



# County of El Dorado

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## Legislation Text

File #: 07-1901, Version: 1

Transportation Department recommending Chairman be authorized to sign Contract Change Order No. 3 Supplemental 1 with Nehemiah Construction, Inc. in the amount of \$250,000 to provide compensation for all labor, equipment, materials, and supplies necessary for dust control work for the Missouri Flat Road Overcrossing Phase 1A Project (71317).

**RECOMMENDED ACTION:** Approve.

**FUNDING:** 2004 General Plan Traffic Impact Mitigation Fees

BUDGET SUMMARY:		
Total Estimated Cost		\$250,000
Funding		
Budgeted	\$250,000	
New Funding	\$	
Savings	\$	
Other	\$	
Total Funding Available	\$	\$250,000
Change To Net County Cost		\$0

Fiscal Impact/Change to Net County Cost:

The total budget for construction is \$22,728,265 (spanning FYs 06-07 through 09-10) with \$4,360,000 of this amount in contingency. Including the proposed Contract Change Order (CCO) the contingency balance is now \$3,389,657 and deemed adequate by the Transportation Department's (Department) Project Engineer through completion of the project, absent some extraordinary event. There is no Net County Cost.

	<u>Contract Amount</u>	<u>Contingency Budget</u>	<u>Total Budget</u>
Original:	\$18,368,265	\$4,360,000	\$22,728,265
CCO's 1-23:	\$720,343	(\$720,343)	\$0
Proposed CCO:	\$250,000	(\$250,000)	\$0
Revised Balance:	\$19,338,608	\$3,389,657	\$22,728,265

**Background:**

The Project's Special Provisions Section 10-1.15 states that the contractor is required to comply with County Air Quality Management District (AQMD) Rules 223, 223-1, and 223-2. Special Provisions Section 10-1.15 also states that the cost of performing dust control shall be paid by the County via force account (time and materials) CCO. In doing so, certain items of work, necessary to complete the Project and which require a variable work effort to complete, are identified in the Contract documents as supplemental items of work to be performed and paid for on a time and materials basis, using standard Caltrans force account billing procedures. The work is authorized by issuance of a CCO, which also encumbers the funds anticipated to be needed for each of the planned supplemental items and is billed against as the work progresses.

Dust control, water pollution control, and traffic control work are paid in this manner because at bid time, it is extremely difficult for contractors to quantify the amount of work required for these items of work that are dependent upon subsurface conditions, weather, and changing traffic patterns. The County benefits from this method by eliminating higher costs and potential disputes that arise when bidders are required to put a fixed price on a scope of work that can be highly variable.

On this Project, effective dust control measures, which were not anticipated in the original estimate, required that the Contractor utilize several water trucks and multiple vacuum sweepers, on site and ready to work, whenever dust-creating activities were anticipated. Also, due to the lack of wet weather to date this year, storm water pollution control measures which were anticipated were not utilized which created the use of more dust control measures. In addition, dust control on this Project required the use of additional dust control measures including, but not limited to, rocked construction egress areas and wheel wash stations for hauling trucks entering public roads.

**Reason for Recommendation:**

On June 29, 2007, the Board executed CCO # 3 for \$145,000.00 to provide compensation for dust control per the Project's Special Provisions Section 10-1.15. This CCO # 3 Supplemental # 1 includes expenditures already authorized by the County. The Department is requesting the Board authorize the Chairman to execute a supplemental dust control CCO in the amount of \$250,000.00 to cover the balance of this year's cost and part of next year's anticipated costs incurred while controlling dust in accordance with the Contract documents and County AQMD Rules 223, 223-1, and 223-2. The actual cost of all dust control work invoiced by the Contractor through October 6, 2007 on this Project has totaled \$238,628.67. Anticipated dust control costs for November and December will be offset by the lower costs of storm water pollution control work for the month of November and part of December. Execution of this proposed CCO will approve the expenditure of a total combined cost for CCO # 3 and Supplemental # 1 of \$395,000.00.

**Action to be taken following Board approval:**

The Board Chairman will sign CCO # 3 Supplemental # 1 to Nehemiah Construction, Inc.

**Contact:**

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