



## Legislation Text

File #: 24-0906, Version: 2

Department of Transportation recommending the Board consider the following:

- 1) Approve and authorize the Chair to sign the Notice of Acceptance with AM Development, Inc. for the San Bernardino Class 1 Bike Trail Project, Capital Improvement Program 36107017, Contract 5971; and
- 2) Approve and authorize the Clerk of the Board to release the Payment and Performance Bonds to the Surety upon notification from the Department of Transportation, after the one-year guarantee period. (Cont. 6/25/2024, Item 30)  
(District 5)

**FUNDING:** Congestion Mitigation and Air Quality Program (41% - Federal), Highway Infrastructure Program (6% - Federal), Surface Transportation Block Grant (32% - Federal), Coronavirus Response and Relief Supplemental Apportionments Act of 2021 Program (15% - Federal), and Tahoe Regional Planning Agency (6% - Local).

### **DISCUSSION / BACKGROUND**

The contract for the San Bernardino Class 1 Bike Trail Project (Project) was approved by the Board on August 16, 2022 (Legistar File 22-1345). Construction started on October 3, 2022, and construction was substantially completed on June 14, 2024. Recordation of the Notice of Acceptance (NOA) will start legal time frames for guarantees, a lien period, and return of retention monies. Recordation of the NOA will also start the one-year time frame for releasing the Payment and Performance Bonds to the Surety.

### Direct Construction Cost Summary:

Original Bid Price	\$3,032,389.96
Contract Item Cost	\$3,089,984.96
Contract Change Order Cost	\$246,657.91
Total Direct Construction Cost	\$3,336,642.87
Direct Construction Budget	\$3,358,919.00

Major Contract Change Orders (CCO) on the Project dealt with the following:

- Precast concrete boardwalk foundation change and associated impacts;
- Drilling holes in piles to attach pile caps; and
- Installation of a bicycle/pedestrian monitor.

The final costs listed are estimates. Transportation will be closing out the Project with the Contractor and finalizing costs over the coming weeks. Any significant deviations from the estimates above that exceed Transportation's allocated authority will be brought back for the Board for review and approval in a subsequent agenda item.

### **ALTERNATIVES**

The Board could choose not to approve the NOA. Transportation staff would make modifications as

directed by the Board and return for Board approval of the NOA. This would delay the release of the Payment and Performance Bonds and extend the Contractor's warranty period.

**PRIOR BOARD ACTION**

See Discussion/Background section above.

**OTHER DEPARTMENT / AGENCY INVOLVEMENT**

N/A

**CAO RECOMMENDATION**

Approve as recommended.

**FINANCIAL IMPACT**

There is no change to Net County Cost associated with this item. The Project is included in the 2024 CIP anticipated for approval by the Board on June 18, 2024, (Legistar File 24-0838) and funded by Federal and State grant funds and local funds. The anticipated direct construction cost is less than the direct construction budget established by the Board.

**CLERK OF THE BOARD FOLLOW UP ACTIONS**

- 1) The Clerk of the Board will obtain the Chair's signature on one (1) original copy of the NOA.
- 2) The Clerk of the Board will send the executed original of the NOA to the Recorder/Clerk's Office for recordation within ten (10) days and forward a copy of the recorded NOA to Transportation, Headington Engineering, Attention: John Kahling.
- 3) One (1) year after the recordation of the NOA, Transportation will verify that all warranty work, if any, has been satisfactorily completed and will notify the Clerk of the Board in writing to release the Payment and Performance Bonds.

**STRATEGIC PLAN COMPONENT**

N/A

**CONTACT**

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Department of Transportation