



## Legislation Text

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**File #:** 21-1928, **Version:** 1

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Department of Transportation recommending the Board approve and authorize the Chair to sign the First Amendment to Agreement for Services 279-S1711 with Burne Engineering Services, Inc., to provide structural design and geotechnical support services for the Oak Hill at Squaw Hollow Creek - Bridge Replacement Project, Capital Improvement Program project 36105031, extending the performance period an additional two (2) years and updating contract language for minor administrative details and per California Department of Transportation federal funding requirements, with no change to the total contract amount.

**FUNDING:** Highway Bridge Program. (100% - Federal)

### **DISCUSSION / BACKGROUND**

The Board approved Agreement for Services 279-S1711 (Agreement) with Burne Engineering Services, Inc. on February 14, 2017 (Legistar 16-1115, Item 16). The Agreement provides structural design and geotechnical support services for the Oak Hill at Squaw Hollow Creek - Bridge Replacement Project (Project), including bidding and award assistance and support during construction. Design of the Project is nearing completion and construction is expected to begin summer 2023. The First Amendment (Amendment) will extend the contract to allow for the completion of these tasks. Additionally, the Amendment modifies the Agreement to update contract language regarding Notice to Parties and Working Office, and 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 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 or County administrative processes. The following articles have been updated or added to match boilerplate language for the Amendment:

ARTICLE III, Progress Reports;  
ARTICLE IV, Termination;  
ARTICLE VII, Cost Principles and Administrative Requirements;  
ARTICLE VIII, Retention of Records/Audit;  
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 XIX, Standards for Work;  
ARTICLE XXV, Consultant to County;  
ARTICLE XXVII, Independent Contractor;  
ARTICLE XXXI, Indemnity;

ARTICLE XXXII, Insurance;  
ARTICLE XXXVIII, Compliance with Federal, State, and County Requirements;  
ARTICLE XLIII, Patent Rights;  
ARTICLE XLIV, Copyrights;  
ARTICLE XLVI, Disadvantaged Business Enterprise Considerations;  
ARTICLE XLVII, Disadvantaged Business Enterprise Participation;  
ARTICLE XLIX, Disputes;  
ARTICLE LI, Safety;  
ARTICLE LII, Claims Filed by County's Construction Contractors;  
ARTICLE LVI, Environmental Compliance;  
ARTICLE LXII, Force Majeure;  
ARTICLE LXIV, Waiver

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

### **ALTERNATIVES**

The Board could choose to not approve the Amendment. This would increase the cost of the Project and cause a delay of the construction phase as a new design engineer would need to time to familiarize themselves with the Project in order to complete the remaining tasks.

### **PRIOR BOARD ACTION**

See Discussion / Background Section above.

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

County Counsel and Risk Management have reviewed and approved the Agreement.

### **CAO RECOMMENDATION**

Approve as recommended.

### **FINANCIAL IMPACT**

The Project is included in the 2021 CIP approved by the Board on June 8, 2021 (Legistar 21-0624, Item 54), with funding provided by the Highway Bridge Program. The Project's budget includes the services in the Agreement.

### **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 First Amendment.
- 2) The Clerk of the Board will forward one (1) original of the Amendment to the County's Chief Administrative Office, Procurement and Contracts, for further processing.

### **STRATEGIC PLAN COMPONENT**

Infrastructure

### **CONTACT**

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Department of Transportation