



## Legislation Details (With Text)

**File #:** 23-1126      **Version:** 1

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

**File created:** 6/1/2023      **In control:** Board of Supervisors

**On agenda:** 6/27/2023      **Final action:** 6/27/2023

**Title:** Department of Transportation recommending the Board approve and authorize the Chair to sign the Fifth Amendment to Agreement for Services 551-S1411, Fenix 989, with T.Y. Lin International updating contract language to the current California Department of Transportation Standards, extending the term for an additional four (4) years, and increasing the compensation by \$501,663.85 for a new not-to-exceed of \$1,911,616.66 for the Bucks Bar Road at the North Fork Cosumnes River - Bridge Replacement Project, Capital Improvement Program project number 36105003.

**FUNDING:** Highway Bridge Program (14% - Federal), Traffic Impact Fees (6% - Local), Regional Surface Transportation Program (1% - State), and To Be Determined (79%).

### Sponsors:

### Indexes:

### Code sections:

**Attachments:** 1. A - Contract Routing Sheet.pdf, 2. B - 989 Amendment V.pdf, 3. C - 989 Original Agreement.pdf, 4. D - 989 Amendment I.pdf, 5. E - 989 Amendment II.pdf, 6. F - 989 Amendment III.pdf, 7. G - 989 Amendment IV.pdf, 8. Executed 989 Amendment V

Date	Ver.	Action By	Action	Result
6/27/2023	1	Board of Supervisors	Approved	Pass

Department of Transportation recommending the Board approve and authorize the Chair to sign the Fifth Amendment to Agreement for Services 551-S1411, Fenix 989, with T.Y. Lin International updating contract language to the current California Department of Transportation Standards, extending the term for an additional four (4) years, and increasing the compensation by \$501,663.85 for a new not-to-exceed of \$1,911,616.66 for the Bucks Bar Road at the North Fork Cosumnes River - Bridge Replacement Project, Capital Improvement Program project number 36105003.

**FUNDING:** Highway Bridge Program (14% - Federal), Traffic Impact Fees (6% - Local), Regional Surface Transportation Program (1% - State), and To Be Determined (79%).

### DISCUSSION / BACKGROUND

On July 15, 2014 (Legistar 14-0071, Item 17), the Board approved Agreement 551-S1411 (Agreement) with T.Y. Lin to provide environmental and engineering services for the Bucks Bar Road at the North Fork Cosumnes River - Bridge Replacement Project (Project). The Agreement's scope and budget presumed that an Initial Study/Mitigated Negative Declaration (IS/MND) would provide adequate documentation necessary for compliance with the California Environmental Quality Act. In November 2015, the Department of Transportation (Transportation) was prepared to submit the IS/MND for Board approval; however, since Native American tribes and Transportation were unable to agree on how to mitigate the presence of cultural resources, Transportation withdrew the IS/MND and instead moved forward with preparation of an Environmental Impact Report (EIR).

The California Department of Transportation (Caltrans) was consulted regarding the requirements for the EIR and indicated that a professional ethnographer would need to be engaged to interview Tribal

members. The addition of the ethnographer, and other services required to complete an EIR and satisfy Caltrans requirements related to the National Environmental Policy Act, required a significant increase to the total budget for the Agreement which caused the Agreement's budget to surpass the threshold that requires a full audit by Caltrans.

On October 25, 2016 (Legistar 14-0071, Item 20), the Board approved Amendment I to the Agreement to allow for subconsultant use of optional task budget, with no increase in the contracted not-to-exceed amount. On December 13, 2016 (Legistar 14-0071, Item 22), the Board approved Amendment II to increase the not-to-exceed amount of the Agreement. On April 25, 2017 (Legistar 14-0071, Item 18), the Board approved Amendment III updating the contract language to the most recent Caltrans verbatim standards and allowing for the reimbursement of travel costs for select subconsultants. On June 21, 2021 (Legistar 21-0497, Item 25), the Board approved Amendment IV to increase the not-to-exceed amount, extend the contract term and to modify the scope of work.

The Fifth Amendment (Amendment) will update contract language to the current California Department of Transportation Standards, extend the term for four years to July 14, 2027 to allow for the completion of the environmental and design processes, and increase the Agreement's not-to-exceed amount by \$501,663.85 for a new not-to-exceed amount of \$1,911,616.66. The additional funding and term is required to complete the EIR and to complete National Environmental Protection Act work, including submittal of a Section 4(f) document to the United States Department of the Interior. Consultation with Native American tribes will also continue through this period.

The following articles are being added or amended to address this recommendation:

Article IV Performance Period;  
Article V Allowable Costs and Payments;  
Article VIII Retention of Records/Audit;  
Article X Subcontracting;  
Article XIII Conflict of Interest;  
Article XIV Rebates, Kickbacks, or Other Unlawful Consideration;  
Article XV Prohibition of Expending Local Agency, State, or Federal Funds for Lobbying;  
Article XVI Non-Discrimination Clause and Statement of Compliance;  
Article XVII Debarment and Suspension Certification;  
Article XIX Standards for Work;  
Article XXVI Confidentiality;  
Article XXIX Notice to Parties;  
Article XXXI Indemnity;  
Article XXXVIII Compliance with Federal, State and County Requirements;  
Article XXXIX Working Office;  
Article XLVII Disadvantaged Business Enterprises (DBE) Participation;  
Article XLIX Disputes;  
Article LI Safety;  
Article LII Claims Filed by County's Construction Contractors;  
Article LVI Environmental Compliance;  
Article LXV Funding Requirements;  
Article LXVI Electronic Signatures; and  
Article LXVII Appendices A - E of the Title VI Assurances;

## ALTERNATIVES

The Board could choose not to approve Amendment V. The EIR would not be completed, the Project would be halted and the County may be required to reimburse all money spent funded by the Highway Bridge Program (HBP).

#### **PRIOR BOARD ACTION**

See Discussion/Background section above.

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

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

#### **CAO RECOMMENDATION**

Approve staff recommendation.

#### **FINANCIAL IMPACT**

The project is included in the adopted 2023 Capital Improvement Program. This project has funding programmed by the HBP for all phases. Currently, only funding for the current planning, environmental, and design phase has been allocated from the HBP. As the project progresses, funding for additional phases will be dispersed and the CIP will be updated accordingly.

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

#### **STRATEGIC PLAN COMPONENT**

Infrastructure

#### **CONTACT**

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Director of Transportation