File #: 22-0540, **Version:** 1

Department of Transportation recommending the Board approve and authorize the Chair to sign the Fifth Amendment to Agreement for Services 467-S1411 with Quincy Engineering, Incorporated, to provide continued assistance with design support services during the construction of the Mosquito Road Bridge at South Fork American River Project, Capital Improvement Program project number 77126 / 36105028, with the following:
1) Amend the scope of work to include design support services during the construction of the Mosquito Bridge;
2) Extend the performance period to December 31, 2025;
3) Increase the not-to-exceed amount to $6,950,886.23; and
4) Update the fee schedule.

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

DISCUSSION / BACKGROUND

The Mosquito Road Bridge crosses the South Fork of the American River approximately 5.9 miles north of U.S. Highway 50 in Placerville, just south of the community of Swansboro. It is a 9-foot wide, one-lane limited capacity timber suspension bridge with a 140-foot-long span over the South Fork of the American River. The existing bridge was built in 1939 and is 74 years old. The bridge is crossed daily by approximately 1,300 vehicles (in both directions). Emergency vehicles are restricted from using the bridge due to the narrow width, combined with multiple hairpin curves and steep grades along the bridge approaches on both sides, resulting in delayed emergency response time.

A Request for Proposals process was completed in 2013, from which Quincy Engineering, Incorporated (Quincy) was selected from the list of qualified companies as the best firm to complete a Replacement Study, the Project Approval, Environmental Document, and Final Design for the Mosquito Road Bridge at South Fork American River Project (Project). The Board approved the Agreement for Services (Agreement) on July 29, 2014 (Item 10, Legistar 13-0549). The Agreement expiration was to coincide with the County's acceptance of the Project Report and Environmental Impact Report. The future design scope was dependent on the approval of these planning documents. Caltrans has requested the County to amend the original Quincy Agreement instead of creating new contracts to finish the Project.

The Board approved a First Amendment (Amendment 1) to the Agreement on March 7, 2017 (Item 17, Legistar 13-0549), which updated individual budgets based upon work already completed and the environmental work still to be completed. Amendment 1 did not change the original not-to-exceed amount, nor did it change the original employee fee schedule or the agreement expiration.

The Board approved a Second Amendment (Amendment 2) to the Agreement on August 15, 2017 (Item 11, Legistar 13-0549), which prepared the final Bridge Type Selection Report and produced 30% design documents for the Project. Amendment 2 increased the original not-to-exceed amount of $1,204,834 by $2,269,580, for a new not-to-exceed amount of $3,474,414. Amendment 2 did not

change the original employee fee schedule included in the Agreement, but it did amend the expiration to coincide with the County's acceptance of the Bridge Type Selection Report and approximately thirty percent (30%) design documents for the Project.

The Board approved a Third Amendment (Amendment 3) on August 28, 2018 (Item 34, Legistar 18-0971). Amendment 3 prepared the final design for the Project and advertising for construction bids. Amendment 3 increased the original not-to-exceed amount of Amendment 2 of $3,474,414 by $3,113,920, for a new not-to-exceed amount of $6,457,483, and extended the term of the contract through the award of the construction bid for the project. Some budget items of work from Amendment 1 and Amendment 2 were decreased to minimize the increase with Amendment 3 (that is why the not-to-exceed from Amendment 2 does not add to the not to exceed for Amendment 3 with the increase). The original employee fee schedule included in the Agreement was updated for Amendment 3.

The Board approved a Fourth Amendment (Amendment 4) on March 15, 2022 (Item 15, Legistar 22-0178). Amendment 4 extended the performance period through this year to December 31, 2022, and has allowed Quincy to continue support for contractor bid assistance and submittals on the Project. Some budget items of work from Amendment 2 and Amendment 3 were decreased and increased based upon tasks that have already been completed and those final tasks yet to be completed. These reductions yielded an overall decrease to the not-to-exceed amount of $219,999.79. Amendment 4 included updating 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 required 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 those minor modifications did not significantly change the intent of the Agreement or County administrative processes.

The Fifth Amendment to the Agreement (Amendment 5) will extend the performance period to December 31, 2025, to allow Quincy's continued design support during the construction of the Project. Additional scope of work has been added to Amendment 5 to allow Quincy, the bridge designer of record, as well as subconsultants that have provided other design services, to review contractor submittals and requests for information, do field visits during construction, and provide geotechnical observations. Amendment 5 will increase the not-to-exceed amount of Amendment 4 of $6,237,483.21 by $713,403.02, for a new not-to-exceed amount of $6,950,886.23. The original employee fee schedule included in the Agreement had been updated for Amendment 3, which was executed in 2018. Quincy has not requested an update to their fee schedule since that time. Contract language allows for adjustment of the rates when the Agreement is amended and per Code of Federal Regulations 23 CFR 172.11, Indirect Cost Rates (ICR) shall be updated on an annual basis. Quincy's ICR was 169.79% in 2017 and is now 142.95%. Their employee rates have increased an average of 3.8% over a three-year period (this is an average of all employee rates). Caltrans has reviewed Quincy's ICR and has found the ICR acceptable. Transportation has compared Quincy's employee rates to similar consultants and found that their new employee fee schedule is comparable to those consultants. The following articles have been updated:

ARTICLE I, Scope of Services;
ARTICLE II, Compensation for Services;
ARTICLE IV, Performance Period; and
ARTICLE V, Allowable Costs and Payments.

The El Dorado County Employees Association, Local 1, has been informed of this proposed Amendment 5.

ALTERNATIVES
1) The Board could direct Transportation to make changes to Amendment 5; however, Transportation's ability to move forward on the Project would be delayed.
2) The Board could cancel the Project. Potentially, HBP funding already expended would have to be paid back by the County.

PRIOR BOARD ACTION
See Discussion / Background Section.

OTHER DEPARTMENT / AGENCY INVOLVEMENT
County Counsel and Risk Management have reviewed and approved Amendment 5.

CAO RECOMMENDATION / COMMENTS
Approve as recommended.

FINANCIAL IMPACT
There is no change to net County cost resulting from approval of the proposed Amendment 5. Funding for the Project is included in Transportation's 2022 Capital Improvement Program, which was approved by the Board on June 14, 2022 (Item 48, Legistar 22-0521).

CLERK OF THE BOARD FOLLOW UP ACTIONS
1) The Clerk of the Board will obtain the Chair's signature on two (2) originals of Amendment 5.
2) The Clerk of the Board will forward one (1) fully executed original of Amendment 5 to the Chief Administrative Office, Contracts and Procurement Unit, for further processing.

STRATEGIC PLAN COMPONENT
Infrastructure

CONTACT
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