



## Legislation Details (With Text)

**File #:** 22-2100      **Version:** 1

**Type:** Agenda Item      **Status:** Approved

**File created:** 11/4/2022      **In control:** Board of Supervisors

**On agenda:** 12/13/2022      **Final action:** 12/13/2022

**Title:** Department of Transportation recommending the Board approve and authorize the Chair to sign the Fifth Amendment to Agreement for Services 157-S1411 (Fenix 307) with Mark Thomas & Company, Inc. extending the term to December 31, 2023, to finalize the record of survey for the U. S. 50/Silva Valley Parkway Interchange - Phase 1 Project, CIP 71328/36104002.

**FUNDING:** Silva Valley Interchange Set-Aside (44%), 2004 General Plan Silva Valley Interchange Set-Aside (42%), Developer-Advanced Funds (10%), State and Local Partnership Program Grant (2%), Utility Agency - El Dorado Irrigation District (1%), and Road Fund (1%). (No federal funds).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. A - Amendment V .pdf, 2. B - County Counsel Approval .pdf, 3. C - Amendment IV - FE .pdf, 4. Executed Amendment V

Date	Ver.	Action By	Action	Result
12/13/2022	1	Board of Supervisors	Approved	Pass

Department of Transportation recommending the Board approve and authorize the Chair to sign the Fifth Amendment to Agreement for Services 157-S1411 (Fenix 307) with Mark Thomas & Company, Inc. extending the term to December 31, 2023, to finalize the record of survey for the U. S. 50/Silva Valley Parkway Interchange - Phase 1 Project, CIP 71328/36104002.

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**DISCUSSION / BACKGROUND**

The Board approved Agreement for Services 157-S1411 (Agreement) with Mark Thomas & Company, Inc. (Consultant) to provide design support during construction, finalize project records, and complete the post-construction record of survey and monumentation for the U.S 50/Silva Valley Parkway Interchange Project on October 29, 2013 (Item 6) for a not-to-exceed amount of \$338,000. On April 19, 2016 (Item 16) the Board approved the first amendment to the Agreement, increasing the not-to-exceed amount of the contract by \$154,387 for a new not-to-exceed amount of \$492,387. On April 18, 2017 (Item 14), the Board approved the second amendment, extending the term to December 31, 2019. On December 17, 2019 (Item 34), the Board approved the third amendment, extending the term to December 31, 2020. On December 8, 2020 (Item 23) the Board approved extending the term to December 31, 2022, amending the rate schedule, and allowing for the transfer of funds from subconsultants with no change in the not-to-exceed amount.

A major part of finalizing the record of survey involves closing out real estate agreements with Pacific Gas & Electric (PG&E) and transferring property titles to the state. It is anticipated that closing out these agreements will take up to an additional six (6) months. In addition, within the last month, the

County's Associate Right-of-Way Agent working on this Project closeout left employment with the County. DOT engineering staff is currently facilitating the completion of the post construction survey work. This amendment will extend the contract to allow for the completion of this phase of work. The following articles have been updated or added to match the boilerplate language for the amendment:

Article IV: Performance Period

Article XXVIII: Notice to Parties

There is no change to the rate schedule, scope of work, or the total amount of the contract as a result of this amendment.

### **ALTERNATIVES**

The Board could choose not to approve this amendment. The existing Agreement would expire at the end of 2022, and the Department of Transportation would need to procure another consultant to complete the work. This would significantly increase both the cost of the remaining work and the time of completion.

### **PRIOR BOARD ACTION**

See Discussion/Background section above.

### **OTHER DEPARTMENT / AGENCY INVOLVEMENT**

County Counsel and Risk Management have reviewed and approved the amendment.

### **CAO RECOMMENDATION / COMMENTS**

Approve as recommended.

### **FINANCIAL IMPACT**

There is no change to Net County Cost as a result of this amendment. There are sufficient funds remaining in the Project budget to complete this work and savings within the Fiscal Year 2022-23 CIP budget have been identified so there is no need for a budget increase.

### **CLERK OF THE BOARD FOLLOW UP ACTIONS**

- 1) The Clerk of the Board will obtain the Chair's signature on two (2) originals of the amendment.
- 2) The Clerk of the Board will forward one (1) fully-executed original of the amendment to Chief Administrative Office, Contracts & Procurement Unit, for further processing.

### **STRATEGIC PLAN COMPONENT**

Infrastructure

### **CONTACT**

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Department of Transportation