



Legislation Text

File #: 17-0423, **Version:** 1

Community Development Services, Administration and Finance Division, recommending the Board:

- 1) Approve and authorize the Chair to sign the First Amendment to Agreement for Road Zone Maintenance Services 195-S1710 with Doug Veerkamp General Engineering, Inc., increasing the original not-to-exceed amount of \$36,623 by \$37,764 for a new not-to-exceed amount of \$74,387, with no change in the original contract term of twenty working days, to provide road maintenance services in the Meadowview Acres Road Zone of Benefit 98125 located in County Service Area 9;
- 2) Authorize the Chair to sign for acceptance of the Rider to Performance and Payment Bonds 106559151, for the change in contract price from \$36,623 to \$74,387;
- 3) Authorize the Community Development Services Transportation Director to the sign the Notice of Acceptance for work authorized under the Agreement and First Amendment; and
- 4) Authorize the Clerk of the Board to release the Payment and Performance Bonds to the Surety after the one-year warranty period, following notification from the Community Development Services, Administration and Finance Division.

FUNDING: Meadowview Acres Zone of Benefit Assessment Charges.

DEPARTMENT RECOMMENDATION

Community Development Services (CDS), Administration and Finance Division (Administration), recommending the Board:

- 1) Approve and authorize the Chair to sign the First Amendment (Amendment 1) to Agreement for Road Zone Maintenance Services 195-S1710 (Agreement) with Doug Veerkamp General Engineering, Inc.(Veerkamp), increasing the original not-to-exceed amount of \$36,623 by \$37,764 for a new not-to-exceed amount of \$74,387, with no change in the original contract term of twenty working days, to provide road maintenance services in the Meadowview Acres Road Zone of Benefit 98125 (Meadowview Acres Zone) located in County Service Area 9;
- 2) Authorize the Chair to sign for acceptance of the Rider to Performance and Payment Bonds 106559151 for the change in contract price from \$36,623 to \$74,387;
- 3) Authorize the Community Development Services Transportation Director to the sign the Notice of Acceptance for work under the Agreement and Amendment 1; and
- 4) Authorize the Clerk of the Board to release the Payment and Performance Bonds to the Surety after the one-year warranty period, following notification from CDS Administration.

DISCUSSION / BACKGROUND

CDS Administration is responsible for the administration of 102 zones of benefit within the County. Of these zones, 32 were formed for maintenance of roads that have not been accepted into the County's Maintained Mileage System. Road maintenance work within these 32 zones is to be performed by contractors and not by the County workforce.

In an effort to increase efficiency and reduce costs to these 32 zones, CDS Administration requested direction from County Counsel (Counsel) regarding bidding and contracting processes for routine road maintenance. After review of the zone of benefit work program and the types of work commonly performed, Counsel advised that much of this work meets the definition of "maintenance," which is

not subject to the requirements of the Public Contract Code but is instead subject to the County's general procurement procedures.

Based on Counsel's guidance, CDS Administration has established procedures for review of projects proposed by zone advisory committees. Where a project is a combination of public work and maintenance, the overall character of the work is considered in determining if the project will be bid in accordance with the Public Contract Code or completed through a negotiated contract under provisions of the County's Purchasing Ordinance. Zone advisory committees are required to document efforts to obtain three quotes for maintenance work to ensure competitive pricing.

On September 16, 2016, the County entered into the Agreement with Veerkamp for Road Maintenance Services for the Meadowview Acres Zone in the amount of \$36,623. Work under the Agreement consists of asphalt blanket patching, and single and double applications of chip seal on portions of Bird Haven Loop and Cross Creek Road. A Notice to Proceed with the work was not issued and the work was not completed at the time because overnight ambient temperatures were not sufficient for the chip seal application. Veerkamp and the Meadowview Acres Zone Advisory Committee representative (Meadowview Acres representative) agreed to defer the work until the spring of 2017.

The Meadowview Acres Zone Advisory Committee requested a proposal from Veerkamp to amend the existing Agreement to include additional asphalt blanket patching and a single application of chip seal on Bird Haven Loop. Veerkamp submitted a proposal for the additional work in October 2016 in the amount of \$28,500. In March 2017, the Meadowview Acres representative contacted CDS Administration and advised that due to damage from winter storms, additional road repairs were necessary and should be completed in advance of the work originally proposed under the Agreement, and as proposed in the Agreement Amendment in process. On April 7, 2017, a third proposal was received including asphalt repairs and roadside ditch cleaning totaling \$9,264.

The aggregate of all of the work for which Meadowview Acres Zone received proposals from Veerkamp is \$74,387, of which only the ditching at \$1,099.00 or 0.014 percent is public work. Because the aggregate of the work as amended, exceeds the Purchasing Agent's authority to award, Amendment 1 to the Agreement is submitted for Board approval and authorization for the Chair to sign. The work is currently scheduled to be completed in July 2017.

CDS Administration requests the Board authorize the CDS Transportation Director to issue the Notice of Acceptance to Veerkamp, upon confirmation from the Meadowview Acres representative that the work has been completed. Recordation of the Notice of Acceptance will start the legal time frames for guarantees and start the one-year time frame for releasing the Payment and Performance Bonds to the Surety.

ALTERNATIVES

The Board may determine not to award the Agreement as amended. Because the original work contemplated under the Agreement is dependent on the repairs included under Amendment 1, it would be necessary to cancel the original Agreement and repeat the process of soliciting proposals for the same work. This could very likely delay the work from being completed in the 2017 construction season.

The Board may determine not to authorize the CDS Transportation Director to sign the Notice of

Acceptance. Without such authorization, CDS Administration will be required to return to the Board for approval of the Notice of Acceptance, which will delay the start of the legal time frames referenced above, and delay payment to Veerkamp until the Notice of Acceptance is signed by the Board Chair and recorded.

OTHER DEPARTMENT / AGENCY INVOLVEMENT

County Counsel and Risk Management have approved Amendment 1.

CAO RECOMMENDATION

It is recommended that the Board approve this item.

FINANCIAL IMPACT

Funding for the services under Agreement 195-S1710, including the First Amendment thereto, is provided by Meadowview Acres Zone assessment charges. The Meadowview Acres Zone has sufficient cash to fund the full amended amount of \$74,387. At the time, the Meadowview Acres Zone prepared its Fiscal Year (FY) 2017/2018 budget, it was anticipated the work would be completed in FY 2016/2017. CDS Administration will include the necessary adjustment to the Meadowview Acres Zone's FY 2017/2018 budget allocations with the Addenda budget recommendation in September. There is no cost to the Road Fund or the General Fund.

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 1.
- 2) The Clerk of the Board will obtain the Chair's signature on the Rider to Performance and Payment Bonds 106559151 for acceptance.
- 3) The Clerk of the Board will return one (1) fully executed original copy of Amendment 1 as well as the original Bond Rider to CDS Administration, attention of Elizabeth Zangari, for further processing.
- 4) The Clerk of the Board will release the Payment and Performance Bonds as amended by the Rider at the end of the one-year warranty period, and upon notification from CDS Administration.

STRATEGIC PLAN COMPONENT

Good Governance.

CONTACT

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