



Legislation Text

File #: 14-0071, **Version:** 6

Community Development Agency, Transportation Division, recommending the Board approve and authorize the Chair to sign the Third Amendment to Agreement for Services 551-S1411 with T.Y. Lin International, updating contract language to the current California Department of Transportation Standards and allowing for reimbursement of travel expenses, with no increase in rates or change to the expiration date of the contract, for the Bucks Bar Road at the North Fork Cosumnes River - Bridge Replacement Project, CIP 77116.

FUNDING: Highway Bridge Program (88% - Federal), Traffic Impact Mitigation Fees (10% - Local), Regional Surface Transportation Program (1% - State), and Road Fund (1% - Local).

DEPARTMENT RECOMMENDATION

Community Development Agency, Transportation Division (Transportation), recommending the Board approve and authorize the Chair to sign the Third Amendment (Amendment III) to Agreement for Services 551-S1411 (Agreement) with T.Y. Lin International (T.Y. Lin), for the Bucks Bar Road at the North Fork Cosumnes River - Bridge Replacement Project (Project), Capital Improvement Program (CIP) Project 77116. The proposed Amendment III updates contract language in several articles to current California Department of Transportation (Caltrans) Standards and modifies the compensation language to allow for reimbursement of travel expenses by specific subconsultants, with no increase in rates or change in term.

DISCUSSION / BACKGROUND

On July 15, 2014 (Item 17), the Board approved the Agreement with T.Y. Lin to provide environmental and engineering services for the 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, Transportation was prepared to submit the IS/MND for Board approval; however, since representatives of local Native American communities were unable to agree with Transportation 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).

On October 25, 2016 (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.

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 December 13, 2016 (Item 22), the Board approved Amendment II to increase the not-to-exceed amount of the Agreement, pending completion of the audit process.

The audit process has been completed and Caltrans noted that several articles within the Agreement

have not been updated to the most recent verbatim Standards. The proposed Amendment III updates these articles. Additionally, Amendment III modifies the contract language to allow for the reimbursement of travel costs by select subconsultants, for example, the ethnographer selected by the Consultant is based in McCall, Idaho, and will be required to travel to California to interview Tribal members. An out of state ethnographer was selected due to their reputation and the lack of available ethnographers. Current contract language does not allow for the reimbursement of travel costs, but the cost of the travel was included in the budget of Amendment II and the proposed change will not increase the not-to-exceed amount previously approved.

ALTERNATIVES

The Board could choose to not approve Amendment III. If the contract language is not updated to reflect current Standards, Caltrans could deny reimbursement of future costs associated with the Agreement. If the travel costs are not allowed, a new ethnographer would have to be located and engaged and the Project would be further delayed.

OTHER DEPARTMENT / AGENCY INVOLVEMENT

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

CAO RECOMMENDATION

It is recommended that the Board approve this position.

FINANCIAL IMPACT

The project is included in the adopted 2016 CIP, with funding provided by Highway Bridge Program, Traffic Impact Mitigation Fees, Regional Surface Transportation Program, and Road Fund. There is no change to the Agreement's not-to-exceed amount or Project budget associated with this contract Amendment III. The Project has no Net County Cost.

CLERK OF THE BOARD FOLLOW UP ACTIONS

- 1) The Clerk of the Board will obtain the Chair's signature on two (2) original copies of Amendment III.
- 2) The Clerk of the Board will return one (1) signed original copy of Amendment III to the Community Development Agency, Contracts and Procurement Unit, for further processing.

STRATEGIC PLAN COMPONENT

Infrastructure

CONTACT

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