



## Legislation Details (With Text)

**File #:** 19-1212      **Version:** 1

**Type:** Agenda Item      **Status:** Approved

**File created:** 8/7/2019      **In control:** Board of Supervisors

**On agenda:** 9/10/2019      **Final action:** 9/10/2019

**Title:** Department of Transportation recommending the Board consider the following:  
 1) Approve and authorize the Chair to sign the Notice of Acceptance with MKD Construction, Inc., for the White Meadow Road and Peavine Ridge Road Storm Damage Repair Project, CIP 78711/36102025, Contract 2771; 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.

**FUNDING:** Federal Emergency Management Agency (FEMA) and California Office of Emergency Services (Cal OES) to fund up to 93.75% of eligible project costs related to initial storm damage (change order five expenses are not FEMA or Cal OES eligible). Contract Change Order Five expenses will be funded by the State Transportation Block Grant Exchange Funds for repairs not related to initial storm damage.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. A - Notice of Acceptance, 2. Recorded Notice of Acceptance

Date	Ver.	Action By	Action	Result
9/10/2019	1	Board of Supervisors	Approved	Pass

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### DISCUSSION / BACKGROUND

The contract for the Project was approved by the Board on September 25, 2018, (Item 49) and the roadway was opened to motorists on August 6, 2019. 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	\$ 872,969.00
Contract Item Cost	\$ 935,015.46
Contract Change Order Cost	\$ 327,523.00
Total Direct Construction Cost	\$ 1,262,538.46
Direct Construction Budget	\$ 1,262,538.46

Major Contract Change Orders on the Project dealt with an increase to the import material necessary to construct the repairs adjacent White Meadow Road and the realignment of a portion of Peavine Ridge Road.

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 to 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**

It is recommended that the Board approve this item.

**FINANCIAL IMPACT**

There is no change to Net County Cost associated with this item. The Project is budgeted in Transportation's 2018 CIP, which was approved by the Board on June 26, 2018 (Item 61). The major change orders were approved by the Board on February 12, 2019 (Item 19) and July 16, 2019 (Item 25).

**CLERK OF THE BOARD FOLLOW UP ACTIONS**

- 1) The Clerk of the Board will obtain the Chair's signature on one (1) original of the NOA.
- 2) The Clerk of the Board will send the fully 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**

Infrastructure

**CONTACT**

Rafael Martinez, Director  
Department of Transportation