



# County of El Dorado

330 Fair Lane, Building A  
Placerville, California  
530 621-5390  
FAX 622-3645  
www.edcgov.us/bos/

## Legislation Details (With Text)

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<b>File created:</b>	11/21/2022	<b>In control:</b>	Board of Supervisors
<b>On agenda:</b>	2/21/2023	<b>Final action:</b>	2/21/2023
<b>Title:</b>	Department of Transportation recommending the Board approve and authorize the Chair to sign the Sixth Amendment to Agreement for Services 467-S1411 (Fenix 876) with Consor North America, Incorporated, modifying various administrative details related to their acquisition of Quincy Engineering, Incorporated, for 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 no changes to the compensation of \$6,950,886.23, rate schedule, term, or scope of work.		
	FUNDING: Highway Bridge Program Funds (99.9%) and Sacramento Municipal Utility District Funds (0.1%). (Federal and Local Funds)		
<b>Sponsors:</b>			
<b>Indexes:</b>			
<b>Code sections:</b>			
<b>Attachments:</b>	1. A - Approved Contract Route Sheet, 2. B - Sixth Amend Agmt 467-S1411, 3. C - Fifth Amend Agmt 467-S1411, 4. D - Fourth Amend Agmt 467-S1411, 5. E - Third Amend Agmt 467-S1411, 6. F - Second Amend Agmt 467-S1411, 7. G - First Amend Agmt 467-S1411, 8. H - Agmt 467-S1411, 9. Executed Sixth Amendment Agmt 467-S1411		

Date	Ver.	Action By	Action	Result
2/21/2023	1	Board of Supervisors	Approved	Pass

Department of Transportation recommending the Board approve and authorize the Chair to sign the Sixth Amendment to Agreement for Services 467-S1411 (Fenix 876) with Consor North America, Incorporated, modifying various administrative details related to their acquisition of Quincy Engineering, Incorporated, for 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 no changes to the compensation of \$6,950,886.23, rate schedule, term, or scope of work.

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### 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 of the bridge, 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 Agreement for Services was approved by the Board 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. California Department of Transportation (Caltrans) has requested the County to amend the original Quincy agreement instead of creating new contracts to finish the Project.

A First Amendment (Amendment 1) to the Agreement was approved by the Board 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.

A Second Amendment (Amendment 2) to the Agreement was approved by the Board 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.

A Third Amendment (Amendment 3) was approved by the Board 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.

A Fourth Amendment (Amendment 4) was approved by the Board on March 15, 2022, Item 15, Legistar 22-0178. Amendment 4 extended the performance period 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 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 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) was approved by the Board on July 26, 2022, Item 21, Legistar 22-0540. Amendment 5 extended the performance period to December 31, 2025 to allow Quincy's continued design support during the construction of the Project. Additional scope of work was 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, field visits during construction, and geotechnical observations. Amendment 5 increased 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. Amendment 5 also updated Quincy's fee schedule and Indirect Cost Rate (ICR).

On October 18, 2022, the Department of Transportation (Transportation) was notified by Quincy that Consor North America, Incorporated (Conсор) acquired Quincy and became a wholly owned subsidiary of Consor. The project manager and staff that have been working with Transportation on this Project from Quincy are employed by Consor and will continue to support Transportation. The Sixth Amendment to the Agreement modifies the following articles to update the administrative details for this acquisition:

ARTICLE XIV, Subcontracting, Assignment and Delegation; and  
ARTICLE XXIX, Notice to Parties.

All other articles, responsibilities, and obligations of the Agreement remain in full effect. There are no changes to the scope of work, term, fee schedule, or the not-to-exceed amount of the Agreement.

The El Dorado County Employees Association, Local 1, has been informed of this proposed Amendment 6.

## **ALTERNATIVES**

- 1) The Board could direct Transportation to make changes to Amendment 6; however, Transportation's ability to move forward on the Project would be delayed.
- 2) The Board could cancel the Project. Potentially, grant 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 6.

## **CAO RECOMMENDATION / COMMENTS**

Approve as recommended.

## **FINANCIAL IMPACT**

There is no change to net County cost resulting from approval of the proposed Amendment 6. Funding for the Project is included in Transportation's 2022 CIP, 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 one (1) original of Amendment 6.
- 2) The Clerk of the Board will forward one (1) fully executed copy of Amendment 6 to Chief Administrative Office, Contracts and Procurement Unit, Attention to Matt Potter, for further processing.

## **STRATEGIC PLAN COMPONENT**

Infrastructure

**CONTACT**

Rafael Martinez, Director  
Department of Transportation