
10 | ROCK SLOPE PROTECTION (60 UR,CLASS II METHOD) (CY) | 39 | CY | $120.00 | 4,680.00 | $260.00 | $10,140.00 | $400.00 | $15,600.00
11 | ROCK SLOPE PROTECTION FABRIC (CLASS II) | 39 | SY | $20.00 | 780.00 | $69.00 | $2,691.00 | $10.00 | $390.00
12 | HYDROSEED | 2,668 | SF | $4.00 | 10,672.00 | $1.00 | $2,668.00 | $4.20 | $11,205.60

**Total Base Bid**: $149,980  
**Sierra Mountain Construction**: $191,604.00  
**Sutton Enterprises**: $228,770.60

% of Eng Est:  
- 127.75%  
- 152.53%

% of lowest bidder:  
- 100%  
- 119%
FIVE MILE CREEK ROAD
2018 STORM DAMAGE REPAIRS
Force Account Cost Estimate
6/15/2021

Performed by: David Ruby
Checked by: Blossom Scott-Heim

## Labor/Equipment Cost Summary

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<tr>
<th>Description</th>
<th>Cost</th>
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<tbody>
<tr>
<td>Force Account Labor Cost</td>
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<tr>
<td>Force Account Equipment Cost</td>
<td>$45,300.42</td>
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<tr>
<td><strong>Total Labor &amp; Equipment Cost</strong></td>
<td><strong>$66,248.66</strong></td>
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## Material Cost Summary

<table>
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<tr>
<th>Material Description</th>
<th>Specification</th>
<th>Quantity</th>
<th>Unit</th>
<th>Unit Price</th>
<th>Totals</th>
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<tr>
<td>Caltrans Standard</td>
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<td>26-1.02B</td>
<td>218</td>
<td>TN</td>
<td>$12.00</td>
<td>2,611.31</td>
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<td>766</td>
<td>TN</td>
<td>$12.00</td>
<td>9,394.16</td>
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<td>39</td>
<td>SY</td>
<td>$20.00</td>
<td>777.78</td>
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<tr>
<td>Rock Slope Protection (60 Lb, Class II, Method B)</td>
<td>72-2</td>
<td>76</td>
<td>TN</td>
<td>$18.50</td>
<td>1,408.31</td>
</tr>
<tr>
<td><strong>Total Material Cost</strong></td>
<td><strong>$13,991.56</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

## Other Costs

<table>
<thead>
<tr>
<th>Description</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Excavator Delivery/Pick Up (Rental Company Trucking)</td>
<td>$1,500.00</td>
</tr>
<tr>
<td><strong>Total County Other Cost</strong></td>
<td><strong>$1,500.00</strong></td>
</tr>
</tbody>
</table>

**TOTAL COSTS:** $81,540.22
MEMORANDUM

DATE: July 8, 2021

TO: Board of Supervisors

FROM: Cody M. Nesper, Deputy County Counsel

SUBJECT: Five Mile Creek Road Storm Damage Repair, Contract No. 1723-4

The two (2) bids received on the above-referenced project were forwarded to this office for review. I have reviewed both bids and, in light of the concerns, reevaluation, and force account analysis described in the staff memo, I agree the Board may legally reject all bids, adopt a resolution by four-fifths vote declaring the project can be performed more economically by the employees of the County, and authorize the completion of the project by means of force account.

Both bids significantly exceed the Engineer's estimate, and Public Works has determined the project may be completed more economically by employees of the County.

The California Public Contract Code grants the County the authority to reject any and all bids, and the County expressly reserved the right "reject any or all bids." If after the first invitation of bids all bids are rejected, after reevaluating its cost estimates of the project, the County has the option of either (1) abandoning the project or readvertising for bids, or (2) by passage of a resolution by a four-fifths vote declaring that the project can be performed more economically by the employees of the County, authorizing the project be done by force account.

Based on the information presented in the staff memo, and the authority described above, the Board may legally reject all bids, adopt a resolution by four-fifths vote declaring the project can be performed more economically by the employees of the County, and authorize the completion of the project by means of force account.
RESOLUTION
OF THE BOARD OF SUPERVISORS OF THE COUNTY OF TUOLUMNE

WHEREAS, Storm events in 2018 caused severe flooding, soil erosion under roads and culverts, and landslides, resulting in two separate proclamations of local states of emergency; and

WHEREAS, Five Mile Creek Road experienced significant damage as a result of the event; and

WHEREAS, The Five Mile Creek Road Storm Damage Repair Project was advertised for public bids on May 11, 2021 and bids were received on May 27, 2021; and

WHEREAS, The bids received were between 128% and 154% of the Engineer’s Estimate; and

WHEREAS, Public Contract Code Section 22038(a)(2) and Tuolumne County Ordinance Code Section 3.22.080(A)(2) allows that the Board of Supervisors of the County of Tuolumne may, by passage of a resolution by four-fifths vote, reject all bids for a project, declare that a project can be performed more economically by the employees of the public agency, and authorize the project be done by force account; and

WHEREAS, The Department of Public Works reevaluated its cost estimates of the project and prepared a cost estimate to complete the work by employees of the county and the estimate is 37% less than the Engineer’s Estimate; and

WHEREAS, Written notice was provided to all bidders on July 9, 2021, of the Department of Public Works’ intention to reject all bids

