



RESOLUTION No. _____

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

RESOLUTION TO AWARD A CONTRACT FOR CONSTRUCTION OF THE MCCOURTNEY ROAD TRANSFER STATION IMPROVEMENT PROJECT TO BOBO CONSTRUCTION, INC., FOR A TOTAL AMOUNT NOT TO EXCEED \$22,041,621 AND DIRECTING THE AUDITOR CONTROLLER TO ENCUMBER THE CONTRACT AND APPROVE THE RELEASE OF FUND BALANCE AND A BUDGET AMENDMENT. – DISTRICT 4 (4/5 AFFIRMATIVE VOTE)

WHEREAS, on January 24, 2012, the Nevada County Board of Supervisors (BOS) passed Resolution 12-052 entering into a franchise agreement with Waste Management and as part of that agreement, Waste Management made a financial commitment to Nevada County to fund, in part, the construction of an improved transfer station; and

WHEREAS, on August 27, 2013, after the franchise-mandated analysis was conducted and numerous sites were reviewed, the BOS adopted Resolution 13-395 making the determination that improvements should be made to the existing transfer station facility located on McCourtney Road; and

WHEREAS, on January 26, 2016, the BOS adopted Resolution 16-048 awarding a contract for conceptual design services to HDR Engineering, Inc. (HDR) and the preferred alternative identified in the conceptual design analysis was used as the basis for the proposed project; and

WHEREAS, on September 24, 2019, the BOS adopted Resolution 19-528, approving an agreement with HDR for engineering and design services, including environmental document preparation; and

WHEREAS, on March 9, 2021, per Resolution 21-065, the BOS adopted the initial study/mitigated negative declaration for the project; and

WHEREAS, on December 14, 2021, per Resolution 21-540, the Board of Supervisors accepted construction documents and authorized the solicitation of bids for construction of the McCourtney Road Transfer Station (MRTS) Improvement Project; and

WHEREAS, bids were opened on April 8, 2022, and as a result of unstable market conditions in early 2022 (e.g. inflation, fuel, labor shortages, supply chain, global conflict, etc.), bids came in above the \$20,700,000 engineers estimate for the project, consequently all bids were rejected; and

WHEREAS, Purchasing Policy section 7.1(K) requires Board approval to reject all responses to a solicitation with a value of more than \$50,000; and

WHEREAS, the project was re-bid beginning in November 2022, bids were opened on January 11, 2023, with the lowest responsive and responsible bidder being Bobo Construction, Inc. with a bid price of \$20,037,837, plus a 10% contingency of \$2,003,784 for a total contract amount not to exceed \$22,041,621; and

WHEREAS, a budget amendment is proposed for the anticipated first year costs of the construction in FY 2022/23 to the Solid Waste Western budget fund 4117-91001-705-1000-540300; and

NOW, THEREFORE, BE IT RESOLVED that the Nevada County Board of Supervisors hereby finds and determines as follows:

1. Reject all bids received for the initial solicitation IFB No. 152780 in Spring 2022; and
2. Award a contract pursuant to subsequent solicitation IFB No. 164853 to Bobo Construction, Inc., in the amount of \$20,037,837, plus a 10% contingency of \$2,003,784 for a total contract amount not to exceed \$22,041,621; and
3. Authorizes the Chair of the Board of Supervisors to execute a contract between Nevada County and Bobo Construction, Inc., upon receipt of the Labor and Materials Bond, Performance Bond, Warranty Bond and with approval and acceptance of the Certificate of Insurance by the Risk Manager; and
4. Directs the Auditor-Controller to encumber the contract as below and designates authority to the Auditor Controller to adjust based on contract progress as needed:

FY2022-23 \$8,015,135 (40% of base contract)

FY2023-24 \$11,020,810 (55% of base contract)

FY2024-25 \$3,005,676 (5% of base contract plus additional 10% contingency)

5. Directs the Auditor-Controller to release Fund 4117 fund balance and amend the FY 2022/23 Solid Waste Western Budget as follows:

Increase:

4117-91001-705-1000-540300 \$8,015,135

4117-91001-705-1000-462000 \$5,250,000

Release Unrestricted Fund Balance:

4117 \$2,765,135