



## Agenda Report Details (With Text)

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**Title:** MACARTHUR FORCE MAIN IMPROVEMENTS, PROJECT NO. 7-68

**Sponsors:** Mike Dorman

**Indexes:**

**Code sections:**

**Attachments:** 1. Agenda Report, 2. Notice of Intent to Award-SRK Engineering Dated 6-13-23, 3. Award Protest Statement-James W Fowler Co. Dated 6-13-23, 4. Award Protest Response-SRK Engineering Dated 6-16-23, 5. Determination Letter to James W. Fowler Dated 6-26-23, 6. 7-68 Contract Agreement

Date	Ver.	Action By	Action	Result
7/5/2023	1	OPERATIONS COMMITTEE		

**FROM:** Robert Thompson, General Manager  
Originator: Mike Dorman, Director of Engineering

**SUBJECT:**

**MACARTHUR FORCE MAIN IMPROVEMENTS, PROJECT NO. 7-68**

**GENERAL MANAGER'S RECOMMENDATION**

RECOMMENDATION: Recommend to the Board of Directors to:

- A. Receive and file Bid Tabulation and Recommendation for MacArthur Force Main Improvements, Project No. 7-68;
- B. Receive and file Orange County Sanitation District's Notice of Intent to Award dated June 13, 2023;
- C. Receive and file Award Protest Statement from James W. Fowler Co. dated June 13, 2023, protesting award to SRK Engineering;
- D. Receive and file the Award Protest Response letter from SRK Engineering dated June 16, 2023, responding to the award protest;
- E. Receive and file Orange County Sanitation District's determination letter dated June 26, 2023, to James W. Fowler Co. responding to award protest;
- F. Award a Construction Contract to SRK Engineering for MacArthur Force Main Improvements, Project No. 7-68, for a total amount not to exceed \$3,897,000; and

G. Approve a contingency of \$389,700 (10%).

## **BACKGROUND**

The Orange County Sanitation District (OC San) owns and operates a 12-inch asbestos cement force main that conveys flows from the MacArthur Pump Station and discharges into a manhole in Birch Street in the City of Newport Beach. This force main, built in the 1960s, is approximately 2,100 feet long, and is located in OC San's easement below the sidewalk on MacArthur Boulevard.

## **RELEVANT STANDARDS**

- Achieve less than 2.1 sewer spills per 100 miles
- Comply with California Public Contract Code Section 20103.8, award construction contract to lowest responsive, responsible bidder
- Operate and maintain facilities to minimize impacts on surrounding communities including odor, noise, and lighting

## **PROBLEM**

The existing force main is near the end of its useful life. In addition, there is only a single force main, which does not allow flexibility in redundancy during operations and maintenance. The pump station valve vault, valves, and piping are also deteriorated and at the end of their useful life.

## **PROPOSED SOLUTION**

Award a construction contract for MacArthur Force Main Improvements, Project No. 7-68. This project will construct two new 1,860-foot long, 10-inch high-density polyethylene force mains. The project will also replace 160 feet of 18-inch vitrified clay gravity pipe and valve vault, including valves and piping. A short segment of the existing asbestos pipe will be removed to support construction of the valve vault. The remaining asbestos pipe will be abandoned in place and filled with grout.

## **TIMING CONCERNS**

Delaying the project award will allow corrosion of the existing force main to continue, increasing the risk of the probability of failure. The City of Newport Beach has plans to reconstruct MacArthur Boulevard in late 2024, which is often followed by a street pavement moratorium, meaning the City of Newport Beach will not permit any construction for five years. This work needs to be completed ahead of any potential moratorium.

## **RAMIFICATIONS OF NOT TAKING ACTION**

Not reconstructing the force main now will increase the risk of failure, potentially leading to a sewage spill.

## **PRIOR COMMITTEE/BOARD ACTIONS**

N/A

## **ADDITIONAL INFORMATION**

OC San advertised MacArthur Force Main Improvements, Project No. 7-68 for bids on April 3, 2023, and four sealed bids were received on May 16, 2023. A summary of the bid opening follows:

Engineer's Estimate	\$ 4,596,000
<u>Bidder</u>	<u>Amount of Bid</u>
SRK Engineering	\$ 3,897,000
James W. Fowler Co.	\$ 4,150,000
W.A. Rasic Construction Company, Inc.	\$ 5,635,000
Charles King Company	\$ 5,664,000

The bids were evaluated in accordance with OC San's policies and procedures. A notice was sent to all bidders on June 13, 2023 informing them of the intent of OC San staff to recommend the award of the construction contract to SRK Engineering.

James W. Fowler Co. sent a formal protest of the award to OC San on June 13, 2023. SRK Engineering issued a response to OC San in defense of their bid. OC San reviewed and responded to this protest and has determined that the protest does not merit a change to the award recommendation.

Staff recommends awarding a construction contract to the lowest responsive and responsible bidder, SRK Engineering, for a total amount not to exceed \$3,897,000.

## **CEQA**

The project is exempt from CEQA under the statutory exemption set forth in the Public Resources Code section 21080.21 and categorical exempt under the Class 1, 2, and 3 set forth in California Code of Regulations sections 15301, 15302, and 15303. A Notice of Exemption will be filed with the OC Clerk-Recorder after OC San Board of Directors approval of the MacArthur Force Main Improvements, Project No. 7-68, Construction Contract.

## **FINANCIAL CONSIDERATIONS**

This request complies with the authority levels of OC San's Purchasing Ordinance. This item has been budgeted (Budget Update, Fiscal Years 2023-2024, Appendix A, Page 7, MacArthur Force Main Improvements, Project No. 7-68) and the budget is sufficient for the recommended action.

## **ATTACHMENT**

*The following attachment(s) may be viewed on-line at the OC San website ([www.ocsan.gov](http://www.ocsan.gov)) with the complete agenda package:*

- Notice of Intent to Award - SRK Engineering, Dated June 13, 2023
- Award Protest Statement from James W. Fowler Co., Dated June 13, 2023
- Award Protest Response from SRK Engineering, Dated June 16, 2023
- Determination Letter to James W. Fowler Co., Dated June 26, 2023
- Contract Agreement

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