



## Legislation Details (With Text)

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**File created:** 8/13/2021      **In control:** Board of Supervisors

**On agenda:** 12/14/2021      **Final action:** 12/14/2021

**Title:** Department of Transportation recommending the Board consider the following pertaining to the Mosquito Road Bridge at South Fork American River Project, Capital Improvement Program project number 77126/36105028:

- 1) Approve and authorize the Chair to sign Agreement for Services 5799 with Jacobs Engineering Group, Inc., to provide construction support services for the project, for a not-to-exceed amount of \$4,563,924.26 and a term commencing upon execution by both parties and expiring four (4) years thereafter; and
- 2) Delegate authority under this contract to the Contract Administrator to issue work orders up to \$250,000 and any work orders exceeding this amount to be reviewed by County Counsel prior to issuance, deviating from the current task order protocol (approved by the Board on March 27, 2007, Legistar 07-534).

**FUNDING:** Highway Bridge Program Funds (99.9%) and Sacramento Municipal Utility District Funds (0.1%). (Federal and Local Funds)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. A - Approved Contract Route Sheet, 2. B - Agreement 5799, 3. Executed Agreement 5799

Date	Ver.	Action By	Action	Result
12/14/2021	1	Board of Supervisors	Approved	Pass

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### DISCUSSION / BACKGROUND

Department of Transportation (Transportation) has received federal funding for the design and right of way phases from the Federal Highway Association Highway Bridge Program (HBP) to replace the existing Mosquito Road Bridge (Project). The Project is located in a steep canyon of the South Fork of the American River, approximately six (6) miles north of U.S. Highway 50, and two (2) miles south

of the communities of Mosquito and Swansboro. The purpose of the Project is to replace the existing bridge with a functional bridge that meets current design and safety standards. Federal funding for the Project has been programmed for the construction phase as Transportation prepares for construction. The active construction period is estimated to be two and a half (2 ½) years, with an estimated six (6) months to complete the necessary documents for Project closeout. Transportation plans on advertising for construction bids this winter 2021/2022, with construction beginning approximately in spring/summer of 2022.

On March 23, 2021, at the request of Transportation, the Procurement and Contracts Division of the Chief Administrative Office issued a Request for Proposals (RFP) for construction support services on the Project. Transportation evaluated the need for services based on specialty services required for building a balanced cantilever segmental bridge. A panel evaluated and ranked the proposals based on the thoroughness, clarity, and quality of the material presented with emphasis on understanding scope and the building of this type of bridge, past performance and related experience, expertise, project approach, and familiarity of federal processes. The panel also conducted interviews with all three (3) proposers. The top-ranked proposer was determined to be Jacobs Engineering Group, Inc. (Consultant) and the Board awarded the RFP to Consultant on August 10, 2021, Legistar 21-1180, Item 23.

The Director of Transportation, County's Project Manager (PM), and Contract Administrator (CA) have been negotiating with the Consultant and reviewing the cost proposal. The cost proposal includes an out of state specialist segmental bridge construction structure inspector be a part of the Project construction team. Given the unique and specialty nature of segmental bridges, experienced field personnel are scarce. The proposed structure inspector has direct field experience on over 25,000 bridge segments but lives out of state, resulting in additional Other Direct Costs (ODCs) for working out of the area. These grant reimbursable ODCs are fair, reasonable, and allowable per 48 CFR, Chapter 1, Part 31. Further discussions were conducted with County Counsel regarding the Consultant's ODCs and all parties have agreed on reimbursement for outside rental equipment and trucks, long and short-term lodging, meals and incidentals, and mileage. On October 5, 2021, Transportation received acceptance from California Department of Transportation (Caltrans) Audits and Investigations for the Consultant's and their subconsultants' Indirect Cost Rates for Agreement for Services #5799 (Agreement).

Transportation is planning to utilize the Consultant on an on-call basis to supplement existing Transportation staff when needed. Transportation intends to utilize its staff as much as feasible during construction. The scope of the on-call work is broken out into two (2) categories of Optional Tasks and Project Contingency Services. The Optional Tasks have pre-defined work items that will be initiated with a Notice to Proceed document by the Resident Engineer (RE), PM, or CA. The Project Contingency Services are services that may supplement, expand, or otherwise modify the Scope of Work deemed critical by the CA. Both of these categories' tasks will be issued through email communication and Notice to Proceed, followed by a written work order by the CA. Transportation's current policy allows the CA to issue work orders for up to the amount indicated in the agreement and task orders up to \$250,000. The Board approved a task order protocol on March 27, 2007, Legistar 07-534, Item 26, in which task orders exceeding \$250,000 will need to be brought to the Board for approval. In this Agreement, Transportation is requesting to delegate authority to the CA to issue work orders for any amount but any work orders exceeding \$250,000 will be reviewed by County Counsel prior to issuance. The reason for this exception to the County policy is to provide the ability to Transportation to continue construction on the Project without interruption since it is undesirable and impractical to stop the Consultant or contractor. Providing the ability to the CA to

issue large work orders quickly will provide efficiency for Transportation to allow the Consultant and contractor to continue work without interruptions.

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

### **ALTERNATIVES**

- 1) Direct Transportation to make changes to the proposed Agreement and return to the Board at a later date. Transportation's ability to move forward on the Project would be delayed.
- 2) Direct Transportation to complete the requested services through an alternate agreement. This option would also result in delayed completion of the Project and potential additional costs.
- 3) Transportation could attempt to hire additional staff for a short period of time (part time, limited term). However, it is not likely that someone with the necessary construction support expertise as a Structure Specialist and Inspector would be willing to work part time in a limited term capacity.

### **PRIOR BOARD ACTION**

On March 27, 2007, Item 26, Legistar 07-534, the Board approved a protocol for Transportation in which task orders exceeding \$250,000 will need to be brought to the Board for approval.

On August 16, 2016, Item 25, Legistar 16-0629, the Board adopted the Draft Feasibility Study for Public Access to the South Fork of the American River at Mosquito Road Bridge.

On August 8, 2017, Item 27, Legistar 17-0725, the Board certified the Final Environmental Impact Report.

On December 10, 2019, Item 47, Legistar 19-1702, the Board received a presentation regarding the latest Project design and adopted the Addendum to the Final Environmental Impact Report.

On February 23, 2021, Item 29, Legistar 20-0914, the Board approved the High Cost Project Agreement with Caltrans for the Project.

On August 10, 2021, Item 23, Legistar 21-1180, the Board awarded the RFP to the Consultant.

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

County Counsel and Risk Management have reviewed and approved the Agreement. Chief Administrative Office, CDS Administration and Finance, and Caltrans have each been involved with portions of this Project.

### **CAO RECOMMENDATION / COMMENTS**

Approve as recommended.

### **FINANCIAL IMPACT**

There is no change to net County cost resulting from approval of the proposed Agreement. Funding for the Project is included in Transportation's 2021 Capital Improvement Program, which was approved by the Board on June 8, 2021, Item 54, Legistar 21-0624, and consists of 100% HBP federal funds.

### **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 Agreement.
- 2) The Clerk of the Board will forward one (1) fully executed original of the Agreement to the County's

Chief Administrative Office, Procurement and Contracts, for further processing.

**STRATEGIC PLAN COMPONENT**

Infrastructure

**CONTACT**

Rafael Martinez, Director  
Department of Transportation