

Central Services
Joan Araujo, Director

Engineering Services
James O'Tousa, Director

Roads & Transportation
Anitha Balan, Director

Water & Sanitation
Vacant, Director

Watershed Protection
Vacant, Director

June 4, 2024

Board of Supervisors
County of Ventura
800 South Victoria Avenue
Ventura, California 93009

Subject: Approval of the Plans and Specifications Including Addenda No. 1, No. 2 and No. 3 for the El Rio Pedestrian Improvement Project; Waive Any Minor Bid Irregularities; Award of, and Authorization for the Public Works Agency Director, or His Designee, to Execute a Contract With Toro Enterprises, Inc., in the Amount of \$9,473,358.16; Project Specification No. RD24-05, Project No. 50616; Authorization for the Auditor-Controller to process the Necessary Accounting Transactions; Supervisorial District No. 3; Recommendation No. 5 (REQUIRES 4/5THS VOTE)

Recommendations:

1. Approve the plans and specifications including Addendum No. 1, No. 2 and No. 3 for the El Rio Pedestrian Improvement Project located in El Rio, Specification No. RD24-05, Project No. 50616.
2. Waive any minor bid irregularities.
3. Award a contract to Toro Enterprises, Inc., of Oxnard, California, on the basis of the lowest responsive bid of \$9,473,358.16.
4. Authorize the Public Works Agency Director, or his designee to execute subject contract.
5. **GENERAL FUND**
Special Accounts and Contributions – Division 1050

It is recommended that your Board authorize the Auditor Controller's Office to process the accounting transactions necessary to revise appropriations and adjust fund balance as follow (requires 4/5ths vote):

INCREASE	DIV 1050	OTHER Financing Uses	\$3,000,000
DECREASE	General Fund- Lane Projects	Fund Balance - Assigned to Bike	\$3,000,000

Fiscal/Mandates Impact:



Mandatory: No [X] Yes [] Cite Authority:
 Source of Funding: Active Transportation Plan and Road Fund
 Funding Match Required: No
 Impact on Other Department(s): None

Summary of Revenue and Total Costs	FY 2023-2024	FY 2024-2025
Revenue:	\$ 199,000	\$ 5,089,000
Costs:		
Direct	\$ 255,149	\$ 11,830,658
Indirect - Agency/Department	\$ 101,845	\$ 0
Indirect - CAP	\$ 357	\$ 0
Total Costs	\$ 357,351	\$ 11,830,658
Net Road Fund Costs Including Indirects	\$ 158,351	\$ 6,741,658
Recovered Indirect Cost (Dept. and County CAP)	\$ 0	\$ 0

Current 2023-2024 Budget Projection for Road Fund Unit 4083				
	Adopted Budget	Adjusted Budget	Projected Budget	Estimated Savings/(Deficit)
Appropriations	\$ 10,290,600	\$ 14,330,282	\$ 17,334,700	\$ (3,004,418)
Revenue	\$ 12,178,700	\$ 12,178,700	\$ 4,522,000	\$ (7,656,700)
Net Cost	\$ (1,888,100)	\$ 2,151,582	\$ 12,812,700	\$(10,661,118)

Revenue and appropriations are included in the FY 2023-24 Road Fund Adjusted budget. Revenue and appropriations will be included in the FY2024-25 budget, as appropriate.

Executive Summary:

In 2021, Public Works Agency Roads & Transportation (PWART) was awarded an Active Transportation Program (ATP) Cycle 5 grant to construct sidewalks in the El Rio area. PWART actively engaged with the El Rio community through various public outreach efforts to inform residents on the design progress and future construction scheduling. During design, it was determined the El Rio Pedestrian Improvement Project (El Rio Project) would be more expensive to construct than originally anticipated due to numerous driveway tie-ins, utility impacts, and drainage improvements required. On April 23, 2024, PWA opened bids for the El Rio Project. The responsive, responsible low bidder was 20% above the final engineers estimate for construction. The total cost for construction, construction engineering (CE), and a 10% contingency is \$11,830,658, an increase of \$6,113,658 above the ATP grant funding.

Previously, your Board approved funding through Assigned Program Mitigation Fund of \$7,800,000 for Bike Lane projects of which \$3,000,000 was designated for bike lanes on Rose Avenue from Collins St to Simon Way. PWART recommends your Board authorize an expenditure of this \$3,000,000 from the Assigned Bike Lane Projects Fund for the El Rio Project. This action will allow construction to proceed and not delay the project



schedule. The remaining amount above the grant award will be taken from the Road Fund.

Discussion:

The El Rio Project is located on various roads in the El Rio area as shown on Exhibit 1 (Vicinity Map) and Exhibit 2 (Location Map). The work includes constructing 2.15 miles of sidewalks on both sides of Stroube Street, Walnut Street, and a segment along Cortez Street, and installation of curbs and gutters, traffic calming measures, stormwater percolation areas, flashing beacons at crosswalks, and drainage improvements.

In 2020, PWART applied for an ATP State Grant administered through the California Department of Transportation (Caltrans). In March of 2021, PWART was awarded an ATP grant for \$6,195,000 for the El Rio Project. The total Project cost including leveraging funds (not a local match) was estimated at \$6,960,000. The allocation for construction & construction engineering (CE) was estimated at \$5,717,000.

