County of El Dorado

330 Fair Lane, Building A
Placerville, California
530 621-5390
FAX 622-3645
www.edcgov.us/bos/

Legislation Details (With Text)

File #:	21-0490 **Version:** 1		
Type:	Agenda Item	**Status:**	Approved
File created:	3/19/2021	**In control:**	Board of Supervisors
On agenda:	5/18/2021	**Final action:**	5/18/2021
Title:	Department of Transportation recommending the Board approve and authorize the Chair to sign Second Amendment to Agreement for Services 238-S1611/451 with CH2M Hill, Inc., to extend the performance period an additional two years for a total of seven years and update contract language per California Department of Transportation (Caltrans) federal funding requirements, including Article I, Scope of the Agreement, to provide environmental reviews and structural engineering support services for the Mount Murphy Road at South Fork American River - Bridge Replacement Project, CIP 77129/36105029, with no change to the not-to-exceed amount, the fee schedule, or key tasks of the agreement. FUNDING: Highway Bridge Program (100%). (Federal Funds).		
Sponsors:			
Indexes:			
Code sections:			
Attachments:	1. A - Approved Contract Route Sheet, 2. B - Second Amend to Contract 451, 3. Public Comment BOS Rcvd 5-18-21, 4. Executed Agreement 451		

Date	Ver.	Action By	Action	Result
5/18/2021	1	Board of Supervisors	Approved	Pass

Department of Transportation recommending the Board approve and authorize the Chair to sign Second Amendment to Agreement for Services 238-S1611/451 with CH2M Hill, Inc., to extend the performance period an additional two years for a total of seven years and update contract language per California Department of Transportation (Caltrans) federal funding requirements, including Article I, Scope of the Agreement, to provide environmental reviews and structural engineering support services for the Mount Murphy Road at South Fork American River - Bridge Replacement Project, CIP 77129/36105029, with no change to the not-to-exceed amount, the fee schedule, or key tasks of the agreement.

FUNDING: Highway Bridge Program (100%). (Federal Funds).

DISCUSSION / BACKGROUND

On June 14, 2016, Item 21, Legistar 13-0217, the Board approved Department of Transportation's (Transportation) Agreement for Services 238-S1611/451 (Agreement) with CH2M Hill, Inc. (CH2M), to provide environmental reviews and structural engineering support services for the Mount Murphy Road at South Fork American River - Bridge Replacement Project (Project), Capital Improvement Program (CIP) 77129/36105029. On May 14, 2019, Item 22, Legistar 19-0342, the Board approved the First Amendment to the Agreement which extended the performance period an additional two (2) years for a total of five (5) years. The environmental compliance process has taken longer than expected to complete and the Project continues to work through the California Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA) compliance process. The Second Amendment (Amendment) to the Agreement will extend the performance period an additional two (2) years for a total of seven (7) years. This is the only substantive change to the agreement. Other

changes as part of this Amendment are to update contract language per California Department of Transportation (Caltrans) federal funding requirements. Caltrans Exhibit 10-R, A&E Boilerplate Agreement Language, was updated in September 2020, and Caltrans currently recommends that agreements be updated to the most current boilerplate when possible. This is due to current Code of Federal Regulations (CFR) financial reporting requirements, and these minor modifications do not significantly change the intent of the Agreement, the scope of work (Agreement Exhibit A) or County administrative processes. No substantive changes have been made to the scope of work, rate schedule, or the not-to-exceed amount. The following articles have been updated or added to match boilerplate language:

