



Legislation Text

File #: 09-0978, **Version:** 4

Community Development Agency, Transportation Division, recommending the Board consider the following:

- 1) Make findings in accordance with Chapter 3.13, Section 3.13.030 of the County Ordinance that it is more economical and feasible to continue engaging an independent contractor for construction support services for the Transportation Division's U.S. 50/Missouri Flat Road Interchange Phase 1B Project; and
- 2) Approve and authorize the Chair to sign the Second Amendment to Agreement for Services AGMT 143-S1011 with Vali Cooper & Associates, Inc. to adjust budget allocation between the prime consultant and a subconsultant, with no increase to the total compensation provided by the Agreement.

FUNDING: State Corridor Mobility Improvement Account Funds and Missouri Flat Road Master Circulation and Funding Plan (MC&FP) Funds.

Fiscal Impact/Change to Net County Cost:

There is no cost associated with this proposed Amendment. Funding for the Agreement and the proposed Amendment is provided by State Corridor Mobility Improvement Account funds and MC&FP funds. The U.S. 50/Missouri Flat Road Interchange Phase 1B Project (Project) is included in the approved 2013 Capital Improvement Program.

Background:

On October 13, 2009, the Board authorized the Chair to sign Agreement for Services No. AGMT 09-52748 (Agreement) with Vali Cooper & Associates, Inc. (VCA) to augment the Transportation Division (Transportation) of the Community Development Agency construction management resources for the U.S. 50/Missouri Flat Road Interchange Improvements - Phase 1B Project (Project). The Agreement was written with a not-to-exceed cost of \$2,465,000. On May 22, 2012, the Board authorized the Chair to sign Amendment 1 to the Agreement, which increased the not-to-exceed value of the Agreement by \$570,000, for an amended not-to-exceed value of \$3,035,000. VCA has been providing resident engineer, structure representative, and construction inspection services for the Project. Transportation has been providing structure representative, surveying, materials inspection, and construction inspection services.

Reason for Recommendation:

This Project was expected to have a duration of approximately 2.5 years. Weather delays during the winter of 2010-2011, delays due to hard rock excavation, and delays due to a design issue with the bicycle path along eastbound U.S. 50 caused the Project to last well over four years. In July of 2014, Transportation will bring this Project's Notice of Acceptance to the Board for approval. After Board approval of the Notice of Acceptance, Transportation will negotiate any final claims and final cost of the contract with the contractor and close out the contract. Senior VCA staff that has served as resident engineer for the entire duration of the Project will be needed for this negotiation and close out work.

The budget allocated for use by VCA has been depleted, primarily due to the extended length of the Project. However, there is \$133,152 of budget remaining in the Agreement that has been allocated for subconsultant use. Transportation recommends transferring the \$133,152 earmarked for the subconsultant over to VCA so that Transportation can use the same senior VCA staff that served as resident engineer on the Project to close the Project out (Transportation support staff will also be utilized to complete the closeout of the Project). The terms of the Agreement require execution of a contract amendment to move budget from a subconsultant to VCA.

Transportation recommends the Board make findings pursuant to Chapter 3.13, Section 3.13.030 of the County Ordinance that there are special skills and qualifications required for the work performed under this Amendment that are not expressly identified in County classifications. Although most of the services to be performed under this Agreement are bargaining unit work, other services to be provided require expertise that available County staff does not have, including, but not limited to, performing in-depth analyses and reviews of complex construction schedules, reviewing complex overhead claims from construction contractors, and negotiating appropriate settlements of complex construction claims with contractors. In addition, VCA has worked on the project since 2009-2010 and has a very real knowledge of this project and its history. The only other Transportation staff member with the requisite skills to perform the remaining work covered by the Agreement is fully tasked working as resident engineer on the U.S. 50/Silva Valley Parkway Phase 1 Project.

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

Action(s) to be taken following Board approval

1. The Clerk of the Board will obtain the Chair's signature on Agreement No. 143-S1011.
2. The Clerk of the Board will forward one fully executed original Agreement to the Community Development Agency Contract Unit for further processing.

Contact

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Community Development Agency

Concurrences

County Counsel and Risk Management