Since the award, PWART has been actively engaging the El Rio Community to increase awareness of the proposed improvements through public outreach meetings, social media, online & mailed surveys, website postings, newspapers, pop-up events, and billboards. PWART has worked diligently throughout the design process to ensure that the public's concerns were addressed to the maximum extent possible and incorporated in the development of the project.

After refining the scope of work, the complexities and the size of the project made it apparent that the actual project costs would be significantly higher than what was originally estimated. In addition, this project involves tasks that are labor intensive and require temporary accommodation for pedestrians, residents and road users during construction which also impact the project cost. Further, an unanticipated average 25% construction cost increase has occurred in the last 3 years. The final engineer's cost estimate for construction and CE was estimated at \$9,085,000, which was \$3,368,000 higher than the amount awarded in the ATP grant.

Bids for the construction project were opened on April 23, 2024. A total of four bids were received. The apparent low bid was submitted by Toro Enterprises Inc, of Oxnard, CA in the amount of \$9,473,358.16 (20% above final Engineer's estimate for construction). The second bid proposal was submitted by Granite Construction Company of Ventura, CA in the amount of \$9,631,416.50 (22% above estimate) and the remaining two bids received were 42% above the engineer's estimate. Total construction cost, CE, and 10% contingencies is estimated to be \$11,830,658 an increase of \$6,113,658 from the ATP grant funding.

The bid proposals were analyzed against the engineer's estimate and the proposals were found to be reasonable and in line with the current bidding climate. The current climate continues to exhibit increases in construction costs and a corresponding decrease in the



number of bidders. This trend is adversely affecting local agency Public Works projects, in particular ATP projects. The low bids on recent ATP projects for the Cities of Oxnard and Ventura were 75% and 102% above the engineers' estimate respectively.

This increase in costs is affecting PWARD paving projects also. As such, the cost above the grant amount and leveraging funds budgeted prohibits PWARD from funding all of the additional costs from the Road Fund. Unless additional funds are provided, PWA-RT cannot award the contract.

On June 11, 2019, your Board approved a Funding plan in the amount of \$7,800,000 for future bike lane projects. Funding of \$1,800,000 has already been expended for two completed top-priority bike lane projects: 1) Rose Avenue (Simon Way to Central Ave) and 2) Rice Road (Baldwin Heights to Lomita Dr). On June 9, 2020, your Board approved a list of prioritized bike lane projects for the remaining \$6,000,000. Rose Avenue (Collins St to Simon Way), estimated at \$3,000,000 is the current highest ranked project on the approved list. An Assigned Bike Lane Projects Fund was established to track expenditures related to bike lane projects for FY 2021 – FY 2024.

The Active Transportation Plan (AT Plan) was approved by your Board on February 6, 2024, and included a prioritized list of sidewalk and bike lane projects. The El Rio area sidewalks ranked 11 of 115 on the pedestrian project list. Rose Avenue (Collins St to Simon Way) bike lanes ranked 26 of 148. The constructability of bike lanes on Rose Avenue (Collins St to Simon Way) is complex due to possible City of Oxnard annexation and expected utility relocation challenges along Rose Avenue.

Based upon this information, the PWARD recommends reallocating \$3,000,000 from Assigned Bike Lane Projects Fund that was set aside for Rose Avenue Bike Lane improvements. PWARD will explore grant funding for Rose Avenue bike lanes as it becomes available.

PWARD has explored other opportunities for receiving additional grant funding through the State Transportation Improvement Program (STIP). However, there is no certainty that these funds are available, and if approved, would not be allocated until mid-2025 delaying the project schedule by at least one year. This would require additional public outreach, postponing utility relocations, obtaining new access permits from residents, and re-advertising the contract bid documents which will likely result in project cost increases.

On September 14, 2021, your Board previously declared the project categorically exempt from California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301 (c), as a minor alteration to "existing highways and streets." Creation of new sidewalks will result in no or negligible additional expansion of use. A Notice of Exemption was filed on November 3, 2021.

The estimated total project costs are as follows:



Preliminary Engineering	*\$ 861,391
Construction Contract	\$ 9,473,358
Construction Engineering, Materials Testing, etc.	\$ 1,410,000
Right-of-Way (Coordination)	*\$ 95,609
Contingencies	\$ 947,300
Total	\$ 12,787,658

*A total of \$566,542 for Preliminary Engineering and \$33,107 for Right-of-Way were incurred in prior fiscal years.

Strategic Plan:

This item contributes to the Board of Supervisor’s 2024-2027 strategic plan as follows: priority to provide:

- II. Fiscal responsibility and economic vitality through
 - 1. Maintaining a transparent and balanced budget, while funding essential services and implementing cost-savings measures.
- III. Reliable infrastructure and sustainability through
 - 2. Investing in sustainable infrastructure, renewable energy, and preservation of our natural resources.

This letter has been reviewed by the County Executive Office, the Auditor-Controller’s Office, and County Counsel.

If you have questions, please feel free to call me at (805) 654-2077.



Anitha Balan, PE
Director
Roads & Transportation

Attachments:

- Exhibit 1 – Vicinity Map
- Exhibit 2 – Location Map
- Exhibit 3 – Abstract of Bids
- Exhibit 4 – Plans and Specifications
- Exhibit 5 – Addendum No. 1
- Exhibit 6 – Addendum No. 2
- Exhibit 7 – Addendum No. 3
- Exhibit 8 – PowerPoint Presentation

