



Legislation Details (With Text)

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On agenda: 3/19/2019 **Final action:** 3/19/2019
Title: Department of Transportation, recommending the Board receive information regarding Contract Change Order 5 on the White Meadow Road and Peavine Ridge Road Storm Damage Repair Project, CIP 78711/36102025, Contract 2771. (Est. Time: 5 Min.)

FUNDING: Local and State discretionary funding initially (100%), with Department of Transportation staff working with the Federal Emergency Management Agency and the California Office of Emergency Services to obtain reimbursement. (Local, State, and Federal)

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DISCUSSION / BACKGROUND

The contract for the White Meadow Road and Peavine Ridge Road Storm Damage Repair Project (Project) was approved by the Board on September 25, 2018 (Item 49) and notice to proceed was issued for November 5, 2018.

On December 18, 2018 (Item 47), Department of Transportation (Transportation) staff informed the Board of the need for Contract Change Order 4 (CCO 4), and the anticipated necessary budget increase. On February 12, 2019, the Board approved CCO 4 in the amount of \$144,525.00, along with a construction phase budget increase of \$75,000.00. CCO 4 covered additional work at the Project's White Meadow location.

After the White Meadow site had been substantially completed in late 2018, the Project's contractor, MKD Construction (MKD), moved west to the Peavine Ridge Road repair site. The damage at this site from the 2017 winter storms included a slope failure, uplift heaving in the adjacent roadway, and damage to drainage infrastructure. MKD performed the bulk of the repair work required by the contract in early 2019, including but not limited to grading, ditch restoration, roadway excavation, and installation of aggregate base. Just before the serious rain and snow started up in February 2019,

MKD installed erosion control features to winterize the site and then demobilized.

On or about February 22, 2019, Transportation staff visited the site and discovered that additional slope failures and uplift heaving had occurred. After heavy rain dissipated most of the snow, Transportation walked the slope immediately uphill from the site and noticed a significant amount of new, large soil fissures. These fissures clearly indicated that the slope above the road was moving again. Due to the complexity of this unique geotechnical problem (large scale slope failure, heavy groundwater presence, cohesive soils, roadway heaving), Transportation engaged a geotechnical consultant. Transportation staff and the consultant inspected the site on March 11, 2019. The consultant will submit a report to Transportation on or around March 14, 2019. Transportation expects the report will recommend geotechnical borings. After analysis of the borings, Transportation expects that CCO work will be required that will cost in excess of \$150,000.00 (a commensurate budget increase will be required). Since the cumulative value of previous CCOs on this project have exceeded 10% of the original bid price, CCO 5 will require Board approval. In order to preclude any delay costs and to implement repairs before the damage worsens, Transportation plans to direct MKD to get back to work as soon as the design for CCO 5 is complete and the weather has cleared, even though this action will result in Transportation requesting retroactive approval of CCO 5.

Transportation discussed this issue with the Chief Administrative Office, and it was determined that even though the extent of the repairs and associated costs would not be determined by the March 19, 2019 Board meeting, Transportation would bring this informational item to the Board to make the Board aware of this issue as quickly as possible. Transportation will return to the Board in late April or May with a formal request for the Board to retroactively approve CCO 5. Transportation expects the cost to exceed \$150,000.00.

ALTERNATIVES

This is an informational item only.

PRIOR BOARD ACTION

See Discussion/Background section above.

OTHER DEPARTMENT / AGENCY INVOLVEMENT

N/A

CAO RECOMMENDATION / COMMENTS

It is recommended that the Board receive and file the information.

FINANCIAL IMPACT

This is an informational item only with no financial impact at this time. However, it is Transportation's intent to come to the Board in April or May 2019 requesting retroactive approval of CCO 5. The current budget for the construction phase of the Project is \$1,166,211.25 (original construction phase budget of \$1,091,211.25 plus an additional \$75,000.00 approved by the Board on February 12, 2019).

Total Funding for this Project is included in the 2018 CIP Book approved by the Board on June 26, 2018 (Item 61) with an increase approved August 14, 2018 (Item 44).

This Project is eligible for 75% reimbursement by FEMA and 18.75% reimbursement by California Office of Emergency Services. The remaining 6.25% of eligible costs and 100% of costs that are not eligible will be covered by local and state discretionary funding. The current funding Obligation Letter for this project is \$319,522, but the project is deemed to be a large project. Per the FEMA Public Assistance Program and Policy Guide, the final eligible amount for large projects is the actual documented cost of the completed, eligible scope of work. Transportation will continue working with these agencies to obtain the maximum allowable reimbursement.

CLERK OF THE BOARD FOLLOW UP ACTIONS

N/A

STRATEGIC PLAN COMPONENT

Infrastructure

CONTACT

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