NOW, THEREFORE, BE IT RESOLVED, that the Tuolumne County Board of Supervisors rejects all bids for the Five Mile Creek Storm Damage Repair Project, and does hereby declare that the Five Mile Creek Storm Damage Repair Project can be performed more economically by the employees of the public agency and hereby authorizes completion of the Project by means of force account.
ADOPTED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF TUOLUMNE ON

AYES:  1st District ________  NOES:  ________ District ________

2nd District ________  District ________

3rd District ________  ABSENT: ________ District ________

4th District ________  District ________

5th District ________  ABSTAIN: ________ District ________

CHAIR OF THE BOARD OF SUPERVISORS

ATTEST:  Clerk of the Board of Supervisors  No.  ________________

P:\Projects\2018 Storm Damage\172-4 5 Mile Creek Rd\BOS\172-4 Resolution Force Account_CN.docx
Attachment “B”
RESOLUTION
OF THE BOARD OF SUPERVISORS OF THE COUNTY OF TUOLUMNE

WHEREAS, Storm events in 2018 caused severe flooding, soil erosion under roads and culverts, and landslides, resulting in two separate proclamations of local states of emergency; and

WHEREAS, Five Mile Creek Road experienced significant damage as a result of the event; and

WHEREAS, The Five Mile Creek Road Storm Damage Repair Project was advertised for public bids on May 11, 2021 and bids were received on May 27, 2021; and

WHEREAS, The bids received were between 128% and 154% of the Engineer's Estimate; and

WHEREAS, Public Contract Code Section 22038(a)(2) and Tuolumne County Ordinance Code Section 3.22.080(A)(2) allows that the Board of Supervisors of the County of Tuolumne may, by passage of a resolution by four-fifths vote, reject all bids for a project, declare that a project can be performed more economically by the employees of the public agency, and authorize the project be done by force account; and

WHEREAS, The Department of Public Works reevaluated its cost estimates of the project and prepared a cost estimate to complete the work by employees of the county and the estimate is 37% less than the Engineer’s Estimate; and

WHEREAS, Written notice was provided to all bidders on July 9, 2021, of the Department of Public Works’ intention to reject all bids

NOW, THEREFORE, BE IT RESOLVED, that the Tuolumne County Board of Supervisors rejects all bids for the Five Mile Creek Storm Damage Repair Project, and does hereby declare that the Five Mile Creek Storm Damage Repair Project can be performed more economically by the employees of the public agency and hereby authorizes completion of the Project by means of force account.
ADOPTED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF TUOLUMNE ON

July 13, 2021

AYES: 1st District  DANIEL GOLDENBERG  2nd District  RYAN CAMPBELL
3rd District  DANIEL ANATAH KORE  4th District  KATHLEEN HAHN
5th District  JASON BRIDSON

NOES: _____ District  _____ District
_____ District  _____ District
_____ District  _____ District
_____ District  _____ District

ABSENT:  _____ District  ABSTAIN:  _____ District

CHAIR OF THE BOARD OF SUPERVISORS

I hereby certify that according to the provisions of Government Code Section 25103, delivery of this document has been made.

HEATHER D. RYAN
Board Clerk

By: ____________________________

ATTEST: ____________________________

Clerk of the Board of Supervisors

No. 65-21
Attachment “C”
FIVE MILE CREEK ROAD
2018 STORM DAMAGE REPAIRS
Force Account Cost Estimate
6/15/2021

Performed by: David Ruby
Checked by: Blossom Scott-Hein

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<td>Force Account Equipment Cost</td>
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Total Material Cost $13,991.56

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<td>Total Material Cost</td>
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Other Costs

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<td>Total County Other Cost</td>
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TOTAL COSTS: $81,540.22
Attachment "D"
July 19, 2021

Kim MacFarlane
Director of Public Works
2 South Green Street
Sonora, CA 95370-4618

Re: California Uniform Construction Cost Accounting Commission review of the practices used by the County of Tuolumne on the Five Mile Creek Road Storm Damage Repair Project, pursuant to Public Contract Code Section 22042(a)

Dear Kim MacFarlane,

This letter shall serve as a formal notice to the County of Tuolumne that the Construction Industry Force Account Council (CIFAC) has requested a Commission review of the Five Mile Creek Road Storm Damage Repair Project, pursuant to Section 22042(a) of the Public Contract Code listed below.

22042. The commission shall review the accounting procedures of any participating public agency where an interested party presents evidence that the work undertaken by the public agency falls within any of the following categories:
(a) Is to be performed by a public agency after rejection of all bids, claiming work can be done less expensively by the public agency.

We believe that the County of Tuolumne has failed to include all costs associated with constructing this project, including the required overhead. In accordance with Public Contract Code Section 22043(d), during the review of a project that falls within subdivision (a) of Section 22042, the agency shall not proceed on the project until a final decision is received by the Commission.

The Construction Industry Force Account Council (CIFAC) is a non-profit organization that represents contractors, contractor associations and the various building trades. As such, we meet the definition of an “interested party” per Public Contract Code Section 22042.

Please feel free to contact Michelle Pickens or Justin Bochmann, Midstate Regional Compliance Manager at jbochmann@cifac.org if you should have any questions regarding this complaint.

Sincerely,

Michelle Pickens, Executive Director
2420 Martin Road, Suite 250
Fairfield CA, 94534
mpickens@cifac.org