ARTICLE I, Scope of Work;
ARTICLE III, Progress Reports;
ARTICLE V, Allowable Costs and Payments;
ARTICLE VI, Termination;
ARTICLE VII, Cost Principles and Administrative Requirements;
ARTICLE VIII, Retention of Records/Audits;
ARTICLE IX, Audit Review Procedures;
ARTICLE X, Subcontracting;
ARTICLE XI, Equipment Purchase and Other Capital Expenditures;
ARTICLE XII, State Prevailing Wage Rates;
ARTICLE XIII, Conflict Of Interest;
ARTICLE XVI, Non-Discrimination Clause and Statement of Compliance;
ARTICLE XVII, Debarment and Suspension Certification;
ARTICLE XXII, Ownership of Data;
ARTICLE XXIV, Changes to Agreement;
ARTICLE XXV, CONSULTANT to County;
ARTICLE XXVII, Independent Contractor;
ARTICLE XXXIV, Force Majeure;
ARTICLE XLVIII, Disadvantaged Business Enterprises Participation;
ARTICLE LIII, Claims Filed by COUNTY'S Construction Contractors; and
ARTICLE LXV, Waiver.

Transportation recommends the Board make findings in accordance with Section 3.13.030 of the El Dorado County Ordinance that it is more economical and feasible to engage an independent consultant for the environmental reviews and structural engineering support services on the Project because there are specialty skills and qualifications required for the work to be performed under this Agreement that are not expressly identified in County classifications and the work to be performed is not sufficient to warrant the addition of permanent staff. There are specialty skills required for much of the work, including CEQA, NEPA, and structural engineering requirements.

The initial analysis of the Project was broken out into two phases, Phase 1A and Phase 1B. Phase 1A evaluated the feasibility of rehabilitating the existing structure and improving roadway approaches in compliance with current design standards. The recommendation at the conclusion of Phase 1A work was to proceed with Phase 1B to investigate feasible alternatives for replacement of the deficient Mt. Murphy Road Bridge along the existing alignment or at another location.

On December 16, 2014, Item 47, Legistar 13-0217, the Board received a presentation from Transportation regarding the status of the project planning phase (Phase 1B) of the Project. The presentation summarized the completion of a series of three Stakeholder Advisory Committee (SAC)

workshops held in 2014 at the Gold Trail Grange (Grange) in Coloma, including a description of the three alternative bridge locations that resulted from preferences expressed by the SAC combined with technical analysis conducted thus far. Analysis of the three alternatives and associated environmental constraints analysis is the subject of the completed Alternative Analysis Report (AAR), which marks the completion of Phase 1B of the Project.

Transportation then presented these results at a public meeting on the evening of January 28, 2015 at the Grange. This public meeting also served as the public Scoping Meeting for the CEQA Notice of Preparation of the Environmental Impact Report (EIR) that will be prepared for this Project under Phase 2. Subsequent public meetings were held on January 12, 2017 and September 5, 2018 to update the public on the status of the Project. Transportation has been working through the CEQA process with the California Department of Transportation (Caltrans) of which there have been extended phase investigation report requirements as requested by Caltrans. These extended reports have caused delays in the CEQA approval process.

Materials, presentations, and meeting summaries can be found on the Project website at <http://www.edcgov.us/MtMurphyBridge/>.

The proposed Amendment will not change the original not-to-exceed amount of $1,867,675.99, nor will it change the original employee fee schedule included in the Agreement. The purpose of the Amendment is to extend the performance period for the services still to be completed due to the CEQA delays. No new scope is being added and the existing budget remaining is sufficient to accommodate the services required.

The El Dorado County Employees Association, Local #1, was informed of this proposed Amendment.

ALTERNATIVES

1) The Board could direct Transportation to make changes to the Amendment and return to the Board at a later date. Transportation's ability to bring the environmental document to the Board for consideration would be delayed. Board approval of the environmental document is necessary for the completion of the Project.
2) The Board could direct Transportation to complete the environmental document through an alternate agreement. This option would also result in delayed completion of the environmental document and potential additional costs.
3) The Board could cancel the Project. Potentially, Highway Bridge Program funding already expended would have to be paid back by the County.

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 resulting from approval of the proposed Amendment. Funding for the Project is budgeted in Transportation’s 2020 CIP, which was approved by the Board on June

9, 2020, Legistar 20-0675, Item 54.

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) original Amendment to the County's Chief Administrative Office, Procurement and Contracts, for further processing.

STRATEGIC PLAN COMPONENT
Infrastructure

CONTACT
Rafael Martinez, Director
Department of Transportation