

Agreement for Construction of the OC Streetcar Project

Procurement Background

- Two-step procurement process
 - Request for qualifications to develop a list of qualified and responsible contractors (August 2017)
 - Invitation for bid issued to five pre-qualified contractors (December 2017)
 - 15 addenda issued
 - 589 questions answered
- Bid Opening on June 19, 2018
 - Four bids received and publicly opened

Overview of Bids

Firm	Bid Amount	Status	Recommendation
AECOM, Energy & Construction, Inc.,	\$195,914,561	Failure to meet Disadvantaged Business Enterprise (DBE) requirements	Find non-responsive
Walsh Construction Company II, LLC	\$220,538,649	Lowest responsive, responsible bidder	Award contract
Stacy and Witbeck/Herzog	\$221,468,888	Failure to meet DBE requirements	Find non-responsive
Flatiron West, Inc.	\$241,895,834	Second lowest responsive, responsible bidder	

Bid Analysis

- Lowest, responsive, responsible bidder: 55.7 percent above engineer's estimate
- Factors contributing to higher bid:
 - Market Conditions
 - Design changes made during the bid process via addenda
 - Delay in bid opening and extension of construction duration
 - Lowest responsive, responsible bid is \$21,357,185 less than the second lowest responsive, responsible bid

Recommendations

- A. Find AECOM, Energy & Construction, Inc., the apparent low bidder, as non-responsive due to failure to meet the federal program requirement for DBE participation.
- B. Find Stacy and Witbeck/Herzog, a Joint Venture, the third low bidder, as non-responsive due to failure to meet the federal program requirement for DBE participation.
- C. Authorize the Chief Executive Officer to negotiate and execute Agreement No. C-7-1904 between the Orange County Transportation Authority and Walsh Construction Company II, LLC, the lowest responsive, responsible bidder, in the amount of \$220,538,649, for construction of the OC Streetcar Project.
- D. Amend the Orange County Transportation Authority's Fiscal Year 2018-19 Budget by \$81,000,000, to accommodate Agreement No. C-7-1904, for the construction of the OC Streetcar Project.