



Legislation Text

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Department of Transportation recommending the Board take the following actions for the U.S. 50/Missouri Flat Road Interchange Improvements - Phase 1B Project (JN 71336):

- 1) Modify allocations made at the time of Project award for water pollution control and extra work associated with pier construction; and
- 2) Authorize the Chair to sign Contract Change Order and Contract Change Order Memorandum No. 4.2 with De Silva Gates - Viking, A Joint Venture in the amount of \$200,000.

FUNDING: State Transportation Improvement Program regional grant funds.

BUDGET SUMMARY:		
Total Estimated Cost		\$200,000
Funding		
Budgeted	\$200,000	
New Funding	\$	
Savings	\$	
Other	\$	
Total Funding Available	\$200,000	
Change To Net County Cost		\$0

Fiscal Impact/Change to Net County Cost:

The estimated cost of Contract Change Order (CCO) No. 4.2 is \$200,000. Payment for this CCO will come from the budget established for supplemental items of work on the U.S. 50/Missouri Flat Road Interchange Improvements - Phase 1B Project (Project). There is no Net County Cost associated with this agenda item.

Background:

On October 21, 2009, the Department of Transportation (Department) opened bids for the Project. The construction estimate for the Project was \$32 million and the low bid submitted by De Silva Gates - Viking, A Joint Venture (DSG-V) was \$23,834,107. On November 9, 2009, the Board awarded construction of the Project to DSG-V. As a part of the award, the Board also authorized a budget for supplemental items of work of \$1,617,500. The Project is currently expected to be completed in summer 2012.

Reason for Recommendation:

When the Board awarded construction of the Project to DSG-V on November 9, 2009, the Board also authorized the Chair to sign CCOs for supplemental items of work to cover water pollution control (\$300,000) and to cover extra work associated with pier construction (\$250,000). Subsequent to

Project award, the Department executed CCOs 4 and 4.1 for a total of \$300,000 to cover water pollution control work. As of October 20, 2010, only \$76,091.94 has been authorized for payment under these CCOs, almost all of which has been utilized for water pollution control measures installed this past summer and preparing the Project site for this coming winter. Given the size of the Project, the site topography, and the proximity of Weber Creek, the Department does not believe that \$300,000 will be adequate to last through the end of the Project. No CCOs have been needed to provide for extra work associated with pier construction.

On July 1, 2010, a new Construction General Permit (CGP) from the California Regional Water Quality Control Board went into effect. The Project is required by State law to comply with this new CGP, which includes some significant changes to the old CGP, including the following:

- New requirements for training for contractor personnel that develop plans for controlling water pollution;
- New requirements for training for contractor personnel that install and maintain water pollution control measures in the field;
- Preparation of Rain Event Action Plans prior to storm events;
- Additional site inspections prior to, during and after storm events;
- Water quality sampling and analysis at all Project discharge points during storm events; and
- New requirements for installing water pollution control measures at areas under active construction.

These new requirements, along with regulators' attention directed more towards public works projects due to the sharp reduction in privately funded developer projects, have caused significant increases in the Department's estimated cost to provide water pollution control. The Department has determined that funding beyond the amount originally allocated by the Board for water pollution control will be necessary.

At each of the six (6) pier locations DSG-V was required to construct excavations approximately eight (8) feet wide by sixteen (16) feet long by thirty-five (35) feet deep. The Geotechnical Report prepared for the Project warned of difficult excavation due to the presence of hard rock and the Board approved \$250,000 for use in mitigating issues related to hard rock that might arise during the excavations. Fortunately, five (5) of the six (6) excavations have been constructed without the need to use any of the approved funds. The sixth excavation is due to be constructed in spring 2011.

Therefore, since water pollution control costs have increased, and since there has not been a need to use any of the additional funds for pier excavation, the Department is requesting that the Board modify the allocations it made at the time of award as follows:

	<u>Original Allocations</u>	<u>Proposed Allocations</u>
Water Pollution Control:	\$300,000.00	\$500,000.00
Extra Work Associated with Pier Construction:	\$250,000.00	\$50,000.00

The Department proposes to leave \$50,000.00 in place to deal with any excavation issues at the final pier excavation next spring.

Action to be taken following Board approval:

1. The Board Clerk will obtain the Chair's signature on CCO and CCO Memorandum No. 4.2.
2. The Board Clerk will forward the signed CCO and CCO Memorandum No. 4.2 to the Department for further processing.

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